

**REPUBLIC OF LITHUANIA**  
**LAW**  
**ON SAFETY AND HEALTH AT WORK**

1 July 2003 No IX-1672

Vilnius

(As last amended on 2 December 2010 – No. XI-1202)

**PART I**  
**GENERAL PROVISIONS**

**CHAPTER I**  
**SCOPE, BASIC CONCEPTS AND APPLICATION OF THE LAW**

**Article 1. Purpose of the Law**

The purpose of this Law is to lay down:

- 1) legal provisions and requirements in order to protect workers against occupational risks or to reduce such risks;
- 2) general provisions of occupational risk assessment, the procedure of investigation of accidents at work and occupational diseases;
- 3) requirements on safety and health at work applicable to working young people, pregnant workers and workers who have recently given birth or are breastfeeding, and disabled persons;
- 4) public administration of safety and health at work and the competence of State institutions, the rights and obligations of employers, representatives of employers and workers in order to ensure safe and healthy working conditions, as well as the rights of representatives of workers when ensuring safe and healthy working conditions for workers;
- 5) general principles of responsibility for violation of legislation on safety and health at work.

2. This Law shall implement the legal act of the European Union referred to in the Annex to this Law.

## **Article 2. Main Definitions of the Law**

1. **Accident** means unforeseen event because of the breakdown of work equipment, violation of work or technological procedures, or other unforeseen circumstances which caused danger to people, the environment and done or could have done harm to the health and (or) the environment of the workers.

2. **Employer** – as established in Article 16 of the Labour Code of the Republic of Lithuania (hereinafter referred to as the “Labour Code”), as well as a State or municipal institutions or agencies.

3. **Person authorised by the employer for the health and safety of workers** means a head of a subdivision or another officer of the Administration of an undertaking, entrusted by the person representing the employer to implement the requirements of safety and health at work in the undertaking and (or) a structural subdivision of the undertaking (hereinafter referred to as a “person authorised by the employer for the safety and health of workers – head of a subdivision or a person authorised by the employer).

4. **Employer’s representative** means a head of an undertaking, agency, organisation or another organisational structure (hereinafter referred to as an “undertaking”).

5. **Working environment** means space surrounding a workstation which may contain dangerous risk factors (physical, chemical, biological and others).

6. **Work equipment** means any fitting, machinery (machine), apparatus, instrument, tool, installation or other equipment used at work.

7. **Working conditions** means working environment, nature of work, schedules of work and rest periods, and other circumstances, which have direct impact on the worker’s condition, functional capacity, health and health.

8. **Workstation** means a place where the worker performs the work agreed under employment contract or performs the function of public administration.

9. **Worker** – as established in Article 15 of the Labour Code, as well as a person who has acquired the status of a public servant established by laws and who works in a State or municipal institution or agency.

10. **Workers’ representatives** - as established in Article 19 of the Labour Code.

11. **Workers' representative with specific responsibility for the safety and health of workers** means any worker elected at the workers’ meeting, who is entrusted to

represent workers' interests where problems arise relating to the safety and health protection of workers of an undertaking, a subdivision, a shift.

12. **Occupational safety and health at work** means all preventive measures intended for the preservation of functional capacity, life and health of workers at work, which are applied or planned in all stages of work of an undertaking in order to protect the workers from occupational risks or to minimise this risk.

13. **Regulations on safety and health at work** means regulations which establish, amend or repeal legal provisions (laws, resolutions of the Seimas or the Government and regulations on safety and health at work approved by the Minister of Social Security and Labour or in conjunction with other Minister (Ministers), the Minister of Health Care, the Chief State Labour Inspector of the Republic of Lithuania (hereinafter referred to as the "Chief State Labour Inspector").

14. **Incident** means an unsafe event related to work during which no workers are injured or if the injury received during the incident requires only first aid.

15. **Disabled person** – as established in paragraph 8 of Article 2 of the Law on Social Integration of the Disabled.

16. **Young person** means a person under 18 years of age.

17. **Hazardous factor** means a risk factor in the working environment which by influencing the health of the worker may cause a disease or an occupational disease, and an exposure to which may pose danger to the worker's life.

18. **Worker who is breastfeeding** means a worker who submits to her employer a certificate issued by a health care institution confirming that she takes care of her child and breastfeeds him.

19. **Light and safe work for a child** means work which is safe and matches the physical capabilities of a child.

20. **Accident at work** means an event at work, including traffic accidents during working time, which is investigated in accordance with the established procedure and deemed an accident at work, entailing a trauma (minor, serious or fatal injury). An event at work when a worker dies from illness not related to his employment, shall not be considered as an accident at work.

21. **Accident on the way to/from work** means an event, including a traffic accident during working time on the way to or from work, which takes place on the direct way between a worker's workplace and:

- 1) his residence,
- 2) the place outside the area of the undertaking where the worker may be during his rest period or has his meals,
- 3) the place outside the area of the undertaking where the wages are paid to the worker.

22. **Worker who has recently given birth** means a mother who submits to her employer a certificate to this effect issued by a health care institution and who takes care of her child until he is 12 months of age.

23. **Pregnant worker** means a worker who submits to her employer a certificate issued by a health care institution to that effect.

24. **Adolescent** means a young person from 16 to 18 years of age.

25. **Dangerous factor** means a risk factor in the working environment which may cause acute health disorders or death of the worker.

26. **Danger** means possible danger to workers' health or life.

27. **Potentially dangerous equipment** means relatively dangerous work equipment operation of which, due to energy accumulation or processes within it, is more dangerous to safety and health of workers than other work equipment and is subject to compulsory supervision.

28. **Occupational disease** means an acute or chronic health disorder of the worker caused by one or more hazardous and/or dangerous factors in the working environment, deemed an occupational disease in accordance with the established procedure.

29. **Occupational risk (risk)** means the probability of injury or other harm to health of the worker due to exposure to a hazardous and (or) dangerous factor (factors) in the working environment.

30. **Occupational health** means the health of workers in order to preserve and strengthen which the prevention of hazardous factors of the working environment determining damages to health, adapting of the working environment to physiological and psychological capabilities of workers, healthcare of workers are being carried out, and health strengthening measures are being implemented.

31. **Child** means a person who is under 16 years of age.

### **Article 3. The guarantees of safety and health at work**

1. Safe and healthy working conditions shall be ensured for every worker

regardless of the nature of business of an undertaking, the type of employment contract, number of workers, profitability of the undertaking, workstation, working environment, work type, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. The guarantees of safety and health at work, provided by this law shall also apply to public servants of State and municipal institutions and agencies.

2. The worker's right to work in safety shall be guaranteed by the Constitution of the Republic of Lithuania, this Law and by other regulations on safety and health at work. Employers must provide health and safe working conditions. A worker shall have the right to apply to a workers' representative, a head of a subdivision or another person authorised by the employer, the safety and health committee in the undertaking, the State Labour Inspectorate under the Ministry of Social Security and Labour (hereinafter referred to as the "State Labour Inspectorate") or other State institutions with respect to the provision of safe and healthy working conditions, making proposals to this end or demanding safe and healthy working conditions and when safety and health at work is not guaranteed at the undertaking.

#### **Article 4. Application of this law**

1. This law shall apply to each undertaking established in the territory of the Republic of Lithuania, taking into consideration the restrictions on the application of this Law, provided for in paragraphs 2 and 4 of this Article.

2. Provisions of this law and other regulations on safety and health at work shall not apply to military officers and servicemen of National Defence, to officers of the Interior system, Customs, and State Security institutions whose official relations are regulated by appropriate service statutes, when the said persons perform tasks having specific features. The regulations regulating the service of these officers and servicemen must contain safety and health protection requirements, when the said persons perform specific tasks.

3. When the officers and servicemen referred to in paragraph 2 hereof are performing tasks not assigned to the specific activities referred to in paragraph 2 hereof, the provisions of this law and other regulations on safety and health at work shall apply.

4. The safety and health at work of workers who work with radioactive substances and other sources of ionising radiation shall be regulated by the Republic of Lithuania Law

on Radiation Protection, this law and other regulations on safety and health at work.

**CHAPTER II**  
**MANAGEMENT OF SAFETY AND HEALTH AT WORK**

**SECTION I**  
**PUBLIC ADMINISTRATION OF SAFETY AND HEALTH AT WORK.**  
**CO-OPERATION OF SOCIAL PARTNERS**

**Article 5. Public administration of safety and health at work**

1. The Ministry of Social Security and Labour and the Ministry of Health Care shall implement the state policy in the area of safety and health at work in accordance with the Constitution of the Republic of Lithuania, the Labour Code, the laws, resolutions of the Government and other regulations.

2. The Minister of Social Security and Labour himself or together with another minister or ministers shall approve regulations on safety and health at work, establishing the procedure for their entry into force and application. The Minister of Health Care shall approve health care regulations (hygiene norms) which shall establish the levels of working environment factors not harmful to workers' health.

3. The Minister of Social Security and Labour shall represent interests of the Republic of Lithuania related to safety and health at work in other countries and in international organisations.

**Article 6. Occupational Safety and Health Commission of the Republic of Lithuania**

In order to co-ordinate the interests of the State, workers and employers in the sphere of safety and health at work, the Occupational Safety and Health Commission of the Republic of Lithuania (hereinafter referred to as the "Occupational Safety and Health Commission") shall be established, on the principle of tripartite co-operation of social partners (parties). The procedure for the formation of this Commission and its functions shall be established by the Regulations of the Occupational Safety and Health Commission, which shall be approved by the Government of the Republic of Lithuania.

**Article 7. Territorial occupational safety and health commissions and**

### **occupational safety and health commissions in separate sectors of economic activities**

1. For the purpose of the investigation of the issues related to prevention of violations of safety and health at work requirements in undertakings, county territorial occupational safety and health commissions shall be established and municipal occupational safety and health commissions may be established, based on the principle of tripartite co-operation of social partners. The procedure of the establishment, formation of the said commissions shall be laid down by the Minister of Social Security and Labour and the Minister of Health Care.

2. On the principle of the bilateral co-operation of organisations of employers in a relevant sector of economic activities and trade unions in a relevant sector of economic activities, sectorial occupational safety and health commissions may be established. Founders of such commissions shall lay down procedures for their establishment and formation.

### **Article 8. Training in safety and health at work**

1. Specialists competent in occupational safety and health shall be trained pursuant to special study programmes for fields of economic activity by higher education institutions and educational establishments of the Republic of Lithuania possessing the licences issued by the Ministry of Education and Science of the Republic of Lithuania to train pursuant to such programmes. Coordinators competent in the designing of construction works as well as in the construction health and safety shall be trained by higher education institutions of the Republic of Lithuania pursuant to special programmes.

2. Students of higher education institutions and pupils of vocational training schools must be trained in the requirements of safety and health at work according to the qualifications and professions they are acquiring.

3. Schools of general education must instruct pupils on the basic requirements of safety and health at work and at home.

4. Only health care specialists with higher medical, public health or nursing education who meet the qualification requirements set out by the Minister of Health may work as occupational health specialists.

5. A description of the procedure for training and evaluating the knowledge of Coordinators competent in the designing of construction works as well as in the construction health and safety shall be approved by the Minister of Environment and the

Minister of Social Security and Labour.

**Article 9. Financing of research in safety and health at work**

1. Research in safety and health at work shall be financed from the allocations for research and studies from the State Budget, as well as with funds of the social insurance of occupational diseases.
2. Research programmes for safety and health at work shall be approved, their implementation shall be co-ordinated and proposals regarding the funds necessary for research shall be submitted by the Minister of Social Security and Labour and the Minister of Health Care.

**Article 10. Rights of workers' representatives**

1. Trade unions shall represent the interests of workers related to safety and health at work in compliance with the Republic of Lithuania Labour Code, the Law on Trade Unions, this Law, and other regulations on safety and health at work. If there is no trade union in an undertaking and if the workers' meeting has not transferred the function of workers' representation and protection to a trade union of a relevant sector of economic activities, a labour council shall represent workers' interests related to safety and health at work.
2. Collective agreements may provide for additional and more favourable provisions for ensuring safety and health at work than the valid regulations on safety and health at work. Implementation of these provisions shall be supervised by the persons representing the employer, the persons authorised by the employer, workers' representatives in the manner prescribed by collective agreements, as well as the State Labour Inspectorate.

**SECTION II**

**DUTY OF THE EMPLOYER. SAFETY AND HEALTH SERVICES IN  
UNDERTAKINGS. WORKERS' PARTICIPATION**

**Article 11. Duty of the employer**

1. The duty of the employer is to ensure safety and health of workers at work in all aspects related to work. All measures of safety and health at work shall be financed by the

employer himself.

2. In seeking to implement the employer's duty, a person representing the employer shall organise the implementation of preventive measures (technical, medical, legal, organisational, and others) intended for the prevention of accidents at work and occupational diseases, by laying down the procedure for implementing and controlling such measures in an undertaking, appointing the persons authorised by the employer and setting for them concrete assignments on the implementation of the preventive measures.

### **Article 12. Organization of Preventive Measures of Occupational Safety and Health in Undertakings**

1. In order to ensure safety and health at work, the employer may appoint one or more specialists in health and safety at work or establish an occupational safety and health service (hereinafter referred to as "persons appointed by the employer"). In the absence of such persons in an undertaking or the number of the said persons is insufficient to adequately organize the preventive measures of occupational safety and health, the employer may conclude a contract with a national of the Republic of Lithuania or any other Member State of the European Union or any other country of the European Economic Area (hereinafter in this Article referred to as a "Member State"), any other natural person benefiting from the rights of movement within Member States conferred upon him by legal acts of the European Union (hereinafter in this Article referred to as a "natural person") and/or a legal person established in the Republic of Lithuania or a legal person or any other organization or their branches established in any other Member State (hereinafter in this Article referred to as a "legal person") concerning the performance of the functions of the occupational safety and health service or part of such functions. In any case, taking into account the type of economic activity of the undertaking, the number of workers and the occupational risk, there must be enough specialists in health and safety at work to organize preventive measures of occupational safety and health in the undertaking.

2. The procedure for the establishment of occupational safety and health services in undertakings, functions, rights and duties of the persons appointed by the employer shall be laid down by the Model Regulations of Occupational Safety and Health Services in Undertakings. The said Regulations shall be approved by the Minister of Social Security and Labour and the Minister of Health. These Regulations shall, taking into account the types of economic activity, the number of workers and the occupational risk, determine the

number of the persons appointed by the employer, legal person's specialists in safety and health at work and/or natural persons performing the functions of the occupational safety and health service or part of such functions, as well as the types of economic activity in the undertakings engaged in which the functions of the occupational safety and health service may be, taking into account the number of workers and the occupational risk, performed by a person representing the employer or a person authorised by the employer who has been trained pursuant to the General Regulations of Training and Testing of Knowledge in Safety and Health at Work, approved by the Minister of Social Security and Labour and the Minister of Health.

3. Persons appointed by the employer, specialists in safety and health at work or natural persons performing the functions of the occupational safety and health service or part of such functions must meet the qualification requirements set by the Minister of Social Security and Labour and possess the measures necessary for work. The duty of these persons shall be to prepare proposals with regard to preventive measures designated to protect workers against injuries and occupational diseases, to coordinate the implementation of these measures and to control the compliance of workers of an undertaking with the occupational safety and health requirements.

4. Persons appointed by the employer shall be provided sufficient time for the performance of their functions. These persons in so far as they have acted in accordance with this Law and other regulations on safety and health at work shall not be subject to administrative or other responsibility arising from their activities of organising and implementing preventative measures related to safety and health at work. These persons shall be directly answerable for their work to the person representing the employer or to the person authorized by the employer. Mutual obligations of the employer and a legal or natural person performing the functions of the occupational safety and health service or part of such functions shall be established in the agreement regarding the performance of the said functions. This agreement must, taking into account the number of persons appointed by the employer, fix the number of legal person's specialists in safety and health at work and/or natural persons performing the functions of the occupational safety and health service or part of such functions, where the above-mentioned number cannot be smaller than the number set in the Model Regulations of Occupational Safety and Health Services in Undertakings.

5. The employer shall inform the legal person's specialists in safety and health at

work or natural persons performing the functions of the occupational safety and health service or part of such functions services about the persons appointed by the employer, workers in the undertaking responsible for the first medical aid and the implementation of the measures related to fire-fighting and evacuation.

6. The imposition of obligations on the persons appointed by the employer, persons authorised by the employer, the contractual commitments of legal or natural persons to the employer shall not exempt the employer from the responsibility established in Article 11 of this Law.

7. Each year legal or natural persons who perform the functions of the occupational safety and health service or part of such functions according to the agreements concluded with the employer shall, in accordance with the procedure laid down by the Minister of Social Security and Labour, present information to the State labour Inspectorate regarding the employers to whom they have provided such services and the number of specialists in safety and health at work who have performed the functions of the occupational safety and health service or part of such functions.

8. Legal or natural persons who perform the functions of the occupational safety and health service or part of such functions according to the agreement concluded with the employer shall be held liable under the law for having presented the inaccurate information or failure to present the information, non-compliance with the requirements of the the Model Regulations of Occupational Safety and Health Services in Undertakings.

#### **Article 12<sup>1</sup>. Repealed**

#### **Article 13. Workers' participation in implementing safety and health measures. Safety and Health Committees and workers' representatives in undertakings**

1. The employer's representative, persons authorised by the employer must inform workers and consult with them on all issues concerning the state of occupational safety and health, the planning of its improvement, organisation, implementation and control of the measures. The employer's representative, heads of subdivision shall provide conditions for workers, workers' representatives with specific responsibility for the safety and health of workers to take part in discussions concerning safety and health matters. Occupational

health and safety committees shall be formed in undertakings and workers' representatives with specific responsibility for the safety and health of workers shall be appointed for that purpose.

2. An occupational safety and health committee (hereinafter referred to in this Article as the "committee") shall be established and its work shall be organised in the following manner:

1) the committee shall be established in those undertakings which employ more than 50 workers. If less than 50 workers are employed in an undertaking, the committee may be established on the initiative of the employer or the workers' representative, or at the proposal of more than half of the workers of the undertaking. In the undertakings of certain economic activity types where an occupational risk is higher, the committee may be established even if there are less than 50 workers employed in such undertaking. The General Regulations of Occupational Safety and Health Committees in Undertakings shall define the economic activity types in the undertakings of which the committees are established, if more than 50 workers are employed in the undertakings, and the economic activity types in the undertakings of which it is recommended to establish the committee, if less than 50 workers are employed in the undertakings. The Occupational Safety and Health Commission shall approve these Regulations. The committee shall be formed on a bilateral principle - from an equal number of employer's representatives appointed by the person representing the employer (officers of the undertaking Administration) and the workers' representatives with specific responsibility for the safety and health of workers elected in the manner prescribed in paragraph 4 of this Article;

2) the activities of the committee shall be organised and it shall be chaired by the committee chairperson -- the employer's representative or the person authorised by the employer, who is appointed by the said representative. The chairman shall organise the work of the committee. A workers' representative with specific responsibility for the safety and health of workers shall be elected Secretary of the committee;

3) the employer shall provide members of the committee with equipment necessary for carrying out their responsibilities and information. At the periodicity provided for in the collective agreement the committee members shall be trained in educational institutions which render services related to training in the field of occupational safety and health in compliance with the General Regulations of Training and Testing of Knowledge in Safety and Health at Work, seminars or at the undertaking with the undertaking's funds.

Newly appointed or elected committee members shall be trained at the educational institutions which render services related to training in the field of occupational safety and health in compliance with the General Regulations of Training and Testing of Knowledge in Safety and Health at Work. Issues related to the training of committee members shall be solved when concluding collective agreements;

4) for the time spent by a member of the Committee performing the tasks related to safety and health at work, which are given to him, or for the time spent training, he must be paid an average salary.

3. Invoking the General Regulations of Occupational Safety and Health in Undertakings, the undertakings shall draw up regulations of the occupational safety and health committee of the undertaking. After consultation with the workers' representatives, the employer's representative shall approve the said Regulations.

4. Invoking the regulations of the occupational safety and health committee in the undertaking, the trade union of the undertaking, and if there is no trade union, other workers' representatives shall, in the meeting of the workers of the undertaking, organise elections of workers' representatives with specific responsibility for the safety and health of workers and elections of the members of the committee of workers' representatives with specific responsibility for the safety and health of workers. Workers' representatives shall fix a number of a number of undertaking subdivisions and workers whom workers' representatives with specific responsibility for the safety and health of workers represent. If there are more than one workers' representative in an undertaking, one of them shall be designated senior workers' representative, who will co-ordinate the activities of all workers' representatives with specific responsibility for the safety and health of workers. Not less than one workers' representative with specific responsibility for the safety and health of workers must be in each work shift.

5. Workers' representatives with specific responsibility for the safety and health of workers shall perform the following functions:

1) represent workers of an undertaking in the committee, participate in all measures to improve safety and health at work in the undertaking or at workstations, carried out by the employer, including the assessment of an occupational risk and implementation of the measures to eliminate and (or) decrease such risk;

2) participate in the selection and appointment by the employer's representative or the person authorised by the employer of workers responsible for first aid, organisation of

rescue measures, evacuation in the event of accidents, natural disasters or fire (prior to the appointment of such workers, the employer's representative shall consult the workers' representatives with specific responsibility for the safety and health of workers, upon their appointment the employer shall communicate to workers' representatives their workstations and responsibilities);

3) participate in providing the workers with necessary and appropriate personal protective equipment and controlling proper use thereof;

4) by order of the workers' representative, participate in investigation of accidents at work, occupational diseases and incidents;

5) upon the instruction of the employer's representative or the head of a subdivision, inform the workers about threat of or exposure to danger and about emergency actions to be taken in order to avert the danger, and helping to transfer the workers to safe locations.

6. Workers' representative with specific responsibility for the safety and health of workers shall have the right:

1) to propose and demand that head of the subdivision of an undertaking, the employer's representative should take necessary steps to ensure safety and health of workers at work;

2) to take part in the assessment of an occupational risk and planning preventive measures;

3) to approach the employer's employer if head of the subdivision fails to take necessary steps to ensure safety and health of workers at work. If the employer's representative fails to take measures to remove or mitigate risk factors, to inform the State Labour Inspectorate;

4) to receive all information on any issues related to safety and health at work from the head of the subdivision, the safety and health service and the safety and health committee in the undertaking.

7. The employer's representative, the head of a subdivision shall create adequate environment for the workers' representatives with specific responsibility for the safety and health of workers to exercise their functions, provide them with the necessary information.

8. In exercising their functions laid down in paragraph 5 hereof, workers' representatives with specific responsibility for the safety and health of workers, in so far as they act in accordance with this law and other regulations on safety and health at work,

shall not be subject to any financial disadvantage or administrative or other responsibility, as well as experience hostility of the employer's representatives, persons authorised by the employer or the workers.

9. The guarantees laid down in Article 134 of the Labour Code shall apply to the workers' representative with specific responsibility for the safety and health of workers. The authorisation of the workers' representative may be terminated or revoked by the workers' representative who elected him.

10. Workers' representatives shall be trained within the undertaking, at training seminars, relevant educational institutions which render services related to training in the field of safety and health at work in compliance with the General Regulations of Training and Testing of Knowledge in Safety and Health at Work, at the expense of the employer. During training they shall be entitled to receive average salary. Issues related to the training of workers' representatives with specific responsibility for the safety and health of workers shall be solved in the undertaking - by considering issues related to training of workers' representatives with specific responsibility for the safety and health of workers at the committee and when drawing up collective agreements.

11. Workers' representatives with specific responsibility for the safety and health of workers shall be obliged to keep any technological or commercial secrets which they may get to know when exercising their functions.

### **CHAPTER III**

#### **REQUIREMENTS FOR THE WORKING ENVIRONMENT AND WORKSTATIONS. INTERNAL CONTROL OF OCCUPATIONAL SAFETY AND HEALTH IN AN UNDERTAKING**

##### **Article 14. General requirements for workstations and the design thereof**

1. A workstation of each worker and the environment of workstations must satisfy the requirements of this law and other regulations on safety and health at work. Workstations must be designed in such a way that workers working in them would be protected from possible injuries, their working environment would not contain risk factors harmful or dangerous to health. When designing workstations worker's physical capabilities must be evaluated.

2. The General Regulations of the Design of Workplaces shall establish general

requirements for the stability and solidity of construction works and their premises in which workstations are designed, the design of workstations, building of traffic roads located in the territory of an undertaking, and evacuation exits and evacuation routes, design of electric installations, workstations located outside construction works in the territory of an undertaking (in the area of land, internal waters or continental shelf area with fixed boundaries, belonging to the undertaking by the right of ownership or managed or used by the undertaking in accordance with the procedure established by the law), and other requirements for the protection of safety and health at work related to workstations. The said Regulations shall be approved by the Minister of Social Security and Labour and the Minister of Health Care. Concrete requirements for the protection of safety and health at work related to the design of workstations in construction works of an undertaking and in the territory of the undertaking shall be laid down when designing undertakings, their subdivisions or workstations, evaluating the requirements for the safe use of work equipment, type of work, production, in compliance with the general regulations of the design of workstations and other regulations on safety and health at work, including hygiene norms.

3. Working premises, workstations and the territory of an undertaking where a risk to the safety of workers is possible, must be marked by signs defined in regulations on safety and health at work.

4. The Minister of the Environment shall establish the procedure of acceptance of construction works, out of them construction works in which workstations are designed, as fit for use, and the use thereof.

#### **Article 15. Design of Workstations in Construction Sites, Mineral-extracting Industries and Fishing Vessels**

1. Construction sites must meet the requirements for safety and health at work, laid down in the Regulations of the Design of Workstations in Construction Sites, approved by the Minister of Social Security and Labour and the Minister of the Environment. The requirements for health and safety at work for a concrete construction site shall be laid down in the technical project of a construction works, in compliance with the regulations of the arrangement of workstations on construction sites and the relevant construction technical regulations. The project of technology of construction work shall provide for the specific measures ensuring health and safety at work during the construction of a

construction works. When more than one contractor participate in designing or building a construction works. One or several co-ordinators of health and safety at work must be appointed in accordance with the procedure laid down by the regulations of the arrangement of workstations on construction sites, whose duties and rights are established in the regulations of the arrangement of workstations on construction sites.

2. The Minister of Social Security and Labour and the Minister of the Environment shall lay down the requirements for the organisation of safe work and the design of workstations in mineral-extracting industries.

3. The Minister of Social Security and Labour, the Minister of Transport and Communications and the Minister of Agriculture shall lay down the requirements for the design of workstations in fishing ships.

4. Work stations designed in the work equipment supplied to the market, out of them – in the means of road transport, must meet the mandatory safety requirements, established by appropriate technical regulations. Workstations in the used work equipment must meet the requirements for the safety and health at work, laid down in the General Regulation of the Use of Work Equipment, approved by the Minister of Social Security and Labour, the requirements laid down by other regulations related to safety and health at work, as well as the requirements for safe use, specified in the documents of the producer of work equipment (paragraph 3 of Article 16 of this Law).

#### **Article 16. Work equipment**

1. It shall be permitted to use only the work equipment which is of an adequate technical condition and satisfies the requirements established in regulations on safety and health at work. Work equipment must be designed, made and installed in such a manner so as to prevent a worker from getting into dangerous zones of work equipment, especially the zones in which moving parts are present; surfaces of work equipment of high or low temperature must be isolated; control instruments of work equipment must meet ergonomic requirements; it must be impossible to switch work equipment accidentally; it must be foreseen how to switch work equipment with expedition; noise, vibration or another contamination of the working environment must not exceed the limit values, set in hygiene norms.

2. Work equipment acquired by undertakings must meet mandatory safety requirements. Mandatory safety requirements for work equipment shall be laid down and

procedures for conformity assessment thereof shall be established by appropriate technical regulations. In the cases when the requirements laid down by technical regulations do not apply to work equipment which is produced and placed on the market, the work equipment must meet the requirements laid down by other regulations on safety and health at work.

3. The requirements for safe use of work equipment shall be laid down in the General regulations of the Use of Work Equipment. Mandatory requirements for the safe use of concrete work equipment shall be laid down in the documents of the work equipment (rules, instructions for use). The producer of the work equipment must submit them together with the work equipment. Local regulations on occupational safety and health in an undertaking, specified in paragraph 2 of Article 20 of this Law, drawn up by taking into consideration the requirements of the regulations on safety and health at work, indicated in the General Regulations of the Use of Work Equipment, other regulations on safety and health at work, documents of the use of work equipment.

4. The procedure for supervising potentially dangerous equipment shall be laid down in the Law on the Supervision of Potentially Dangerous Equipment and the Law on Energy.

#### **Article 17. Traffic in the area of an undertaking**

1. Vehicle traffic in the area of an undertaking shall be organised according to traffic regulations applied to specific types of vehicles.

2. An employer's representative or a person authorised by the employer shall be responsible for organising safe traffic of all types of vehicles in the territory of the undertaking.

#### **Article 18. Protection of workers from exposure to dangerous chemical substances and preparations, as well as biological substances**

1. If dangerous chemical substances and preparations, as well as biological substances are used in the course of activities of the undertaking (used, produced, packaged, labelled, stored, transported, supplied to other users, their waste is managed), the undertaking shall provide for and implement measures for safeguarding the health of workers. Seeking to safeguard workers from the exposure to dangerous chemical substances and preparations, as well as biological substances, the employer's representative or, upon his instruction, the person authorised by the employer shall :

1) undertake measures aiming at replacing dangerous chemical substances and preparations with not dangerous or less dangerous ones,

2) undertake all necessary measures aimed at safeguarding workers from the exposure to dangerous chemical substances and preparations, as well as biological substances;

3) organise work in such a way that the number of workers exposed or likely to be exposed to dangerous chemical substances and preparations, as well as biological substances is kept as low as possible;

4) use such work equipment, work methods and production technologies which would ensure that dangerous chemical substances and preparations, as well as biological substances would not harm workers' health;

5) draw up plans for preventative measures and rescue work in the event of accidents during which workers, other persons, and the environment may be exposed to dangerous chemical substances and preparations, as well as biological substances.

2. When using dangerous chemical substances and preparations, as well as biological substances, the limit values of their concentration in the atmosphere of the working environment must not be exceeded. The Minister of Health Care and the Minister of Social Security and Labour shall fix the limit values of the concentration in the atmosphere of the working environment of dangerous chemical substances and preparations.

3. All workers must be informed about the effect on their health of specific dangerous chemical substances and preparations, as well as biological substances used the undertaking. The workers whose activities (work) involve dangerous substances and preparations, as well as biological substances, must be instructed and trained in the safe work with the said specific substances and preparations.

4. Premises of undertakings where any activity involving dangerous chemical substances and preparations, as well as biological substances is carried out, must be marked by special warning and/or mandatory signs. When working with dangerous chemical substances, it shall be obligatory to act in compliance with the information and requirements, indicated in the safety data sheet. The said sheet must be provided by the producer alongside with chemical substances and preparations, as well as biological substances placed on the market.

5. The subdivisions of an undertaking and/or workstations in which dangerous

chemical substances and preparations, as well as biological substances are present, shall be supplied with collective protective equipment. The subdivisions of the undertaking and/or workstations in which inflammable, explosive dangerous chemical substances and preparations, as well as biological substances, and the dangerous chemical substances and preparations, as well as biological substances which may cause fire are present must be equipped with special systems for monitoring the quantities of such dangerous chemical substances and preparations, as well as biological substances in the working environment, as well as alarm systems must be installed warning the workers about danger to safety and health.

6. In the cases when collective protective measures do not ensure the protection of workers from possible exposure to dangerous chemical substances and preparations, as well as biological substances, the workers who work with dangerous chemical substances and preparations, as well as biological substances must be provided with appropriate personal protective measures.

7. Persons representing employers, persons authorised by employers, employees of occupational safety and health services of undertakings, workers' representatives, workers must know how to apply special first aid measures in the cases of sudden damage to health by the exposure to dangerous chemical substances and preparations, as well as biological substances. The list of such first aid measures shall be established by the Minister of Health Care.

8. The requirements for the protection of workers from the exposure to dangerous chemical substances and preparations, as well as biological substances shall be laid down in respective regulations on safety and health at work, approved by the Minister of Social Security and Labour and the Minister of Health Care.

9. The general requirements laid down in this Article for the protection of workers from the risk of dangerous chemical substances and preparations, as well as biological agents shall apply to any activity related to the management of waste of dangerous chemical substances and preparations, as well as biological substances.

#### **Article 19. Internal control of safety and health at an undertaking**

1. The employer's representative shall, when organise work in the undertaking, establish the internal control of the occupational health and safety status, working time and rest periods, payment for work in such a way which would motivate the workers to obey

safety and health requirements.

2. The employer shall take measures to ensure workers' safety and health at work and shall organise internal control of occupational safety and health status in the undertaking. For this purpose the employer's representative or, under his instruction, the person authorised by the employer shall:

- 1) assess the risk to workers' safety and health in accordance with Articles 39 of this Law and other regulations on safety and health at work;
- 2) organise the preparation of the safety and health at work status card and its filling-in. A model form of such card shall be established by the Minister of Social Security and Labour and the Minister of Health Care;
- 3) on the basis of the results of the assessment of occupational risks, establish the procedure for the control of the compliance of safety and health at work in the undertaking;
- 4) approve the Regulations of the Safety and Health at Work Service in the Undertaking and (or) job instructions of safety at work specialists;
- 5) obligate the heads of subdivisions with regard to the implementation of the measures for improvement of safety and health at work, and to the control of compliance with the safety and health at work requirements.

3. The employer's representative, when establishing the internal control of safety and health at work status in the undertaking and planning the measures for improvement of safety and health shall be guided by the following general principles of risk assessment and guarantee of safety and health at work:

- 1) avoiding any risks to safety and health, decreasing of risk factors and their impact;
- 2) evaluating the possible impact of the risks on safety and health at work which cannot be avoided;
- 3) removing the established causes of risk;
- 4) evaluating the worker's capabilities to perform the assigned work by adapting the work process to the capabilities of the worker, by fitting out workstations, choosing work equipment, work methods, and setting a work or production rate;
- 5) adapting to technical progress in designing workstations, creating safe and healthy working environment and choosing work equipment;
- 6) replacing the dangerous work processes by the non-dangerous or the less

dangerous processes;

7) giving collective measures of safety and health at work priority over individual protective measures;

8) providing with personal protective equipment;

9) training and instructing the workers and giving them mandatory instructions in order to satisfy the requirements on safety and health at work;

10) applying other necessary measures of safety and health at work.

4. When establishing the procedure for internal control of safety and health at work, the employer's representative shall discuss it with the workers, workers' representatives with specific responsibility for the safety and health of workers and the safety and health at work committee and shall inform them about the assignments given to the heads of the subdivisions as to internal control of safety and health at work, and the implementation of measures in the undertaking, subdivisions, and workstations.

5. The employer's representative may instruct a person (persons) authorised by the employer, specified in Article 32 of this Law, to implement the measures laid down in this Article or a part of such measures.

#### **Article 20. Regulations related to the safe organisation and performance of work in undertakings**

1. The works in the undertaking must be organised in compliance with this law and other regulations acts on safety and health at work.

2. On the basis of the principles of ensuring safety and health at work specified in paragraph 2 of Article 19 of this Law, regulations on safety and health at work, technical documentation of work equipment and descriptions of technologies, the employer's representative shall, after having evaluated an occupational risk in the undertaking, prepare local safety and health regulations (safety and health instructions for the workers, rules for safe performance of works and other necessary local regulations).

3. The requirements of local regulations on safety and health in an undertaking (hereinafter referred to as "regulations on safety and health in an undertaking"), and regulations related to safety and health at work, the receipt of which the workers shall confirm by affixing their signatures shall be binding on them.

#### **Article 21. Compulsory health surveillance**

1. Compulsory health surveillance of workers shall be performed to the workers specified in Article 265 of the Code on Labour. The employer shall approve the list of workers for whom the health surveillance is compulsory as well as the health surveillance schedule, control the implementation of such schedule. In the event the worker does not receive the compulsory health surveillance at the time fixed in the schedule not due to the reasons depending on him, the worker shall have the right to refuse to work because of a possible danger to his health.

2. The workers who have experienced a negative effect of work or working environment on the health, shall have the right to receive health surveillance at the time other than the time fixed in the schedule. The employer must provide sufficient time for workers to undergo health surveillance. The employer shall pay the workers their average pay for the working time spent receiving health surveillance on the initiative of the workers in the cases when the conclusions of a health care establishment indicate that the work and (or) working environment has damaged their health.

3. The procedure of health surveillance of workers driving the means of overground, air and water transport before a journey shall be laid down by the employer.

**Article 22. Evacuation, accident prevention and containment plans. Actions of the employer and workers in the event of danger**

1. Each undertaking and its subdivisions must have evacuation plans of workers.

2. Workers shall get familiarised with evacuation plans upon recruitment. Evacuation plans shall be placed on information boards in clearly visible places in the undertaking and subdivisions thereof. Evacuation plans, accident prevention and accident containment plans and measures must be well known to persons authorised by the employer, members of safety and health at work committees and workers' representatives with specific responsibility for the safety and health of workers.

3. The employer's representative or, upon his instruction, the person authorised by the employer shall designate a number of workers (upon their consent) and train them on a regular basis in protecting safety and health of workers in the event of danger, supply them with first aid and other necessary facilities taking into account the nature of the activities and size of the undertaking.

4. In the event of danger in the undertaking or its subdivision, the employer's representative, persons authorised by the employer shall:

1) immediately inform the workers who may be exposed to danger and inform other workers in the undertaking about the danger and instruct them on the measures which will be taken to protect life and health of the workers and on actions to be taken by the workers themselves;

2) take all necessary measures to suspend work, issue orders for the workers to suspend work if the workers are trained in doing so; issue orders for the workers to leave working premises and proceed to a place of safety;

3) immediately inform relevant internal and external emergency services (civil safety, fire-fighting, ambulance, police) about the danger, workers injured;

4) until the arrival of external services, start eliminating dangers to the workers' safety and health with the help of the specially trained workers specified in paragraph 3 hereof, as well as members of the safety and health at work service of the undertaking, and workers' representatives with specific responsibility for the safety and health of workers;

5) organise provision of first aid to the injured, as well as the evacuation of workers.

5. If after the accident has been contained, the fire extinguished etc., the danger to safety and health of workers persists, the employer's representative, the head of a subdivision or another persons authorised by the employer may not order to resume or commence work.

6. In the event of danger the workers shall have the right to terminate work and leave working premises and workstations. The actions of workers in the event of danger may not have adverse effects on the workers. The actions of workers in the event of danger aimed at protecting themselves and other workers from the danger may not incur disciplinary or administrative penalties or material or other liability.

7. The head of a separate structural subdivision which is established in a different territory or geographical location than the undertaking and who must pass the qualification test on safety and health at work under the procedure established in Article 26 shall, under the instruction of the employer's representative, independently implement measures referred to in paragraphs 3, 4 and 5 hereof.

8. Undertakings, which produce and (or) use dangerous chemical substances shall implement special working environment control systems or equipment intended for the control of technological processes and accident prevention, shall draw up accident

prevention and accident containment measures plans. The installation of the working environment control systems and devices, the implementation of accident prevention and accident containment plans shall be supervised by the Fire-Prevention and Rescue Department under the Ministry of the Interior as well as the State Labour Inspectorate.

9. A worker(s) shall have the right to refuse to work, works must be suspended if the head of the subdivision or another person authorised by him, the employer's representative fails to take appropriate measures to remove the violations of requirements for safety and health at work and to protect the worker (workers) from possible danger to safety and health in the following events: the worker (workers) has not been trained in safe work; in the event of a breakdown of working equipment or imminent accident; if work is continued upon violations of technical regulations; if workers are not provided with appropriate collective and (or) personal protective equipment; in other cases when the working environment is hazardous and/or dangerous to health or life. The procedure for suspending works shall be as follows:

1) the safety and health committee of an undertaking, employer's representatives shall have the right to request that the head of the subdivision or another person authorised by the employer, or the employer's representative would suspend works;

2) if the head of the subdivision or another person authorised by the employer, or the employer's representative refuses to act on the request of a workers' representative with specific responsibility for the safety and health of workers at work or the safety and health committee of an undertaking, the committee or a workers' representative shall inform about it the State Labour Inspectorate;

3) a State labour inspector, having evaluated the safety and health situation in the undertaking, may adopt the decision to suspend works and draw up a request for the employer's representative;

4) should the head of the subdivision, or another person authorised by the employer, or the employer's representative refuses to comply with the labour inspector's request, the said inspector shall have the right to seek help from the police in order to enforce the request to suspend work and to evacuate workers from dangerous workstations and zones;

5) before the request of the workers' representative, the safety and health committee of the undertaking or a labour inspector to suspend work is executed, workers who are exposed to danger shall have the right to terminate work, leave the workstation or

premises. In such case the employer's representative may not administer disciplinary punishments or incur upon them other liability.

10. If labour inspectors during inspection visits establish the existence of danger to safety and health of workers, they shall have the right to demand that the employer's representative or the head of a subdivision, or another person authorised by the employer suspend work in the cases specified in paragraph 9 hereof.

11. Works must also be suspended in other cases provided for in paragraph 9 of Article 266 of the Labour Code.

### **Article 23. Ancillary facilities in undertakings**

1. In accordance with the procedure established in the provisions of regulations on safety and health at work, appropriate rest areas, changing rooms, locker rooms for clothes, footwear, and personal protective equipment, sanitary and personal hygiene premises in which washbasins, showers, lavatories.

2. In undertakings where dangerous substances are used or other factors hazardous to health are present, sanitary installations and personal hygiene premises shall be designed in accordance with specific requirements for the design of such premises. Such requirements for the design of such sanitary installations and personal hygiene premises shall be established in regulations on safety and health at work, taking into account the nature of activities, materials used, and the number of workers.

3. Medical services (first aid rooms), nourishment facilities in an undertaking shall be designed in accordance with the requirements for such facilities, taking account of the nature of work (technological process), the number of workers.

4. The requirements for ancillary facilities shall be established by the Government.

### **Article 24. Requirements for residential premises**

1. Premises offered by the employer to the worker for temporary residence due to mobile type of workplaces must satisfy the minimum household and hygiene requirements applicable for such premises.

2. The safety and health requirements for premises intended for temporary residence of workers shall be established in the Regulations of the Design of Workplaces in Construction Sites, approved by the Minister of Social Security and Labour and the Minister of the Environment, by other regulations establishing hygiene requirements for

residential premises.

## **CHAPTER IV RIGHTS AND DUTIES OF EMPLOYERS AND WORKERS**

### **SECTION I RIGHTS AND DUTIES OF EMPLOYERS**

#### **Article 25. Duties of the employer in ensuring safe and healthy working conditions for workers:**

When implementing the duties the employer to ensure safe and healthy working conditions for workers in all aspects related to work, an employer's representative shall :

1) ensure the conformity of the facilities of the undertakings housing workstations, the workstations themselves, work equipment, and the working environment with the requirements established in regulations on safety and health at work;

2) organise or instruct the person authorised by the employer to organise the evaluation of occupational risk, and, on the basis thereof, evaluate (establish) the actual status of occupational safety and health in the undertaking, subdivisions and individual work stations. Upon having established that the status of safety and health at work does not meet the requirements laid down in regulations on safety and health at work, the employer's representative shall organise the preparation and implementation of necessary measures;

3) in line with the status of occupational safety and health in the undertaking, decide on the choice of collective protective equipment, organise the installation of the said equipment, and, in the event such equipment does not adequately protect workers from risks, provide the workers with personal protective equipment, organise the verification of such equipment, provide workers with safe work equipment, introduce safe work and technology processes, fit out safety signs and ancillary facilities in the workplaces where there is a possibility of risks;

4) ensure that the workers, upon recruitment or in the course of employment, receive comprehensive information concerning the organisation of safety and health at work in the undertaking, the existing or possible occupational hazards, the existing measures for elimination or prevention of hazards, as well as information on the findings of the inspections of the undertaking by the State Labour Inspectorate;

5) approve safety and health at work instructions and job descriptions, fulfil obligations undertaken under collective agreements concerning improvements in safety and health at work;

6) organise or instruct the person authorised by the employer to organise instruction of workers by ensuring instructing of workers on recruitment, transfer to another job, change in the organisation of work, introduction of new or modernised work equipment, introduction of new technologies, amendment or adoption of new regulations on safety and health at work; establish the procedure for training of workers and the checking of knowledge pertaining to the sphere of safety and health at work;

7) provide conditions for proper functioning of safety and health service, safety and health committee in the undertaking referred to in Articles 12 and 13 of this law;

8) ensure the compliance of the organisation of working time and rest periods with the requirements of the Labour Code and other regulations on safety and health at work, organise filling of records on actually worked time;

9) organise or instruct the person authorised by the employer to organise workers' compulsory health surveillance; create for workers the conditions to examine their health during the working hours;

10) transfer workers (with their consent) to another job upon the conclusions of the Disability and Capacity for Work Establishment Office under the Ministry of the Social Security and Labour or health care institution which has examined the worker's health;

11) repealed;

12) in accordance with the Regulations on the Investigation and Record of Accidents at Work and the Regulations on the Investigation and Record of Occupational Diseases approved by the Government, report or instruct the person authorised by the employer to report accidents at work and occupational diseases to relevant State institutions, provide conditions for the investigation of accidents at work and occupational diseases;

13) control how workers fulfil the requirements of regulations on safety and health at work, suspend from work in an undertaking the workers who do not meet the requirements for health and safety at work;

14) in accordance with the procedure established the Regulations on the Investigation and Record of Accidents at Work and the Regulations on the Investigation and Record of Occupational Diseases organise or instruct the person authorised by the

employer to organise the registration of accidents at work and occupational diseases;

15) instruct the person authorised by the employer to draw up lists of workers who because of accidents at work or occupational diseases lost functional capacity for more than 3 working days or longer, as well as lists of workers who because of accidents at work and occupational diseases lost functional capacity for less than 3 days; register the incidents;

16) perform other duties and implement necessary measures by creating for workers safe and healthy working conditions in all respects related to work. The employer's representative may instruct the person authorised by the employer to implement the measures specified in subparagraphs 10-15 hereof.

#### **Article 26. Qualification testing of employer's representatives, persons authorised by the employer**

1. The knowledge in safety and health at work of employers' representatives, employers-legal persons, owners of private (personal) enterprises, employers-farmers shall be obligatorily tested in at intervals specified in Article 268 of the Labour Code and in accordance with the procedure established by the Government. The knowledge in safety and health at work of employers' representatives, out of them employers-legal persons, owners of private (personal) enterprises, employers-farmers who do not set up a safety and health at work service or do not hire workers-specialists of safety and health at work to carry out the functions of such service and carry out the said functions themselves, as well as persons authorised by the employer who are instructed to carry out the functions of the service shall be tested as the knowledge of specialists of safety and health at work, specified in paragraph 2 of Article 12 of this Law.

2. The knowledge in safety and health at work of the head of a subdivision situated in a territory or locality different than the undertaking, who, upon the instruction of the employer's representative and under his supervision, implements the measures necessary to create safe and healthy working conditions in this subdivision of the undertaking, shall be tested in safety and health at work in accordance with the same procedure as the employer's representative's knowledge.

3. Upon the investigation of a serious or fatal accident at work or an occupational disease and the establishment that the employer's representative or the head of a subdivision referred to in paragraph 2 hereof has not sufficient knowledge in the

requirements of safety and health at work or that the said person was aware of violations of safety and health requirements but failed to take the necessary measures to correct the violations, the Chief State Labour Inspector may request that the employer's representative or head of the subdivision should re-take the test on safety and health at work.

4. Employer's representative shall independently determine the necessity of training and testing of the persons authorised by the employer, except the person authorised by the employer who is instructed to carry out the functions of the safety and health at work service, as well as the head of a separate structural subdivision of the undertaking, situated in a different territory or locality than the subdivision.

5. The list of employers and employers' representatives who may be exempt from testing their knowledge in safety and health at work shall be approved by the Government.

#### **Article 27. Training and instruction of workers**

1. The employer may not demand that a worker should begin work in the undertaking if the worker has not been instructed to work in safety. Workers must be instructed in the cases provided for in subparagraph 6 of Article 25 of this Law and in other cases when the employer's representative, the person authorised by the employer decides that this is necessary to protect workers from injuries or occupational diseases. When a worker has insufficient professional skills or knowledge obtained during the instructing to be able to work in safety and avoid harm to his health, the employer's representative, the persons authorised by the employer shall organise the training of the worker at the workstation, an enterprise or an educational institution which carry out training in accordance with the General the Regulations of the Training and Testing of Knowledge in Safety and Health at Work, specified in paragraph 2 of Article 12 of this Law. The employer's representative shall establish the procedure for instructing and training of workers at an undertaking.

2. The worker sent upon the agreement of the employers for temporary work in the undertaking from any other undertaking should not commence work until he is informed on the existing and potential risk factors in the undertaking he is sent to work in and until he is instructed in safe work at a specific workstation, despite the fact that in the undertaking where the worker has his permanent job he has been instructed and trained in safe work in accordance with the established procedure. The workers sent to work in another undertaking must also be informed about the workers appointed in the undertaking

who are responsible for first aid provision; the said workers must also be familiarised with the evacuation plans specified in Article 22 of this Law. The workers who render services in other undertakings or to natural persons as well as the workers who perform control functions laid down in laws or other regulations shall be instructed by their employers.

3. The procedure for the preparation of instructions on safety and health at work to be used for instruction of workers working in an undertaking of any economic activity, and the procedure for the instructing of workers specified in paragraph 2 of this Article shall be established by the State Labour Inspectorate.

4. Only the workers who have specific knowledge and have passed relevant qualification tests in accordance with the procedure laid down in the General Regulations of the Training and Testing of Knowledge in Safety and Health at Work may be permitted to operate potentially dangerous equipment the list of categories of which is approved by the Government, perform constant mandatory maintenance of the said potentially dangerous equipment during their exploitation. The employer shall establish the procedure for the training and testing of knowledge of the workers who operate potentially dangerous equipment for which the mandatory inspection by authorised agencies of the technical status of potentially dangerous equipment is not established.

5. The procedure for training and qualification testing of workers who perform dangerous works included in the list of dangerous activities approved by the Government of the Republic of Lithuania, as well as the procedure for the safe performance of such works, with the exception of the cases when laws or other regulations establish another procedure for training and qualification testing, and the safe performance of works by such workers, shall be established by the employer.

6. Taking into account the specific features of undertakings of economic activity types and occupational risk, the employers may, on the basis of the General Regulations of the Training and Testing of Knowledge in Safety and Health at Work and after consultation with the State Labour Inspectorate, approve regulations of training and testing of workers of undertakings of separate economic activity types.

7. For separate economic activity types laws may establish the procedure for the training and testing of workers' knowledge of safety and health at work, which is different from the procedure laid down by the General Regulations of the Training and Testing of Knowledge in Safety and Health at Work. In such cases workers shall be trained and their knowledge of safety and health at work shall be tested in the manner prescribed by law.

## 8. Repealed

### **Article 28. Providing the workers with safety and health equipment at work**

1. The installation of collective safety and health equipment in workstations and/or working premises must be provided for when designing work or technological processes, taking into account the substances and work equipment to be used in the course of the work or technological processes and potential risk factors. Upon the change of work or technological processes or the beginning of use of substances, work equipment, the employer shall, having evaluated the occupational risk, when necessary, improve the present and (or) install new collective protective equipment.

2. When collective protective measures are not sufficient to protect the workers against risk factors, the workers must be provided with personal protective equipment. Personal protective equipment shall be provided only upon the evaluation of the risk factors effecting the workers, and must be such that would be able to protect the workers from the impact of the risk factor. Personal protective equipment must be adapted to work and comfortable to use, should not pose any additional risks to the safety of workers and should meet the requirements of regulations on safety and health at work.

3. Persons authorised by the employer shall organise the storage, drying, washing, cleaning, repair and inspection of personal protective equipment in the manner as described in the producer's documentation provided by the producer alongside the concrete personal protective equipment.

4. If works are associated with soiling, the workers shall be provided with personal hygiene supplies (soap, towels, etc.) free of charge. Upon the introduction of dangerous chemical substances or their preparations, neutralisers must be supplied free of charge to workers, taking into account the information on these chemical substances about the characteristics of the substance or preparation and indications on the use of neutralisers.

7. The Regulations of the Supply of Workers with Personal Protective Equipment and mandatory requirements for the safety of these equipment shall be adopted by the Minister of Social Security and Labour.

### **Article 29. Organisation of medical services**

1. The head of a subdivision and in his absence the person authorised by the

employer or the employer's representative must organise the provision of the first aid to workers and, if necessary, an ambulance is called In the event of accidents at work or outbreak of acute diseases.

2. The head of a subdivision and in his absence the person authorised by the employer or the employer's representative must promptly organise the transportation of workers who fall ill at the workstation or are injured to a health care establishment when their condition does not require to call an ambulance or when an ambulance is not called because of unforeseen reasons or circumstances.

3. Safety and health at work services of an undertaking, first-aid rooms of an undertaking shall carry out health surveillance functions provided for in model regulations of safety and health services of undertakings. Collective agreements of undertakings may provide for the rendering of other health surveillance services to workers.

4. Supplies necessary for the provision of the first aid must be displayed, signs directing to the location of a first-aid room must be placed and a telephone number for calling an ambulance must be indicated in prominent places in the subdivisions of an undertaking.

5. The workers who are at risk to fall ill with a communicable disease, shall be vaccinated at the expense of the employer. The list of occupations and positions of the workers who are vaccinated at the expense of the employer shall be approved by the Minister of Health Care.

### **Article 30. Duties of two or more employers in organising work in the same workstation or workstations**

1. Two or more employers who operating in the same workstation or workstations shall organise the work in such a way that safety and health at work is ensured for all workers despite the fact for which employer is a worker works. In order to protect workers from accidents at work and occupational diseases, employers shall cooperate and coordinate actions in the implementation of provisions of the legal acts concerning safety and health at work and shall inform each other, representatives of workers, employers' representatives for safety and health at work as well as workers about possible dangers and risk factors; where necessary the employers shall draw up description of the procedure for coordinating cooperation and actions.

### **Article 31. Employers' rights in the field of safety and health at work**

In order to ensure safety and health of workers at work, the employers' representatives shall have the right:

1) to issue orders and ordinances concerning safety and health at work in the undertaking and require that the workers should take care of their own safety and health and of the safety and health of other workers, that they should comply with the requirements of the regulations on safety and health at work the implementation of which was included in the training and/or instruction, and comply with the work and rest periods laid down in work and technological processes regulations, the internal work rules, the Labour Code and other regulations;

2) to impose disciplinary punishments on workers who have violated the requirements for safety and health at work which the workers must comply with, to impose official punishments on public servants in the manner prescribed by law, to require in the manner prescribed by law that the said persons pay the damages incurred by the undertaking in the result of the violation;

3) to receive information on safety and health at work from state institutions;

4) to have access to documentation of inspection visits to the undertaking conducted by the State Labour Inspectorate;

5) to propose to employer's representatives to set safety and health at work requirements in his undertaking ensuring the creation of safer and healthier conditions at work than the ones established in regulations on safety and health at work. The safety and health at work requirements ensuring the creation of safer and healthier conditions at work shall be laid down in collective agreements;

6) to assign the implementation of the tasks related to safety and health at work to the heads of the subdivisions of an undertaking and other persons authorised by the employers, as well as to the safety and health at work service.

### **Article 32. Entrustment of the heads of the subdivisions and other persons authorised by the employers with the implementation of safety and health measures**

1. The employer's representative may entrust the persons authorised by the employer, out of them – the heads of subdivisions, to implement preventive measures for accidents at work and occupational diseases, as laid down in Article 11 and other articles of this Law. The entrustment to implement safety and health measures shall be documented in the form

of an order, ordinance or another act. Such entrustment may be provided for in the employment contract or job description (instructions) of a head of a subdivision or another persons authorised by the employer.

2. When exercising the employer's right to create safe and healthy working conditions, the employer's representative shall entrust:

1) heads of the subdivisions to implement preventive measures relating to accidents at work and occupational diseases;

2) a head of the subdivision who heads a safety and health at work service in the undertaking or the specialists of such service, to co-ordinate the implementation of the preventive measures intended for the protection of workers from injuries and occupational diseases, to control the compliance by the workers with the safety and health at work requirements in the subdivisions of the undertaking;

3) other persons authorised by the employer to implement preventive measures relating to accidents at work and occupational diseases which are general for the subdivisions and the undertaking.

## SECTION II

### WORKERS' OBLIGATIONS AND RIGHTS

#### **Article 33. Workers' obligations**

1. It shall be the responsibility of each worker to comply with the requirements of the regulations on safety and health at work, and the requirements of the regulations on safety and health at work with which they have been familiarised and trained to implement, as well as to as much as take care of his own safety and health and of that of other workers in accordance with his knowledge and the instructions given by the head of a subdivision, the employer's representative. To this end workers must:

1) use work equipment in accordance with safety requirements laid down in the technical documentation and in the instructions on safety and health at work;

2) use correctly the collective and/or personal protective equipment;

3) refrain from disconnecting, changing or removing arbitrarily safety equipment or signs fitted in work equipment and in other devices, in the buildings and in other places of the undertaking, to make correct use of the said equipment and inform the workers' representative with specific responsibility for the safety and health of workers, the employer's representative and/or head of the subdivision about any failures of the said

equipment;

4) immediately inform the workers' representative with specific responsibility for the safety and health of workers, head of the subdivision, safety and health service or its employees, safety and health committee, employer's representative of any work situation in workstations, working premises or working areas which they have considerable grounds to consider likely to pose danger to the safety and health at work, and to inform the workers' representative with specific responsibility for the safety and health of workers, head of the subdivision, safety and health service or its employees, employer's representative about any violations of safety and health at work which he may not or must not eliminate himself;

5) co-operate with the workers' representative with specific responsibility for the safety and health of workers, head of the subdivision, employees of the safety and health service, persons authorised by the employer, and the employer's representative in implementing the safety and health at work requirements and carrying out the measures;

6) within their possibilities and competence, take measures to remove risks which may cause traumas, acute poisoning or accidents and immediately inform the workers' representative with specific responsibility for the safety and health of workers, head of the subdivision and the employer's representative;

7) inform the workers' representative with specific responsibility for the safety and health of workers, head of the subdivision, safety and health service and its employees, the employer's representative about the traumas and other health disorders related to work;

8) undergo medical surveillance in accordance with the procedure established in the undertaking;

9) comply with work and rest periods established in undertaking's internal work rules and work schedule;

10) carry out instructions of the head of the subdivision, employer's representative, other persons and officers executing control of safety and health at the undertaking.

2. Specific workers' obligations in safeguarding their own health and life and that of other workers shall be established: for workers who use work equipment - in the instructions on safety and health at work, for other workers - in job descriptions. General obligations of workers to ensure safety and health at work shall be established in internal work rules.

## **Article 34. Workers' Rights**

Worker shall have the right:

1) to demand that the employer should ensure safety and health at work, install collective protective equipment, supply with personal protective equipment when collective protective equipment does not protect from the impact of risk factors;

2) to receive information from the workers' representative with specific responsibility for the safety and health of workers, head of the subdivision or another person authorised by the employer, or employer's representative about hazardous and /or dangerous factors in the working environment;

3) to have access to the conclusions of the initial and periodical compulsory health surveillance and being not satisfied with the surveillance results, to repeat health surveillance. He shall have the right to demand to be transferred to another work if, according to the conclusions of the Disability and Capacity for Work Establishment Office under the Ministry of the Social Security and Labour or a health care establishment concerning his health condition, he cannot carry out the work or hold the office specified in the employment contract;

4) to negotiate, directly or via an authorised workers' representative with specific responsibility for the safety and health of workers, workers' representative, with the head of a subdivision, employer's representative regarding the improvements of safety and health at work;

5) to refuse to work in the event of danger to safety and health at work as referred to in paragraph 9 of Article 22 of this Law. If the employer violates the requirements for safety and health at work, the worker shall have the right to terminate a non-term or fixed-term employment contract in the manner prescribed in the Labour Code;

6) to require, in accordance with the procedure established by law, to be compensated for the damage to health caused by unsafe working conditions;

7) to address the workers' representative with specific responsibility for the safety and health of workers, head of the subdivision, safety and health at work service of the undertaking, safety and health at work committee of the undertaking, workers' representatives, worker's representative, State Labour Inspectorate or other state institution and agencies on the issues of safety and health at a workstation or undertaking.

**Article 35. Procedure for the settlement of a worker's refusal to work in the case of failure to ensure safety and health**

1. In the cases of danger to safety and health at work, referred to in paragraph 9 of Article 22 of this Law, the worker shall have the right to stop work and immediately inform the head of a subdivision or employer's representative in writing about the grounds of his refusal to work.

2. When the employer's representative disagrees with the worker's motives concerning the failure to ensure safety and health at work, disputes related to a worker's refusal to work shall be settled in accordance with the procedure established by law.

3. An unjustified refusal to work shall be considered a violation of work discipline and a worker shall not be paid for the time missed.

4. For the time spent by the worker refusing to work on justified grounds, the worker shall be entitled to receive his average pay.

## **PART II**

### **GUARANTEES OF SAFETY AND HEALTH AT WORK FOR SPECIFIC GROUPS OF WORKERS**

#### **CHAPTER V**

#### **PROTECTION OF YOUNG PEOPLE, MATERNITY AND DISABLED PERSONS**

##### **Article 36. Work of young persons**

1. Work by children shall be prohibited, except light work which suits the child's physical capabilities and does not harm their safety, health, physical, mental, moral or social development, and in compliance with the conditions of employment laid down by the Government.

2. Every employer should guarantee young people working conditions appropriate to their age. They shall ensure that young people are protected against any work likely to harm their safety, health, physical or mental development or to jeopardise their education.

3. Safety and health at work requirements laid down in this Law and other regulations on safety and health at work must be applied with respect to the work of young persons irrespective of a type of an employment contract concluded with a young person.

4. When employing a young person under 18 years of age and ensuring safe and healthy working conditions for him, the employer's representative shall act in compliance with the procedure for employing young persons under 18 years of age, surveillance of

their health and establishing their possibilities to work concrete work, approved by the Government, work period, the list of works which the young persons are prohibited to work, as well as the factors hazardous, dangerous to health.

5. Before hiring a young person, as well as upon the change in working conditions when the young person has already been performing work, the employer's representative must assess:

1) whether or not the work to which the young person is to be assigned is on the list of jobs for which employment of young people is prohibited, whether or not the work involves hazardous, dangerous factors and therefore may not be assigned to young people;

2) the workstation and the working environment with regard to compliance with the requirements of regulations on safety and health at work;

3) the use of dangerous chemical substances in the undertaking and exposure to their potential effect (nature, concentration in the atmosphere of the working environment, and duration);

4) the technical condition of work equipment, conditions of storage of dangerous substances, in order to avoid young person's exposure to them due to absence of awareness;

5) the organisation of work, technological processes and layout of work equipment in order to prevent young persons from entering the workstations of subdivisions of the undertaking where dangerous chemical substances are used;

6) the ability of the young person to understand and fulfil the requirements of safety and health at work and his physical capacity to perform the assigned work..

6. The employer's representative or the person authorised by the employer, upon the recruitment of young people and whenever necessary, shall inform them of possible risks and the measures to avoid them, as well as the measures adopted concerning young people's safety and health. Moreover, the said persons must also inform the parents or guardians of the young person employed about the potential risks and preventive measures.

7. The following shorter working time shall be established for young people:

1) for adolescents – not more than 8 hours a day counting the daily duration of lessons as working time and not more than 40 hours a week counting the weekly duration of lessons as working time;

2) for children performing light work – two hours on a school day and 12 hours a

week for work performed in term-time outside the hours fixed for school attendance, or seven hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating (these limits may be raised to eight hours a day and 40 hours a week in the case of children who have reached the age of 15).

8. The list of workers under 18 years of age must be drawn up in the undertaking.

9. Where a young person is employed by more than one employer, working days and working time shall be cumulative as laid down in paragraph 7 of this Article.

### **Article 37. Maternity protection**

1. A pregnant or breast-feeding woman or a woman who has recently given birth must be provided with safe and healthy conditions of work; they shall have the right to choose to work full or part-time.

2. It shall be prohibited to assign pregnant and breast-feeding women and women who have recently given birth to perform work that may be hazardous to the health of the woman or the child. The list of hazardous working conditions and dangerous factors for pregnant women, women who have recently given birth or breast-feeding women shall be approved by the Government.

3. In compliance with the lists of hazardous working conditions and dangerous factors, as well as occupational risk assessment results, it shall be obligatory to establish potential risk to safety and health of pregnant woman, woman who has recently given birth and breast-feeding woman. Upon assessment of the potential effect, the employer's representative must take necessary measures specified in Article 278 of the Labour Code.

### **Article 38. Guarantees of safety and health at work of the disabled who work**

1. Safety and health at work of the disabled who work shall be guaranteed by the Labour Code, this Law, other laws and regulations on safety and health at work. Additional safety and health guarantees for the disabled may be provided for in collective agreements and employment contracts.

2. Decisions of the Disability and Capacity for Work Establishment Office under the Ministry of the Social Security and Labour regarding the nature and conditions of work of a disabled person shall be obligatory for the employer and the worker.

## **PART III**

**ASSESSMENT OF SAFETY AND HEALTH AT WORK. MAIN PROVISIONS  
REGARDING REPORTS ON ACCIDENTS AT WORK AND OCCUPATIONAL  
DISEASES, AND ON INVESTIGATION THEREOF**

**CHAPTER VI  
ASSESSMENT OF SAFETY AND HEALTH AT WORK**

**Article 39. Assessment of safety and health at work**

1. Safety and health of workers at work shall be assessed on the basis of the degree of compliance of working conditions and work equipment in the undertaking with the requirements of regulations on safety and health at work, the assessment of occupational risk at workstations or other areas of the undertaking where workers may be during the working hours.

2. The compliance of work equipment, working conditions, out of them the working environment, with the requirements of regulations on safety and health at work shall be determined after having carried out the investigation of occupational risks and assessed the results of such investigations.

3. The employer's representative or, upon his instruction, the person authorised by the employer shall organise the assessment of occupational risks at the undertaking. In the absence of competent staff to determine workstations or facilities where a risk should be assessed, to investigate a risk and to determine in accordance with the results of the investigation, the undertaking shall for the provision of such hire agencies or persons to render the said services. Labour inspectors may indicate to the employer the workstations or facilities where an occupational risk should be assessed.

4. General regulations concerning the assessment of occupational risks shall be approved by the Minister of Social Security and Labour and the Minister of Health Care. Competence requirements for risk factors investigation agencies shall be established by the Minister of Social Security and Labour and the Minister of Health Care.

5. Undertakings shall, in accordance with the procedure laid down by the Chief State labour Inspector, furnish information to the State Labour Inspectorate about the state of safety at work and conforming of workstations to regulations of health and safety at work.

#### **Article 40. Working environment**

1. Workers must be provided with the working environment which excludes dangerous and (or) hazardous factors posing a risk of injury or any damage to health, and if such risk exists, it must be as small as possible and measures must be foreseen to eliminate such risk.

2. Permitted limit values of factors in the working environment shall be laid down in health protection regulations (hygiene norms) and other regulations on safety and health at work

3. The working time must not exceed 36 hours for the workers who perform work in the working environment in which the proportions of hazardous factors exceed the permitted limit values and it is technically or otherwise impossible to reduce them to the permitted limit values as established in regulations on safety and health at work. The concrete daily or weekly working time of the workers who perform work in the working environment in which the proportions of hazardous factors exceed the permitted limit values and it is technically or otherwise impossible to reduce them to the permitted limit values as established in regulations on safety and health at work, shall be set by evaluating the results of working environment investigations, complying with the criteria and procedure for setting shorter working time taking into account the working environment, approved by the Minister of Health Care.

#### **Article 41. Expert examination of safety and health at work**

1. Expert examination of safety and health at work (conformity assessment of the ensuring of the requirements for safety and health at work) shall be ordered before the exploitation of new undertakings or subdivisions, putting work equipment, personal protective equipment on the market, investigating the causes of accidents at work, or circumstances of occupational diseases, solving disputes concerning the accuracy of occupational risk assessment data.

2. Assessment whether new undertakings or subdivisions meet the mandatory safety requirements shall be regulated by the Construction Law and appropriate regulations.

3. The procedure for assessment of the conformity of work equipment, personal protective equipment to the mandatory safety requirements shall be established by technical regulations.

4. The chief state labour inspector shall approve the procedure for ordering expert examinations when investigating accidents at work and occupational diseases. Such expert examinations shall be paid with the funds appropriated to the State Labour Inspectorate for this purpose, provided that the said expert examinations are not carried out by State agencies.

## **CHAPTER VII**

### **ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES**

#### **Article 42. Classification of accidents and occupational diseases**

1. According to their consequences, accidents at work and accidents on the way to/ from work shall be classified according to their consequences into:

1) minor accident at work : an event during which a worker suffers a trauma and loses functional capacity for at least one day and which is not classified as a serious accident at work;

2) serious accident at work: an event during which a worker suffers a trauma which poses risk to his health and/or life. Specific features which classify a trauma as serious shall be approved by the Minister of Health Care;

3) fatal accident at work : an event during which a worker suffers a trauma which poses a risk to his health and/or life and in consequence of which the worker dies immediately or some time later.

2. According to the number of workers injured during an accident at work the accidents shall be classified into single accidents at work (one worker injured) and group accidents at work (more than one worker injured).

3. According to the relation of an accident at work to work accidents at work shall be classified to those related to work and not related to work:

1) an incident which after the investigation is established to have taken place in the course of performing work agreed upon in the employment contract or other work assigned by or with the consent of the employer, or on the way to work or from work shall be considered an accident at work.

2) an incident which resulted in the worker's injury or death shall not be classified as an accident at work if after the investigation it is established that the worker consciously tried to kill or injure himself; that the worker suffered from violence the circumstances and

reasons of which are not related to work; that the worker was committing a criminal offence; that the worker was performing a task arbitrarily (without the consent of the employer) in pursuit of his own goals.

4. Occupational diseases shall be classified according to the time of manifestation and the symptoms of a disease:

1) chronic occupational disease: a health disorder of a worker caused by one or more hazardous factors within a certain time period.

2) acute occupational disease: an acute health disorder of a worker caused by a short-term (single or repeated during the working day) exposure to a dangerous factor (factors) in the working environment having an acute effect.

#### **Article 43. Reports on accidents at work and occupational diseases**

1. A person who is injured in an accident at work or contracts an acute occupational disease, or suffers from an incident, and any person who witnessed the incident in question or its consequences must, if he is in the position to do so, immediately report this to the head of the subdivision, the employer's representative, the safety and health at work service of the undertaking.

2. In the event of fatal and serious accidents at work, also in the event of the worker's death as a result of a disease, not related to work the employer's representative or the person authorised by the employer must immediately notify the prosecutor's office of the appropriate district and the State Labour Inspectorate thereof. In the event of acute occupational diseases resulting in the death of the person who suffered from the diseases the employer's representative or the person authorised by the employer must immediately report also to the territorial institution of the State public health care service under the Ministry of Health Care (hereinafter referred to as the "State public health care service").

3. A doctor who suspects that a person may be suffering from a chronic occupational disease must within three days report to the employer, the State Labour Inspectorate and the territorial institutions of the State public health care service thereon in writing.

4. The procedure for reporting accidents related to work, out of them accidents at work and accidents on the way to/from work, accidents nor related to work, occupational diseases and the registration of reports shall be established in the Regulations for Investigation and Registration of Accidents at Work and Regulations for Investigation and

Registration of Occupational Diseases.

**Article 44. Investigation of accidents at work and occupational diseases**

1. All undertakings shall apply a uniform and obligatory procedure for the investigation of accidents related to work, out of them accidents at work and accidents on the way to/from work, accidents nor related to work, occupational diseases specified in Article 42 of this Law, established in this Law, the Regulations for Investigation and Registration of Accidents at Work and Regulations for Investigation and Registration of Occupational Diseases.

2. All accidents at work and occupational diseases must be investigated, the investigation results must be recorded in the reports of prescribed form and registered according to the procedure established by the Regulations for Investigation and Registration of Accidents at Work and Regulations for Investigation and Registration of Occupational Diseases.

3. Minor accidents at work shall, by order of the employer's representative or other executive document, be investigated by a bilateral commission consisting of a representative/representatives of the employer, appointed by the employer's representative (hereinafter referred to in this Article and 45 Article as the "employer's representative") and the workers' representative with specific responsibility for the safety and health of workers. The worker who is the victim of the accident may participate in the investigation of the accident at work.

4. Serious and fatal accidents at work shall be investigated by the State Labour Inspectorate with the employer's representative and the workers' representative with specific responsibility for the safety and health of workers participating. While investigating the accident at work, the State Labour Inspectorate shall ascertain the causes and circumstance of the accident at work, suggest measures for the elimination of causes of similar accidents. The labour inspector may enlist the necessary specialists or experts for the investigation of the accident at work. The employer shall provide conditions and the necessary information for the investigation of an accident at work. The report on investigation of the accident at work, recorded and signed by the inspector shall also be signed by all persons who participated in the investigation. The labour inspector shall hand in the report of investigation of the accident at work to the employer's representative who shall sign it. In case the employer's representative or workers' representative with specific

responsibility for the safety and health of workers is not taking part in the investigation, the labour inspector shall conduct the investigation of the accident at work without the representative/representatives of the interested party. If the employer's representative or workers' representative with specific responsibility for the safety and health of workers, or the representative of the employer does not sign the submitted report of investigation of the accident at work and fails to give the labour inspector a justified reason therefor in writing, the report of investigation of the accident at work recorded by the inspector shall enter into force from the day of its drawing up.

5. The report of the investigation of accident at work drawn up by the labour inspector together with the annexes shall be sent to the appropriate institutions, the victim or the victim's family in accordance with the procedure established in the Regulations for Investigation and Registration of Accidents at Work.

6. The investigation of an accident at work carried out by the state labour inspector or his decisions (conclusions) regarding the circumstances and/or reasons of the accident at work may be appealed against by the representative of the employer, employer's representative or workers' representative with specific responsibility for the safety and health of workers by lodging an appeal in accordance with the procedure laid down in the Regulations for Investigation and Registration of Accidents at Work with the Chief State Labour Inspector or the court. The procedure for considering appeals regarding accidents at work at the State Labour Inspectorate shall be established by the Regulations for Investigation and Registration of Accidents at Work. The decision of the Chief State Labour Inspector of regarding complaints about the investigation of the accidents at work may be appealed against to court in accordance with the procedure established by law.

7. If it is established in the course of investigation that the incident at work may not be classified as an accident at work or upon establishing that the cause of the worker's death was a disease not related to his work, the investigation shall be discontinued and its material shall be submitted to relevant institutions in accordance with the procedure established in the Regulations for Investigation and Registration of Accidents at Work.

8. An accident at work which caused the death of three or more workers shall be investigated by a commission whose chairman shall be the Chief State Labour Inspector and members - Deputy Chief State Labour Inspector, head of the territorial division of the State Labour Inspectorate and two labour inspectors from the said division. Employer's representatives and persons appointed by workers' representative (representatives) shall

also take part in the investigation.

9. A suspected occupational disease shall be diagnosed for a worker who is or was employed in the undertaking by a doctor who has a licence to engage in these activities, in accordance with the Regulations for the Investigation and Registration of Occupational Diseases and the List of Occupational Diseases approved by the Government.

10. The causes of the occupational disease shall be investigated by the commission for the investigation of occupational disease, which shall also diagnose the disease as an occupational disease. The commission shall consist of the labour inspector (acting as commission chairman), a representative of the territorial institution of the State public health care service in the county and the doctor who suspected the occupational disease. The investigation shall be conducted in accordance with the Regulations for the Investigation and Registration of Occupational Diseases. Employer's representative and workers' representative with specific responsibility for the safety and health of workers shall take part in the investigation. The chairman of the commission may enlist the appropriate experts and specialist to assist during the investigation. The employer shall provide the required conditions and furnish the information required for the investigation. The commission shall draw up a report on the occupational disease to be signed by the commission members and the employer's representative and workers' representative with specific responsibility for the safety and health of workers. The report on the occupational disease shall be delivered to the representative of the employer and the worker suspected of being ill or who was diagnosed as being ill with the occupational disease, who shall confirm the receipt thereof by affixing their signature and shall be sent to the health care institution in which the worker's occupational disease has been suspected, as well as other institutions.

11. If in the course of investigation it is established that the causes of the occupational disease may be related to the worker's previous workplace, the commission shall carry out the investigation in the undertaking or undertakings which was the worker's previous workplace in accordance with the Regulations for Investigation and Registration of Occupational Diseases.

12. The employer's representative and workers' representative with specific responsibility for the safety and health of workers who participated in the investigation may appeal to court or, in the manner laid down in the Regulations for Investigation and Registration of Occupational Diseases, to the Chief State Labour Inspector of the Republic

of Lithuania against the decisions and conclusions regarding the causes of the occupational disease, made by the commission which carried out the investigation of the occupational disease or the procedure of investigation .

13. Disputes relating to the diagnosing of occupational diseases shall be settled by the Central Occupational Medicine Experts Commission. The services of Central Occupational Medicine Experts Commission shall be paid for with the funds of the state budget. The regulations and compositions of this Commission shall approved by the Minister of Health Care. Decisions of the Central Occupational Medicine Experts Commission may be appealed against to the court.

14. Acute occupational diseases which resulted in the death of three or more workers shall be investigated by a commission consisting of the Chief State Labour Inspector (chairman of the commission), the director (deputy director) of the State public health care service or any other representative appointed by the director of the said service, head of the territorial (inspection) division of the State Labour Inspectorate, one representative of the State Labour Inspectorate and one representative of the county territorial institution of the State public health care service. Employer's representative and workers' representative with specific responsibility for the safety and health of workers shall be taking part in the investigation.

15. In the course of the investigation of accidents at work or occupational diseases, the State Labour Inspectorate may order expert examinations.

16. The injured person or his representative (person representing the interests of the worker), may in compliance with in the Regulations for Investigation and Registration of Occupational Diseases, take part in the investigation of the accident at work, shall have the right to get access to the material regarding the investigation of the accident at work or occupational disease, must get the report of the investigation of the accident at work or occupational disease, may appeal against the investigation results and conclusions to the Chief State Labour Inspector or the court.

#### **Article 45. Delivery and registration of reports of investigation of accidents at work and occupational diseases**

1. Reports of the investigation of accidents at work shall be submitted to the worker injured in the accident or his representative, to the employer's representative and the State Labour Inspectorate, insurance company where the victim was insured against

accidents at work and occupational diseases. In case of a serious or fatal accident at work, the State Labour Inspectorate shall refer the investigation documents to the Prosecutor's Office.

2. Reports confirming occupational diseases shall be submitted to the worker who has contracted the disease or his representative, to the employer's representative, the State Labour Inspectorate and to the territorial division of the State public health care service, the insurance company where the worker was insured against accidents at work and occupational diseases.

3. All investigation reports of all accidents at work and reports confirming occupational diseases shall be registered and entered into the records of the State Labour Inspectorate in accordance with the procedure laid down accordingly by the Regulations on Investigation and Registration of Accidents at Work and the Regulations on Investigation and Registration of Occupational Diseases respectively. Occupational diseases shall also be registered in the State Register of Occupational Diseases and in the county territorial division of the State public health care service in accordance with the procedure established in the Regulations for Investigation and Registration of Occupational Diseases and Regulations of the State Register of Occupational Diseases. The regulations of the State Register of Occupational Diseases shall be approved by the Government.

4. Reports of the investigation of accidents at work and investigation material, reports confirming occupational diseases and investigation material shall be kept at the undertaking where the accident at work occurred or the occupational disease was diagnosed and at the State Labour Inspectorate in compliance with the time period set for the safekeeping of documents by the Lithuanian Archives Department under the Government of the Republic of Lithuania.

5. All accidents at work and occupational diseases shall be registered in accordance with the procedure established in the Regulations for Investigation and Registration of Occupational Diseases and the Regulations for Investigation and Registration of Accidents at Work.

**PART IV**  
**LIABILITY FOR VIOLATIONS OF THE REQUIREMENTS OF**  
**REGULATIONS ON SAFETY AND HEALTH AT WORK**

#### **Article 46. Liability of employers and workers**

1. Employer's representative or person authorised by the employer whose acts or omission constitute a violation of regulations on safety and health at work and who, therefore, fail to ensure safe and healthy working conditions shall be liable under law.

2. After investigations of accidents and occupational diseases, the employer's liability for the safety and health of workers at work may be limited or he may not be held liable altogether if the worker was injured or contracted an occupational disease due to unusual circumstances or contingencies which were beyond the employer's representative's or person's authorised by the employer control or due to extraordinary events the consequences whereof could not be avoided despite the exercise of all due measures.

3. The employer's representative's liability for failure to ensure safety and health at work may be limited upon the evaluation of all the measures taken by the employer's representative in the manner prescribed by Article 32 of this Law.

4. The worker who has violated the regulations on safety and health at work or the undertaking's regulatory acts on safety and health at work which he should comply with and with which he was familiarised (instructed and (or) trained how to comply with the requirements of the said acts) shall be held liable under law.

#### **Article 47. Control of safety and health at work**

Control of compliance with the requirements of regulations on safety and health at work in undertakings shall be exercised by the State Labour Inspectorate. The functions, rights and responsibilities of the State Labour Inspectorate shall be established in the Law on the State Labour Inspectorate.

#### **Article 48. Settlement of disputes**

1. Disputes related to the application and violations of regulations on safety and health at work shall be settled in accordance with the procedure established by law.

2. Collective labour disputes related to safety and health at work shall be settled in accordance with the procedure established in the Labour Code.

#### **Article 49. Invalid legal acts**

Upon the entry into force of this Law, the following legal acts shall become invalid:

- 1) the Law of the Republic of Lithuania on Labour Protection;
- 2) the Law of the Republic of Lithuania amending the Law of the Republic of Lithuania on Labour Protection;
- 3) the Law of the Republic of Lithuania amending Articles 1, 15, 28, 29, 35, 36, 42, 68 of the Law on Labour Protection;
- 4) the Law of the Republic of Lithuania amending Article 79 of the Law on Labour Protection;
- 5) the Law of the Republic of Lithuania amending Article 73 of the Law on Labour Protection;
- 6) the Law of the Republic of Lithuania supplementing Article 43 of the Law on Labour Protection;
- 7) the Law of the Republic of Lithuania amending of the Law on Labour Protection;
- 8) the Law of the Republic of Lithuania amending Article 45 of the Law on Safety and Health at Work; and
- 9) the Law of the Republic of Lithuania amending Article 71 of the Law on Safety and Health at Work.

#### **Article 50. Proposals to the Government**

The Government shall, within 6 months after the entry into force of this Law, revise the effective regulations related to the implementation of the provisions of this Law and, if necessary, amend them.

Annex to the Law of the Republic of Lithuania  
on Safety and Health at Work

### **THE LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW**

Council Directive of 12 June 1989 on the introduction of measures to encourage

improvements in the safety and health of workers at work (89/391/EEC) (OJ, 2004 Special Edition, chapter 5, volume 1, p 349) with the latest amendments done by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 (OJ, 2004 Special Edition, chapter 1, volume 4, p 47).