

**L A W**  
**ON SAFETY AND HEALTH AT WORK**  
*(“Official Gazette of RS“, no. 101/05 and 91/15’)*

**I. GENERAL PROVISIONS**

**Article 1**

This Law regulates the implementation and promotion of safety and health at work of persons participating in work processes, as well as persons in the working environment, in order to prevent injuries, occupational diseases and diseases related to work.

This Law regulates the establishment of Safety and Health at Work Administration as an administrative body within the Ministry of Labor, Employment, Veteran and Social Affairs, and jurisdiction thereof, with a view to performing certain tasks of state administration in the field of safety and health at work.

**Article 2**

Rights, obligations and responsibilities of employers and employees, competences and measures, whose application and enforcement ensures safety and health at work are realized in accordance with this Law and regulations based on the law.

**This Law does not apply to specific military service in the Serbian Army and carrying out police affairs and protection and rescue operations from the scope of the competent state authority, as well as the performance of protection and rescue operations carried out by other entities in accordance with a special law, in which the issues of safety and health and safety at work in the performance of these services and these activities are regulated by a special law and regulations based on that law.**

**Article 3**

Rights, obligations and responsibilities in relation to safety and health at work stipulated in this Law shall be regulated by collective agreement, general act of the employer or employment contract.

published on 5 November 2015, entered into force on 13 November 2015, with the exception of Article 37a of the Act, in force since 1 December 2017

#### Article 4

Certain terms used herein shall have the following meanings:

1) An employee is a domestic or foreign natural person who is employed by the employer, as well as a person who for any reason works or is trained to work with the employer, unless the person is employed by the employer for performing household staff tasks;

2) An employer is a domestic or foreign legal entity or natural person that employs or engages one or more persons in work:

**(1) a natural person who on any legal grounds provides employment for the employee, excluding the person who provides a job in a household and family farm holders, who work with members of the family agricultural household in accordance with the regulations on agriculture, shall also be deemed an employer under this Law,**

**(2) a natural person who carries out any economic or other activity with members of his family household is also deemed an employer;**

3) A representative of the employees is a person elected to represent employees in the field of safety and health at work for the employer;

4) Safety and health at work is the provision of such working conditions under which, to the greatest extent possible, injuries and occupational diseases and diseases related to work are reduced and which predominantly create prerequisites for full physical, mental and social well-being of employees;

5) Preventive measures are all measures which are taken or whose taking is planned at all levels of work with the employer, in order to prevent injury or damage to health of employees;

6) Workplace is a space dedicated to performing tasks at the employer (in a facility or outdoors as well as on temporary and mobile construction sites, facilities, equipment, means of transport, etc.) where the employee resides or to which he has access during work and which is under direct or indirect control of the employer;

7) Working environment is the space in which work is carried out, and which includes workplaces, working conditions, working procedures and relationships in the work process;

8) Means of work is:

(1) facility that is used as a working and auxiliary space, including facility in the open air, with all the installations (fluid installations, heating, electrical installations, etc.),

(2) work equipment (machine, apparatus, plant, installation, tools, etc.) used in the work process,

(3) construction and facility for collective safety and health at work (safety at crossings, passages and entrances, shelters from heat and other radiation, protection against electric shock, general ventilation and air conditioning, etc.),

(4) auxiliary structure and facility, as well as the construction and the facility that is temporarily used for work and movement of employees (scaffolding, working platform, tunnel support, construction to prevent landslides in the digging of deep trenches, etc.),

(5) other means used in the work process or in any way connected with the work process;

9) The means and equipment for personal protection at work is clothing, footwear, auxiliary equipment and devices that serve to prevent occupational injuries, occupational diseases, diseases related to work and other harmful effects on the health of the employee;

10) Hazardous substances are explosive, flammable, oxidizing, poisonous, repulsive, contagious, corrosive, carcinogenic and radioactive substances determined by standards and other regulations, which are produced, used or stored in the work process, as well as substances whose properties are dangerous to life and health of employees, when bonded with some substances;

11) Danger is circumstance or condition that can endanger the health or cause an injury of the employee;

12) Dangerous occurrence is an event which endangers or could endanger the lives and health of the employee or there is a danger of injury of an employee;

13) Risk is the probability of injury, illness or damage to the health of the employee due to danger;

14) The Risk Assessment Act is an act that contains description of the work process with risk assessment of injuries and/or damage to health in the workplace in the working environment and measures to eliminate or reduce risk in order to improve safety and health at work;

15) Risk assessment is the systematic recording and evaluation of all factors in the work process that can cause occupational injuries, diseases or damage to health and identifying opportunities and ways to prevent, eliminate or reduce risks;

16) Workplace with an increased risk is a workplace laid down by the Risk Assessment Act where, despite the fully applied measures in accordance with this Law, there are circumstances that may endanger the safety and health of the employee;

17) Person for safety and health at work is a person who carries out tasks of safety and health at work, who passed the professional exam on practical competence and who is ordered to perform these tasks by a written act of the employer;

18) The legal person for carrying out of examinations and **testing of work equipment** and testing of working environment, i.e. chemical, biological and physical agents (other than ionizing radiation), microclimate and lighting is the legal person to whom the Minister of Labor issued the license, in accordance with this Law;

19) The occupational medicine services are services to which the employer entrusts the performance of tasks of health care of employees;

20) Expert report is a report on the examination and **testing of the work equipment** or testing of working environment with a conclusion whether prescribed measures for safety and health at work are applied or not;

21) The person responsible for performing the examination and **testing of work equipment** and testing of working environment, as well as the signing of expert reports, is a person with a license for such tasks (hereinafter: responsible person);

22) License is the authorization that the Minister of Labor issues to a legal or natural person to perform certain tasks in the field of safety and health at work, in accordance with this Law;

**23) Prevention is the process of providing measures in the workplace and in the working environment at the employer in order to prevent or reduce risks at work;**

**24) The language that the employee understands is their mother tongue, the language that is in official use in the territory where the employer has its headquarters, i.e. where the employee performs tasks and the language that the employee speaks, reads and writes, as well as the language which is set as a requirement for carrying out workplace tasks.**

## Article 5

The following are entitled to the right to safety and health at work:

- 1) employees;
- 2) pupils and students when they are on mandatory production work, professional practice or practical training (workshops, farms, offices, laboratories, etc.);
- 3) persons undergoing vocational training, retraining or additional training;
- 4) persons in vocational rehabilitation;
- 5) persons who are serving a prison sentence while working in the economic unit of the institute for the execution of the prison sentence (workshops, construction sites, etc.) and in another place of work;
- 6) persons in voluntary and public works organized in general interest, labor camps and competitions related to work;

7) persons who find themselves in the working environment in order to perform certain tasks, if the employer is aware of their presence.

Safety and health at work of persons referred to in paragraph 1, item 1), 2), 4) and 7) of this Article shall be provided by the employer, the persons referred to in item 3) of this Article by an educational organization, the persons referred to in item 5) of this Article by institutions for serving prison sentences and persons referred to in item 6) of this Article by the organizer of works and competitions.

### **Article 6**

Special rights, obligations and measures related to safety and health at work of young people (especially in relation to their spiritual and physical development), women working at the workplace with an increased risk that could endanger their maternity, **persons with disabilities** and persons with occupational diseases - are regulated by this **and other** laws, other regulations, collective agreement, general act of the employer and employment contract.

**Preventive measures related to safety and health at work of young people, working women during pregnancy and breast feeding employees are laid down by the minister responsible for labor and minister responsible for health by mutual agreement.**

## **II. PREVENTIVE MEASURES**

### **Article 7**

Preventive measures in achieving health and safety at work are provided using modern technical, ergonomic, health, educational, social, organizational and other measures and means of eliminating the risk of injury and damage to the health of employees and/or their reduction to a minimum, in the process of:

1) design, construction, operation and maintenance of facilities intended for working and auxiliary premises and facilities intended for work in the open air in order to secure work processes;

2) design, construction, operation and maintenance of technological work processes with all the equipment for work, in order to secure the work of employees and harmonization of chemical, physical and biological harmfulness, microclimate and lighting in the workplace and in working and auxiliary premises with prescribed measures and norms for the activity carried out in these workplaces and in these work premises;

3) design, manufacture, use and maintenance of work equipment, structures and facilities for collective safety and safety at work, auxiliary structures and facilities and other means used in the process of work or which are in any way connected with the process of work, so that their use prevents injury or damage to the health of employees;

4) production, packaging, transportation, storage, use and destruction of hazardous materials, in the manner and according to the rules and regulations which eliminate the possibility of injury or damage to the health of employees;

5) design, production and use of means and equipment for personal protection at work, the use of which removes risks or dangers that could not be remedied by application of appropriate preventive measures;

6) education and training in the field of safety and health at work.

Preventive measures in the procedures referred to in paragraph 1 of this Article shall be prescribed by the Minister of Labor.

### **III. DUTIES AND RESPONSIBILITIES OF THE EMPLOYER**

#### **1. General responsibilities**

##### **Article 8**

Duties of the employer in terms of this Law and the regulations made under this Law are also the rights of the employees regarding the implementation of safety and health at work.

##### **Article 9**

The employer shall provide the employee with work at the workplace and in the working environment in which measures of safety and health at work are applied.

The employer is not relieved of the obligations and responsibilities relating to the application of safety and health at work by appointing other persons or transferring their obligations and responsibilities to another person.

In case of injury at work due to unusual and unforeseeable circumstances beyond the control of the employer or due to exceptional events, the consequences of which could not be avoided despite all efforts, the employer is not liable under this Law.

The employer shall ensure that the work process is adapted to the physical and mental capabilities of the employee and that the working environment, the work equipment and the means and equipment for personal protection at work are organized, i.e. manufactured and supplied, that they do not compromise the safety and health of the employee.

##### **Article 10**

The employer shall ensure that the implementation of measures of safety and health at work does not cause a financial liability for the employee and employee representatives and does not affect their material and social status acquired at work and in connection with work.

### Article 11

The employer shall, when organizing work and the process of work, ensure preventive measures to protect the life and health of employees as well as ensure the necessary funding for the implementation thereof.

The employer shall provide preventive measures before the employee starts work, during work, as well as for any changes to the technological procedure, choice of working and production methods which ensure the highest possible safety and protection of health at work, based on the application of regulations in the field of health and safety at work, labor law, technical regulations and standards, regulations in the field of health care, hygiene, health and pension and disability insurance, and others.

### Article 12

Preventive measures are provided by the employer on the basis of the following principles:

- 1) avoiding risks;
- 2) assessment of risks which cannot be avoided in the workplace;
- 3) elimination of risks at their source using modern technical solutions;
- 4) adjustment of work and workplace for the employee, especially in terms of choice of work equipment and methods, as well as the choice of technological procedure in order to avoid the monotony of work, in order to reduce their impact on the health of the employee;
- 5) substitution of hazardous with harmless or less hazardous;**
- 6) giving priority to collective over individual measures of safety and health at work;
- 7) proper training of employees for safe and healthy work and issuing instructions for safe operation;
- 8) adapting to technical progress;**
- 9) developing a coherent overall prevention policy.**

### Article 13

The employer shall issue a document on risk assessment in writing to all workplaces in the working environment and determine methods and measures for their elimination.

The employer shall amend the act on risk assessment in the case of every new danger and changes in the level of risk in the work process.

The Risk Assessment Act is based on the determination of the possible dangers and hazards in the workplace in the working environment, based on which the estimation of risk for injury and damage to the health of the employee is done.

The manner and procedure of the risk assessment in the workplace and in the working environment is prescribed by the minister responsible for labor.

#### **Article 14.**

The employer shall establish the rights, obligations and responsibilities in the field of safety and health at work by a general act or collective contract.

An employer with up to ten employees may determine rights, obligations and responsibilities under paragraph 1 of this Article by an employment contract.

#### **Article 15**

The employer shall:

- 1) designate a person for safety and health at work by a written act;
- 2) determine tasks for the employee to be performed **in the workplace** where safety and health at work measures have been implemented;
- 3) inform employees and their representative on the introduction of new technologies and means of work, as well as the danger of injury and damage to health arising from their introduction, i.e. issue appropriate instructions for safe operation in such case;
- 4) train employees for safe and healthy work;
- 5) provide employees with the use of means and equipment for personal protection at work;
- 6) ensure the maintenance of tools and instruments and equipment for personal protection at work in proper condition;
- 7) engage a licensed legal entity in order to implement preventive and periodic inspection and **testing of work equipment**, as well as preventive and periodic testing of working environment;
- 8) provide prescribed medical examinations of employees in accordance with this Law, on the basis of the Risk Assessment Act and evaluation by occupational health services;
- 9) provide first aid, as well as train adequate number of staff to provide first aid, rescue and evacuation in case of emergency;

10) stop any type of work that poses an immediate threat to life or health of employees;

**11) provide measures of fire protection, rescue and evacuation in accordance with a special law.**

The procedure and terms of preventive and periodic inspection and **testing of work equipment**, as well as preventive and periodic testing of working environment, and chemical, biological and physical agents (other than ionizing radiation), microclimate and illumination shall be prescribed by the Minister of Labor.

The legal entity referred to in paragraph 1, item 7) of this Article shall issue a technical report after the inspection and **testing of the work equipment** or testing of working environment **conditions**.

**The manner of providing first aid, types of devices and equipment that must be provided in the workplace, method and time of training employees in first aid are laid down by the minister responsible for labor and the minister responsible for health by mutual agreement.**

#### **Article 16**

The employer is shall determine the specific health conditions to be met by an employee **at the workplace with increased risk**, by a Risk Assessment Act, based on the estimates of occupational health services.

The employer shall provide conditions for independent performance of health care of employees for the occupational health services which he employs.

#### **Article 17**

The employer shall enable to the employee the use instruments and/or equipment for personal protection at work, in accordance with the Risk Assessment Act.

#### 2. Special responsibilities

#### **Article 18**

The employer shall, at least eight days before beginning work, inform the relevant labor inspectorate on the following:

- 1) beginning of work;
- 2) work of separate unit;
- 3) any change in the technological process, if such changes alter the working conditions.

**An employer who performs work on the construction of a facility in accordance with the regulations on safety and health at work at temporary or mobile construction sites, shall prepare a prescribed study on the construction**

**site which shall be submitted to the competent labor inspectorate along with a report on the start of work.**

The employer shall provide, maintain and implement measures for safety and health at work on-site in accordance with the study on the construction site.

The content of the study on the construction site is prescribed by the minister responsible for labor.

**The employer shall immediately, at the moment of occurrence, orally and in writing, report to the competent labor inspectorate works which are aimed at eliminating large-scale failures or breakdowns in the facility, which may jeopardize the functioning of technical and technological systems or performance of tasks.**

Compliance with the prescribed conditions in the field of safety and health at work, before the commencement of operations of the employer, in accordance with the Law, is laid down by the ministry responsible for labor, at the request of the employer.

The process of determining the fulfillment of conditions referred to in paragraph 6 of this Article shall be prescribed by the Minister of Labor.

The amount of the costs of the procedure for determining fulfillment of the conditions referred to in paragraph 6 of this Article are laid down by the minister responsible for labor and minister responsible for finance by mutual agreement.

The funds acquired from charged costs for establishing the fulfillment of conditions set out in paragraph 6 of this Article are revenues of the budget of the Republic of Serbia.

### **Article 19**

When two or more employers share a workspace, they shall cooperate in the implementation of the prescribed measures for the safety and health of employees.

Employers referred to in paragraph 1 of this Article shall, taking into account the nature of their tasks, coordinate activities related to the implementation of measures to eliminate the risk of injury or damage to the health of employees, and shall inform one another and their employees and/or representatives employees about these risks and measures for their elimination.

The way of achieving cooperation in paragraphs 1 and 2 of this Article shall be laid down by a written agreement of the employers.

The agreement referred to in paragraph 3 of this Article shall determine the person for coordinating the implementation of joint measures ensuring the safety and health of all employees.

### **Article 20**

The employer shall take measures to prevent access to the area of the facility or to the area of the site to persons and means of transport that have no basis to be present in them.

#### **Article 21**

An employer who engages employees at another employer for his work shall provide prescribed measures for safety and health at work in accordance with this Law for those employees.

#### **Article 22**

The employer shall, in case of any change in the technological process, adjust the means of work to the technological process before starting work.

#### **Article 23**

The employer shall provide the means of work for the employees, i.e. means and equipment for personal protection at work where prescribed measures for safety and health at work are applied and ensure control of their use as intended.

#### **Article 24**

**The employer can provide the employees with work equipment and means and equipment for personal protection at work, only if they comply with the prescribed technical requirements, if their compliance was assessed according to the prescribed procedure, if they are labeled in accordance with the regulations and if they follow the prescribed certificates of compliance and other prescribed documentation.**

**An employer who provided the employees with work equipment and means and equipment for personal protection at work before the entry into force of the regulation which stipulates the obligations referred to in paragraph 1 of this Article shall provide instructions for their use and maintenance.**

**The employer shall provide employees with the instructions for the safe operation of the regulations on safety and health at work for the use of work equipment and means and equipment for personal protection at work.**

**The employer shall provide translations of documents referred to in paragraph 3 of this Article into the language that the employee understands.**

**The provisions of paragraph 1 and 2 of this Article shall apply to all changes of working and technological processes.**

#### **Article 24a**

**An employer may provide the employees with the use of dangerous chemical substances and other chemical substances for which the preparation and submission of safety data sheet is required only if the safety data sheet was made available together with the chemical substance, in**

accordance with the regulations governing chemicals, and if the employer has provided all measures arising from the contents of the safety data sheet.

The employer shall keep the safety data sheet in the Serbian language.

The employer shall provide a translation of the safety data sheet into the language that the employee understands and enable employee access to data contained in the safety data sheet.

### Article 25

When, due to the introduction of new technologies, measures of safety and health at work are not prescribed, the employer shall, until the adoption of appropriate regulations, apply generally recognized measures to ensure the safety and health of employees.

Generally recognized measures within the meaning of paragraph 1 of this Article are measures that could eliminate danger during work or reduce harm to the health of the employee, in so far as is reasonably practicable.

### Article 26

If the employer, using the Risk Assessment Act, identifies deficiencies in the field of safety and health at work for whose elimination higher investments are required, and life and health of the employee are not seriously endangered, the employer shall make a special program on the gradual elimination of deficiencies and establish deadlines for the implementation of the program.

## 3. Training of employees

### Article 27

The employer shall carry out training of the employee for safe and healthy work from employment during establishing the employment relationship, reassignment to other jobs, when introducing a new technology or new means for work **or a change of work equipment**, as well as changes in work processes that can cause change of measures for safe and healthy work.

The employer shall inform the employee in the course of training for safe and healthy work on all kinds of risks in jobs for which the employee is designated and on the specific measures for safety and health at work in accordance with the Risk Assessment Act.

The training referred to in paragraph 1 of this Article is provided by the employer during working hours and training costs cannot be charged to the employee.

Training for safe and healthy work of the employee must be adapted to the specifics of his job **and is implemented under the program, the content of which the employer must renew and change, when necessary.**

If the employer designates the employee to perform tasks simultaneously on two or more jobs, the employer is required to train the employee for safe and healthy work on each of the workplaces.

#### **Article 28**

The employer realizes the training of employees for safe and healthy work theoretically and practically, **in accordance with the program of training for safe and healthy work made by the employer.**

Testing of theoretical and practical training of employees for safe and healthy work is done in the workplace.

Periodic testing for safe and healthy work of an employee who works at the workplace with increased risk shall be done **no later than one year from the date of prior inspection, and at other workplaces no later than four years from the date of prior inspection.**

**Training for safe and healthy work is done in a language that the employee understands and is adapted to the possibilities and abilities of persons with disabilities.**

#### **Article 29**

An employer who engages employees from another employer, under a contract, agreement or on any other basis, shall train employees for safe and healthy work in accordance with this Law.

#### **Article 30**

When the technological process of work requires additional training of employees for safe and healthy work, the employer shall inform the employee about the performance of the work process in a safe way, by notice, guidelines or instructions in writing.

In exceptional cases, where the employee is under immediate threat to life or health, due to urgency, notices, guidelines or instructions may be given in oral form.

The employer shall ensure that employed women during pregnancy and **employed women who are nursing a baby**, employees under 18 years of age, **persons with disabilities and persons with occupational diseases**, besides training for safe and healthy work, are informed in writing of the results of the risk assessment at the workplace and the measures to eliminate risks in order to increase safety and health at work.

#### **Article 31**

The employer shall warn any person who is for any reason in the working environment **as soon as possible**, about dangerous places or harmfulness to health that appear during technological processes, and the safety measures that must be implemented, and direct the person towards safe zones for walking.

The employer shall visibly mark and highlight safety or health signs with the aim of informing employees about the risks in the technological process, directions of movement and permitted retention areas as well as the measures to prevent or eliminate risk.

The employer shall ensure access to the workplace in the working environment, where there is a direct risk of injury or damage to health (poisoning, suffocation, etc.) only to persons who are licensed for safe and healthy work, who received **instructions to stop working and/or immediately leave the workplace and go to a safe place**, special instructions for working in such a place and are equipped with appropriate means and equipment for personal protection at work.

#### **IV. RIGHTS AND OBLIGATIONS OF EMPLOYEES**

##### **Article 32**

Employees have the right and obligation to become familiar with the measures of safety and health at work in jobs or in the workplace that for which they are designated before starting work, as well as to be trained for their implementation.

Employees have the right to:

- 1) give suggestions, comments and information to the employer on matters of safety and health at work ;
- 2) control their health according to the risks at the workplace, in accordance with the regulations on health care.

An employee working at the workplace with increased risk has the right and obligation to conduct a medical examination to which he is directed by the employer.

An employee shall work at the workplace with increased risk, based on reports of occupational health services, which stipulates that he is medically fit for working in this workplace.

##### **Article 33**

Employees have the right to refuse to work:

- 1) if there is an immediate danger to life and health because measures for the safety and health at the workplace to which they are designated are not implemented, until these measures are not provided;
- 2) if the employer has not provided the prescribed medical examination or if the medical examination finds that they do not meet the health requirements, in terms of Article 43 of this Law, to work at the workplace with increased risk;
- 3) if in the course of training for safe and healthy work, they have not become familiar with all types of risks and measures for their elimination, in terms of

Article 27, paragraph 2 of this Law, in jobs or workplaces for which they have been designated by the employer;

4) longer than full working hours or at night when, according to the assessment of occupational health services, such work could worsen his state of health;

5) on means of work to which prescribed measures for safety and health at work are not applied.

In the cases referred to in paragraph 1 of this Article, an employee may submit a written request to the employer in order to take measures that, in the opinion of the employee, have not been implemented.

If the employer fails to comply with the request in paragraph 2 of this Article within eight days from receipt of the request, the employee has the right to submit a request for the protection of rights at the labor inspectorate.

When the employee refuses to work in the cases referred to in paragraph 1 of this Article, and the employer believes that the employee's request is not justified, the employer shall inform the labor inspectorate immediately.

#### **Article 34**

When there is an immediate danger to life or health, the employee is entitled to take appropriate measures, in accordance with their knowledge and technical means available and **to stop working**, leave the workplace, the working process and the working environment.

In the case referred to in paragraph 1 of this Article, an employee **who stops working, leaves the workplace, the work process and working environment** shall not be liable for damage caused to the employer.

#### **Article 35**

The employee shall apply prescribed measures for safe and healthy work, use means earmarked for work and hazardous substances, use prescribed means and equipment for personal protection at work and handle them with care so as not to endanger his safety and health as well as the safety and health of other persons.

Employees shall, prior to starting work, examine his workplace, including means of work that he uses, as well as the means and equipment for personal protection at work, and inform the employer or other authorized person in case of identified deficiencies.

**The employee is not allowed to arbitrarily exclude, modify or remove safety devices on the means of work.**

Before leaving the workplace, the employee shall make sure that the workplace and means of work are left in a state that does not threaten other employees.

### **Article 36**

The employee shall, in accordance with his knowledge, immediately inform the employer of irregularities, harmfulness, dangers or other occurrences that the workplace could endanger his safety and health or safety and health of other employees.

If the employer does not remove irregularities, harmfulness, dangers or other occurrences within eight days after the notification referred to in paragraph 1 of this Article, or if the employee believes that adequate measures or safety and health are not implemented to eliminate the occurrence, employees can contact the competent labor inspectorate and inform the person for safety and health at work.

The employee shall cooperate with the employer and the person for safety and health at work, in order to implement the prescribed measures for the safety and health at jobs where the employee works.

## **V. ORGANISATION OF SAFETY AND HEALTH AT WORK**

### **Article 37**

The employer shall organize activities for safety and health at work.

The activities for safety and health at work may be performed by a person who has passed the examination in accordance with this Law.

**The activities for safety and health at work may be carried out by the employer himself in the activities of retail trade, accommodation and food services, information and communications, finance and insurance, real estate, professional, scientific, innovative, administrative and auxiliary service activities, mandatory social insurance, education, art, entertainment and recreation, as well as other service industries, if he has up to 20 employees and is not required to have passed a professional examination referred to in paragraph 2 of this Article.**

The employer may designate one or more of his employees or hire a legal person or entrepreneur who has a license (hereinafter referred to as the person for safety and health at work) for carrying out activities for safety and health at work.

The employer decides how to organize activities for safety and health at work, depending on:

- 1) the technological process,
- 2) the organization, the nature and extent of the work process,
- 3) the number of employees who participate in the work process,
- 4) the number of shifts,
- 5) the estimated risks,

- 6) the number of separated units in terms of location,
- 7) types of activities.

#### **Article 37a<sup>2</sup>**

**Employer in the construction industry, agriculture, forestry and fishing, mining, manufacturing, electricity, gas, steam supply and air conditioning (except electricity and gas trading through a gas network), water supply, wastewater management, control of the waste removal process and similar activities, as well as the activities of health and social care, shall appoint a person who has at least acquired higher education at the undergraduate level to the extent of at least 180 ECTS, basic vocational studies, i.e. studies lasting up to three years from the scientific, or professional field within the educational and scientific field of technical and technological sciences, natural and mathematical sciences or medical sciences for safety and health at work.**

#### **Article 38**

The employer shall allow the person for safety and health at work to perform tasks independently and autonomously in accordance with this Law and to access necessary information in the field of safety and health at work.

The person for safety and health at work is directly responsible to the employer where he performs these tasks and the person cannot suffer adverse consequences if his work is done in accordance with this Law.

The employer shall provide specialization of knowledge in the field of safety and health at work for the employee who is assigned to perform these tasks.

<sup>2</sup> Article 37a of the Law is applicable from 1 December 2017

**The knowledge development program and other issues related to the improvement of the knowledge of the employees referred to in paragraph 3 of this Article shall be prescribed by the Minister of Labor.**

#### **Article 39**

An employer who engages a legal entity or entrepreneur for carrying out safety and health at work shall inform them about technological processes, risks in the work process and measures for eliminating risks.

#### **Article 40**

The person for safety and health at work shall perform tasks in accordance with this Law, and in particular:

- 1) conduct a risk assessment process;**

2) control and provide advice to the employer in the planning, selection, use and maintenance of means of work, hazardous materials and instruments and equipment for personal protection at work;

3) participate in equipping and planning of the workplace in order to ensure safe and healthy working conditions;

4) organize preventive and periodic testing of working environment conditions;

5) organize preventive and periodic examinations and **testing of work equipment**;

6) propose measures to improve working conditions, particularly in the workplace with increased risk;

7) monitor and control the implementation of measures for safety and health **at the employer** daily;

8) monitor the situation in relation to occupational injuries and diseases, and diseases related to work, participate in determining their causes and prepare reports with suggested measures for their elimination;

9) prepare and implement training of employees for safe and healthy work;

10) prepare guidelines for safe operation and control their implementation;

11) prohibit the operation of the workplace or the use of means of work, in the case of identifying an immediate threat to life or health of the employee;

12) cooperate and coordinate work with occupational health services in all matters in the field of safety and health at work;

13) keep records in the field of safety and health at work at the employer.

The person for safety and health at work shall inform the employer and the employee representative in writing on the prohibition of work referred to in paragraph 1, item 11) of this Article.

If the employer, despite the prohibition of work in terms of paragraph 1, item 11) of this Article, orders the employee to continue working, the person for safety and health at work shall immediately inform the competent labor inspectorate.

**The person for safety and health at work shall continuously improve his knowledge in the field of safety and health at work in the sense of Article 38, paragraph 4 hereof.**

#### Article 41

The employer shall hire occupational health services for the health care of employees.

The occupational health services referred to in paragraph 1 of this Article shall perform duties in accordance with this Law, and in particular:

1) participate in the identification and assessment of risks in the workplace and the working environment when designing the Risk Assessment Act;

2) inform employees about the health risks associated with their work and provide the training of employees in first aid;

3) determine and examine causes for occupational diseases and diseases related to work;

4) evaluate and determine the specific medical fitness to be met by employees in order to perform certain tasks at the workplace with increased risk or for use, i.e. handling certain work equipment;

5) carry out preliminary and periodical medical examinations of employees at workplaces with increased risk and issue reports on medical examinations in accordance with the regulations on safety and health at work;

6) participate in organizing first aid, rescue and evacuation in case of injuries of employees or damages;

7) provide advice to the employer in the selection of another adequate job according to the medical fitness of the employee;

8) advise the employer in selecting and testing new means of work, hazardous substances and means and equipment for personal protection at work, from the health aspect;

9) participate in analysis of injuries, occupational diseases and diseases related to work;

10) directly cooperate with the person for safety and health at work.

Preliminary and periodical medical examinations of employees in terms of paragraph 2, item 5) of this Article may be conducted by occupational health services that have the required equipment, facilities and professional staff.

#### **Article 42**

Personal data collected in connection with the employee's medical examinations are confidential and under supervision of occupational health services which perform these examinations.

Data on occupational injuries, occupational diseases and diseases related to work are submitted to health and pension and disability insurance organizations in accordance with the law.

Data from paragraph 2 of this Article may be delivered to other persons only with the written consent of the employee.

The report of the medical examination of the employee shall be submitted to the employer in a way that does not violate the principle of confidentiality of personal data.

It is not allowed to use the data collected from the medical examinations of employees in order to discriminate against employees.

### **Article 43**

The employer shall provide for the employee at the workplace with increased risk preliminary medical examination before starting work and periodic medical examination during operation.

Previous and periodical medical examinations of employees at workplaces with increased risk are carried out in a manner, according to the procedure and within the time limits specified by the regulations on safety and health at work, which are set by the Minister of Labor and the Minister of Health by mutual agreement.

If, during the periodic medical examination, it is determined that the employee does not meet the specific health conditions for performing activities at the workplace with increased risk, the employer shall move him to another position suited to his health condition.

Failure to meet the specific health conditions for work at the workplace with increased risk cannot be a reason for termination of employment.

## **VI. EMPLOYEE REPRESENTATIVE FOR SAFETY AND HEALTH AT WORK**

### **Article 44**

The employees at the employer have the right to elect one or more representatives for safety and health at work (hereinafter referred to as employee representative).

At least three representatives of employees form the Committee for Safety and Health at Work (hereinafter referred to as the Committee).

The employer shall appoint at least one representative to the Committee, so that the number of representatives of employees is higher by at least one in relation to the number of representatives of the employer.

The election procedure and method of work of the Committee and representatives of employees, the number of representatives of the employees at the

employer, as well as their relationship with the trade union is governed by collective agreement **or agreement concluded between the employer and employee representative.**

**The employer shall permit absence from work to at least one employee representative for safety and health at work in the performance of the job to which he is assigned for a minimum of five hours of work per month with the right to remuneration which is calculated and paid in the same amount as if he worked in the workplace, and provide technical and spatial conditions in line with the spatial and financial capacities, in order to perform the activities of employee representative.**

#### **Article 45**

The employer shall allow the following for the employee, or the Committee:

- 1) access to all documents relating to safety and health at work;
- 2) participation in the consideration of all matters relating to **safety and health at work, making proposals and participating in consultations.**

The employer shall inform the employee representative or the Committee of all data related to safety and health at work.

#### **Article 46**

The employee, i.e. the Committee has the right to:

- 1) make proposals to the employer on all matters relating to safety and health at work;
- 2) require the employer to take appropriate measures to eliminate or reduce the risks that jeopardize the safety and health of employees;
- 3) require supervision by the labor inspectorate, if they consider that the employer did not implement adequate measures for safety and health at work.

Employee representative, or member of the Committee shall be entitled to attend the inspection.

#### **Article 47**

The employer shall present to the employee representative or the Committee:

- 1) findings and proposals of **measures for protection and preventive actions** or measures undertaken by the labor inspectorate;

- 2) reports on injuries, occupational diseases and diseases related to work and on the measures taken for safety and health at work;
- 3) measures taken to prevent imminent danger to life and health.

#### **Article 48**

The employer and the employees representative, namely the Committee and the trade union shall cooperate on issues of safety and health at work, in accordance with this Law and other regulations.

### **VII. RECORDS, COOPERATION AND REPORTING**

#### **Article 49**

The employer shall keep and maintain records of:

- 1) workplaces with increased risk;
- 2) employees assigned to workplaces with increased risk and medical examinations of employees assigned to these positions;
- 3) injuries, occupational diseases and diseases related to work;
- 4) employees trained for safe and healthy work;
- 5) hazardous substances used during work;
- 6) effectuated examinations of working environment **conditions**;
- 7) effectuated inspections and **testing of work equipment**;
- 8) reports referred to in Article 50 of this Law;
- 9) issued means and equipment for personal protection at work;**
- 10) effectuated medical examinations of employees in accordance with the regulations on safety and health at work.**

The method of keeping records referred to in paragraph 1 of this Article shall be prescribed by the minister responsible for labor.

#### **Article 49a**

**The employer shall enter first and last name of the employee and job title in the records referred to in Article 49, paragraph 1, items 2) 3) 4) 9) and 10) of this Law.**

**Acts in the process of providing preliminary and periodic medical examination of the employee at the workplace with increased risk referred to in Article 43 of this Law shall contain personal data: name and surname, personal**

identification number, i.e. date of birth, place of birth and municipality, occupation, level of education, job title, and health information.

**Report of injury at work and occupational diseases under Article 51 of this Law shall contain personal data: name and surname, sex, personal identification number, i.e. date of birth, place of residence or temporary residence, degree of education, information about the workplace and injury at work, i.e. type of occupational disease and health condition.**

**Personal data referred to in paragraph 3 of this Article shall be submitted to the use of organizations responsible for health, pension and disability insurance and the Administration for Safety and Health at Work.**

**Act that are established by bylaws governing the preventive measures referred to in Article 7 of this Law may not contain more personal data than the following: name and surname, personal identification number, date of birth, place of birth and municipality, occupation, degree of education, job title, and health information.**

#### **Article 50**

The employer shall immediately, and no later than within 24 hours of the occurrence, report both orally and in writing to the competent labor inspectorate and to the competent authority for internal affairs every fatal, collective or severe injury at work, injury at work due to which the employee is not capable of the work for more than three consecutive working days, as well as dangerous occurrence that could endanger the safety and health of employees.

The employer shall report to the competent labor inspectorate occupational disease, or illness in connection with the employee's work not later than three consecutive days of the day of learning about them.

#### **Article 51**

**The employer shall submit the report on injury at work and occupational diseases that occur in the workplace to the employee who has suffered an injury, or to the employee with an occupational disease and to established organizations responsible for health and pension and disability insurance.**

The content and manner of issuance of the report form referred to in paragraph 1 of this Article shall be prescribed by the Minister of Labor.

The employer shall, at the request of a labor inspector or the employee representative, submit a report on the state of safety and health at work of employees, and the measures taken.

#### **Article 52**

Employers, trade unions, insurance companies, organizations responsible for health and pension and disability insurance shall cooperate and participate in adopting common positions on issues of improving safety and health at

work and care for the development and improvement of the general culture of health and safety at work in accordance with this Law.

Organisations responsible for health and pension and disability insurance shall submit data about injuries, occupational diseases and disabled workers to the ministry responsible for labor at least once a year and by 31 January of the following year for the previous year at the latest and at the request of the ministry responsible for labor in a shorter period of time.

### **Article 53**

The employer shall insure the employees of injuries, occupational diseases and diseases related to work, in order to provide compensation for damage.

Funds for insurance referred to in paragraph 1 of this Article shall be borne by the employer, and they are determined depending on the level of risk of injury, occupational disease or disease related to work in the workplace and the working environment.

The conditions and procedures for insurance against injury at work, occupational diseases and diseases related to work of employees shall be regulated by law.

## **VIII. PROFESSIONAL EXAMINATION AND LICENSING**

### **Article 54**

An appropriate professional examination is taken to perform the activities for safety and health at work and tasks of the person responsible.

Professional examination from paragraph 1 of this Article shall be taken before the appropriate commission formed by the Minister of Labor.

Program, method and the cost of the examination under paragraph 1 of this Article shall be prescribed by the minister responsible for labor.

The funds acquired from charged costs for the professional examination referred to in paragraph 1 of this Article are revenues of the budget of the Republic of Serbia.

### **Article 55**

The Minister of Labor shall issue a license by a decision to:

1) a legal person or entrepreneur to perform the activities for safety and health at work under Article 40 of this Law;

- 2) legal entity for performing inspection and **testing of work equipment** and testing of working environment conditions;
- 3) the person responsible in the legal entity referred to in item 2) of this Article.

### Article 56

License to perform tasks in the field of safety and health at work, under Article 40 of this Law may be obtained by a legal entity or entrepreneur who has **at least two employees who have acquired higher education at the undergraduate level to the extent of at least 240 ECTS points, master academic studies, specialist academic studies, specialist professional studies or undergraduate studies lasting at least four years or specialist studies at the faculty of scientific, or professional field within the educational and scientific fields of technical sciences, natural and mathematical sciences or medical sciences**, who have passed the professional exam referred to in Article 54 of this Law and with at least three years working experience in such activities **and if license issued in accordance with this Law has not been revoked in the previous three years to the founder or a related person or entrepreneur or a person related to the entrepreneur in terms of regulations on companies.**

The license for carrying out examinations and **testing of work equipment** and testing of working environment conditions can be obtained by a legal entity that meets the prescribed requirements in terms of providing adequate professional staff, technical equipment and methodology to perform certain examinations and tests and that **employs** the responsible person and **if license issued in accordance with this Law has not been revoked in the previous three years to the founder or a related person in terms of regulations on companies.**

License for the responsible person may be obtained by a person **with acquired higher education at the undergraduate level to the extent of at least 240 ECTS, master academic studies, specialist academic studies, specialist professional studies or undergraduate studies lasting at least four years or specialist studies at the faculty of science, and professional field within the educational and scientific field of technical and technological sciences, natural and mathematical sciences or medical sciences**, who passed the professional exam referred to in Article 54 of this Law and with at least three years of experience in these matters, **or at least five years professional experience, and if the license issued to that person in accordance with this Law has not been revoked in the previous three years.**

Conditions and the amount of costs for issuing licenses from paragraph 1 to 3 of this Article shall be prescribed by the Minister of Labor.

**If a legal person or entrepreneur no longer meets the requirements from paragraphs 1 and 2 of this Article, the official responsible for supervising the work of legal entities and entrepreneurs with licenses shall require them to ensure compliance with the conditions for obtaining the license and set a deadline, which cannot be longer than 90 days from the date of notification of the measure and temporarily bar the legal person or entrepreneur from carrying out**

activities for which license is a requirement, no later than the deadline established by this paragraph.

If a legal entity or entrepreneur with the license notifies the authority responsible for the supervision of his work that he has ceased to fulfill the conditions from paragraphs 1 and 2 of this Article, that notification is compared to the order, i.e. decision from paragraph 5 of this Article.

The Minister of Labor issues licences from paragraph 1 and 2 of this Article with a validity of five years. The license may be renewed on such terms and conditions under which it is issued, provided that the requirements for license renewal must be submitted no later than 30 days before the expiry of the license.

The funds acquired from charged costs for license from paragraph 1 to 3 of this Article are revenue of the budget of the Republic of Serbia.

#### **Article 57**

The Minister of Labor may revoke the license by a decision to:

1) a legal person or entrepreneur for performing activities for safety and health at work, according to Article 55, item 1) of this Law, if he determines that tasks are carried out contrary to the law;

2) legal entity for performing inspection and **testing of work equipment** and testing of working environment conditions, according to Article 55, item 2) of this Law, if he determines that tasks are carried out contrary to the law;

3) responsible person referred to in Article 55, item 3) of this Law if he determines that operations for which the license was issued are done with negligence and unprofessional conduct;

**4) holder of the license, if the period of validity of the license no longer meets the requirements of Article 56 of this Law.**

#### **Article 58**

The decision referred to in Art. 55 and 57 of this Law cannot be appealed, but an administrative dispute may be initiated.

### **IX. ADMINISTRATION FOR SAFETY AND HEALTH AT WORK**

#### **Article 59**

In the ministry responsible for labor, an Administration for Safety and Health at Work shall be established, which shall perform state administration with the aim of improving and developing health and safety at work or reduction of injuries, occupational diseases and diseases related to work (hereinafter Administration).

## Article 60

The Administration shall perform the following tasks:

- 1) preparation of regulations in the field of safety and health at work, as well as opinions on their implementation;
- 2) preparation of expert basis for drafting a national program of development of health and safety at work and monitoring its implementation;
- 3) monitoring and assessing the state of health and safety at work and preparing positions for the single regulation of measures for safety and health at work that are subject to this Law and other regulations;
- 4) exploring and promoting development in the field of humanization of work;
- 5) providing technical assistance in the field of safety and health of employees;
- 6) preparing the methodology for performing inspections and tests in the field of safety and health at work;
- 7) studying the causes and occurrences that result in injuries, occupational diseases and diseases related to work;
- 8) organizing professional exams from Article 54 of this Law, of which it shall keep records;
- 9) supervising the **work** of legal entities and entrepreneurs as well as the responsible persons with a license and preparing decision proposals for the issuance and revocation of licenses under Art. 55 and 57 of this Law, of which it shall keep records;
- 10) collecting and analyzing data on occupational injuries, occupational diseases, diseases related to work and occurrences that affect the health of employees;
- 11) carrying out activities related to information and documentation in the field of safety and health of employees;
- 12) organizing conferences, educating employees, employers, persons for safety and health at work, inspectors, etc, publishing a variety of materials and informing the public about the situation in the field of safety and health at work;
- 13) ensuring that international instruments in the field of safety and health at work are applied;
- 14) encouraging the development of education and labor culture in the field of safety and health at work, **taking care of giving national awards in the field of safety and health at work, of which it shall keep record, entering the name and surname of the natural person;**

15) perform other tasks specified by the law.

**In the process of organizing professional examinations referred to in Article 54 of this Law and decision proposal preparation for issuing and revoking licenses of Art. 55 and 57 of this Law, the processing of personal data is performed: name, name of one parent and surname of the person, date and place of birth, personal identification number, place and address of residence or temporary residence, type and degree of education, workplace - work that the person does, telephone, fax and e-mail.**

## **IXa NATIONAL AWARDS**

### **Article 60a**

**In order to improve health and safety at work in the Republic of Serbia, national awards in the field of occupational safety and health at work (hereinafter: awards) may be given to legal and natural persons, to the Committee for safety and health at work, to organizations and associations, for outstanding achievements in the field of safety and health at work.**

**The types of awards are the following:**

- 1) Charter “28 April”;**
- 2) Plaque “28 April”;**
- 3) Commendation “28 April”.**

**Charter “28 April” is awarded to the legal person or entrepreneur in two categories (up to 250 employees and over 250 employees) - for special contribution and promotion of safety and health at work through their legal, timely and preventive treatment in the application of established measures.**

**Plaque “28 April” is awarded to individuals, organizations and associations for their achievements and merits in the promotion of safety and health at work.**

**Commendation “28 April” is awarded to the person concerned for the safety and health at work, employee representative, the Committee for Safety and Health at Work, organizations and associations that through their work contribute to raising awareness among employees about the importance of safety and health at work.**

**The awards are given on 28 April, which is the Day of health and safety at work in the Republic of Serbia.**

**The initiative for awarding the Administration for Safety and Health at Work can be submitted by legal and natural persons, entrepreneurs, employees and employer’s organizations and other associations.**

**Compliance with the terms of the award is examined by the Administration for Safety and Health at Work with the participation of representatives of social partners and representative organizations of employers and employees, labor inspectors and other experts in the field of safety and health at work.**

**The proposal for giving the award for safety and health at work is submitted to the minister responsible for labor.**

**The content and appearance of national awards is laid down by the minister responsible for labor.**

## **X. SUPERVISION**

### **Article 61**

Inspection supervision over the implementation of this Law, regulations under this Law, technical and other measures relating to safety and health at work, as well as over the implementation of measures on safety and health at work **laid down in the Risk Assessment Act**, the general act of the employer, collective agreement or contract, is done by the ministry responsible for labor through labor inspectors.

### **Article 62**

Inspection in the field of safety and health at work may be performed by labor inspectors **who have acquired higher education at the undergraduate level to the extent of at least 240 ECTS, master academic studies, specialist academic studies, specialist professional studies or undergraduate studies lasting of at least four years or specialist studies at the faculty of scientific, or professional field within the educational and scientific fields of humanities, technical and technological sciences, natural and mathematical sciences or medical sciences**, with at least three years of work experience in the profession and with a passed professional exam for working in the state administration.

*The previous paragraph 2 has been deleted (see Article 33 of the Law - 91/15-6)*

### **Article 63**

During the inspection supervision, a labor inspector has the right and duty to take actions that control the safety and health at work, especially hygiene and working conditions, production, distribution, use and maintenance of means of work, means and equipment for personal protection at work, hazardous substances, etc, and to:

- 1) review general and individual acts, records and other documentation;
- 2) hear and take statements from responsible and interested persons;
- 3) examine business premises, facilities, plants, equipment, tools and equipment for personal protection, objects and goods, etc;
- 4) take samples for analysis, expertise, etc;
- 5) orders measurements performed by another professional organization when the employer performs measurements in relevant areas independently or through a certain professional organization, and the results of the performed measurement provide a basis for this;
- 6) give information and advice in the field of safety and health at work and on the measures which ensure the implementation of this Law in the most efficient manner to employers, employees, their representatives and to the union;
- 7) according to the submitted request, notify the employer and the employee or employee representative of the inspection and the established state;
- 8) carry out other actions for which he is authorized by other regulations.

#### **Article 64**

The employer shall, with a view to allowing supervision, enable the labor inspector to:

- 1) enter the facilities and premises, at any time when there are employees at work;
- 2) determine at least one employee who will provide the inspector with the necessary information and notifications, data, documents and records;
- 3) access the evidence of the stability of the facility;
- 4) access the applicable safety and health at work measures on the means of work and in the working environment;
- 5) access the means and equipment for personal protection at work;
- 6) access information and records on the manufacture, use and storage of hazardous substances.

#### **Article 65**

The labor inspector shall carry out supervision immediately after the report of the employer of any death, serious or collective injury at work, as well as

dangerous occurrence that could endanger the safety and health at work, or immediately upon receipt of the request or notification referred to in Article 33, paragraph 3 and 4 of this Law.

### **Article 66**

The labor inspector shall order the employer or employee to take measures and actions to eliminate the causes of the injury, leading to hazards to health and safety at work or those that can prevent the occurrence of injuries and reduce or eliminate the danger to the safety or health at work.

The labor inspector shall, for the duration of the circumstances that lead to compromising the safety and health of the employee, prohibit work at the workplace with the employer, especially when he determines:

- 1) that the safety and health of the employee are directly threatened;
- 2) that means of work to which measures for safety and health at work have not been applied are used;
- 3) that prescribed instruments and equipment for personal protection at work are not used;
- 4) that the employee works at a workplace with increased risk, but he does not meet the prescribed requirements for working in this workplace, as well as if he did not undergo a medical examination within the prescribed period;
- 5) that the employee is not trained for safe work in the workplace where he works;
- 6) that the employer has failed to implement measures or actions ordered by the labor inspector, in order to eliminate the causes that lead to compromising the safety and health of the employee.

If the application of measures, i.e. the need for harmonization with the prescribed measures to protect the safety and health at work is a deficiency whose elimination requires higher investments, and the life and health of employees are not seriously threatened, the labor inspector may order the employer to set up a special program on the gradual elimination of deficiencies with set deadlines for their elimination.

The labor inspector may also order the implementation of generally recognized measure that could eliminate danger at work or reduce risk to the health of the employee, to the extent possible.

### **Article 67**

Taking measures and actions whose implementation and enforcement, in accordance with the provisions of this Law, provides the protection of health and safety at work of employees – are ordered by a labor inspector by a decision.

An appeal may be lodged against the decision of the labor inspector with the minister responsible for labor, within eight days of receipt of the decision.

The appeal does not stay the execution of the decision ordering the prohibition of work.

The decision of the minister in charge of labor, issued on the appeal, is final in the administrative procedure and an administrative dispute may be initiated against it.

### **Article 68**

The employer shall, within a period determined by the labor inspector, undertake ordered measures and remedy the identified deficiencies or irregularities.

The employer shall, within eight days after the deadline for the elimination of the established deficiency or irregularity, notify in writing the competent inspectorate of the execution of the obligations imposed.

## **XI. PENALTY PROVISIONS**

### **Article 69**

A fine of 800,000 to 1,000,000 dinars shall be imposed on the employer as a legal entity for the following offences:

1) if the employer fails to provide work for the employee at a workplace and in a working environment where measures of health and safety at work (Article 9, paragraph 1) are applied;

2) if the employer, when organizing work and working process, fails to provide preventive measures to protect the life and health of employees, and if he does not provide the necessary funding for implementation thereof (Article 11, paragraph 1);

3) if the employer fails to issue a written act on the risk assessment for all workplaces in the working environment and determines the manner and measures to eliminate risks, and does not amend the Risk Assessment Act in the case of every new danger and changes in the level of risk in the working process (Article 13, paragraph 1 and 2);

4) if the employer fails to determine the rights, obligations and responsibilities in the field of safety and health at work (Article 14) with a general act or a collective agreement or employment contract;

5) if the employer fails to designate a person for safety and health at work (Article 15, paragraph 1, item 1) with a written act;

6) if the employer appoints an employee to perform tasks **in the workplace** where measures of safety and health at work (Article 15, paragraph 1, item 2) have not been implemented;

7) if the employer fails not notify the employees and their representative of the introduction of new technologies and means of work, as well as the risks of injury and damage to health arising from their introduction, or if he fails to issue appropriate instructions for safe work in such cases (Article 15, paragraph 1, item 3);

8) if the employer fails to carry out the training of the employee for safe and healthy work (Article 15, paragraph 1, item 4, Art. 27, 28 and 29);

9) if the employer fails to provide the employee with the use of instruments and equipment for personal protection at work (Article 15, paragraph 1, item 5);

10) if the employer fails to provide maintenance of tools and instruments and equipment for personal protection at work in proper condition (Article 15, paragraph 1, item 6);

11) if the employer fails to hire a legal person with a license in order to implement preventive and periodic inspection and **testing of work equipment**, as well as preventive and periodic testing of working environment conditions (Article 15, paragraph 1, item 7);

12) if the employer fails to provide the prescribed medical examinations of employees in accordance with this Law on the basis of the Risk Assessment Act and evaluation of occupational health services (Article 15, paragraph 1, item 8);

13) if the employer fails to provide first aid, and if he does not train an adequate number of employees to provide first aid, rescue and evacuation in case of emergency (Article 15, paragraph 1, item 9);

14) if the employer fails to stop any type of work that poses an immediate threat to the life or health of employees (Article 15, paragraph 1, item 10);

15) if the employer fails to determine special health conditions to be met by the employees **at the workplace with increased risk** on the basis of the evaluation of the occupational health services with the Risk Assessment Act (Article 16, paragraph 1);

16) if the employer fails to provide conditions for independent performance of health care of the employees for the occupational health services which he engages (Article 16, paragraph 2);

17) if the employer fails to give out instruments and/or equipment for personal protection at work to the employee in accordance with the Risk Assessment Act (Article 17);

18) if the employer, at least eight days before starting work, fails to notify the competent labor inspectorate of the beginning of his work, the work of a separate unit or any change in the technological process, if such changes alter the conditions of work (Article 18, paragraph 1);

19) if the employer fails to make a prescribed study on the construction site and if he fails to submit it to the competent labor inspectorate with a report on the beginning of work, **in case of work related to the construction of a facility in accordance with the regulations on safety and health at work at temporary or mobile construction sites** (Article 18, paragraph 2);

**19a) if the employer, immediately, at the moment of occurrence, orally and in writing, fails to report to the competent labor inspectorate works which are aimed at eliminating large-scale failures or breakdowns in the facility, which may jeopardize the functioning of technical and technological systems or performance of tasks** (Article 18, paragraph 5);

20) if the employer fails to conclude an agreement on the implementation of the prescribed measures for safety and health at work of employees with another employer, with whom he shares the workspace in performing tasks, and fails to appoint a person for coordinating the implementation of joint measures that ensure the safety and health of all employees (Article 19);

21) if the employer fails to provide the prescribed measures for safety and health at work, in accordance with this Law, for employees hired from another employer (Article 21);

22) if the employer, during the changes in the technological work process, fails to adapt means of work to the new technological process before starting work (Article 22);

23) if the employer provides the employee with means of work, i.e. means and equipment for personal protection at work, to which prescribed measures for safety and health at work are not applied or if he does not ensure control of their proper use (Article 23);

**24) if the employer provides the employee with work equipment and means and equipment for personal protection at work that do not comply with the prescribed technical requirements or fails to provide instructions for their use and maintenance, and if he fails to provide instructions for the safe operation of the regulations on safety and health at work for the use of work equipment and means and equipment for personal protection at work** (Article 24);

**24a) if the employer provides the employees with the use of hazardous chemical substances and other chemical substances for which the design and submission of the safety data sheet is required, and he has not made the safety data sheet available, or if all measures arising from the contents of the safety data sheet have not been provided** (Article 24a);

25) if the employer fails to make a special program on the gradual elimination of deficiencies that have been identified by Risk Assessment Act, or if he does not set deadlines for the implementation of the program (Article 26);

26) if the employer fails to organize activities for safety and health at work, or if he designates a person for the performance of these activities who has not passed the professional exam, in accordance with this Law (Article 37, para. 1 and 2);

27) if the employer engages a legal entity or entrepreneur who does not have the appropriate license for performing activities for safety and health at work (Article 37, paragraph 4);

**27a) if the employer fails to designate a person for safety and health at work that meets the requirements prescribed by this Law, in the construction industry, agriculture, forestry and fishing, mining, manufacturing, electricity, gas, steam supply and air conditioning (except electricity and gas trading through a gas network), water supply, wastewater management, control of the waste removal process and similar activities, as well as the activities of health and social care (Article 47a);**

28) if the employer does not provide the employee who works at a workplace with increased risk with previous or periodic medical examination (Article 43, paragraph 1);

29) if the employer does not transfer the employee who works at the workplace with increased risk, for whom it is determined in the process of the periodic medical examination that he does not meet the health requirements to perform tasks at the workplace with increased risk, to another job that suits his health condition (Article 43, paragraph 3);

30) if the employer fails to report every fatal, collective or severe injury at work, injury at work due to which the employee is not capable of work for more than three consecutive working days, as well as dangerous occurrence that could endanger the safety and health of employees, immediately, no later than within 24 hours of the occurrence, both orally and in writing, to the competent labor inspectorate and to the competent authority for internal affairs (Article 50, paragraph 1);

31) if the employer fails to report an occupational disease to the competent labor inspectorate within three consecutive working days from the date of learning about the disease at the latest (Article 50, paragraph 2);

**31a) if the employer fails to submit a report on injury at work and occupational diseases that occur in the workplace to the employee who suffered the injury, or who was diagnosed with an occupational disease and to organizations responsible for health and pension and disability insurance (Article 51, paragraph 1);**

32) if the employer fails to enable supervision for the labor inspector, or entering facilities and premises at all times when employees are at work, or if he fails to determine at least one employee to provide the necessary information and

notification to the labor inspector, or if he does not enable the labor inspector access to the evidence of the stability of the facility, acts and documentation, applied measures of safety and health at work on means of work, equipment for personal protection at work or access to information and records on the use and storage of hazardous substances (Article 64);

33) if the employer fails to remedy the identified deficiencies and irregularities whose removal was ordered by the labor inspector (Article 68, paragraph 1).

A fine of 400,000 to 500,000 dinars will be imposed on an employer who is a private entrepreneur for an offence referred to in paragraph 1 of this Article.

A fine of 40,000 to 50,000 dinars shall be imposed on the manager, or other responsible person of the employer for an offence referred to in paragraph 1 of this Article.

### **Article 70**

A fine of 600,000 to 800,000 dinars shall be imposed on an employer as a legal entity:

1) if the employer fails take measures to prevent access to the area or building construction site by unauthorized persons and means of transport (Article 20);

2) if the employer, according to this Law, fails to inform the employee about the performance of the work process in a safe way, when the technological work process requires additional training for safe and healthy work (Article 30, para. 1 and 2);

3) if the employer fails to provide for working women during pregnancy, an employee under 18 years of age, **people with disabilities and employees with occupational disease** a written notice of the results of the risk assessment in the workplace to which they have been designated, as well as measures to eliminate risks (Article 30, paragraph 3);

4) if the employer fails to warn any person who is for any reason in the work environment of dangerous places and damage to health which occur in the technological process as soon as possible, i.e. the safety measures that the person must implement, and if the employer fails to direct the person to the safe movement zone (Article 31, paragraph 1);

5) if the employer fails to visibly mark and sign for safety and/or health of employees (Article 31, paragraph 2);

6) if the employer allows access to the workplace in a working environment where there is a direct risk of injury or damage to health, to persons who are not trained for safe and healthy work, who have not received instructions to stop work and/or immediately leave the workplace and go to a safe place, special instructions for working in such places or who have not been provided with

appropriate means and equipment for personal protection at work (Article 31, paragraph 3);

7) if the employer fails to inform the competent labor inspectorate when the employee refuses to work in the cases provided for in Article 33, paragraph 1 of this Law (Article 33, paragraph 4);

8) if the employer fails to provide the person who performs tasks related to health and safety at work with independent and autonomous performance of tasks in accordance with this Law and access to all the necessary information in the field of safety and health at work (Article 38, paragraph 1);

9) if the employer fails to previously make the legal entity or entrepreneur whom he engages for performing activities for safety and health at work familiar with the technological process, the risks in the work process and measures for the elimination of risk (Article 39);

10) if the employer fails to allow the employees to elect their representatives for safety and health at work, or fails to appoint his representative (Article 44);

11) if the employer fails to allow the employees representative, or to the Committee insight into all acts related to the safety and health of employees and participation in the consideration of all matters relating to safety and health at work, **proposal and consultations** (Article 45, paragraph 1);

12) if the employer fails to make the employees representative or the Committee familiar with the findings and proposals of **measures for protection and preventive measures** or measures undertaken by the labor inspectorate, or with reports of injuries at work, occupational diseases and diseases related to work and with the measures taken for the safety and health at work, or measures taken to prevent imminent danger to life and health (Article 47);

13) if the employer fails to keep and maintain prescribed records (Article 49);

14) if the employer, at the request of the labor inspector or employees representative, fails to submit a report on the state of safety and health at work of employees, as well as on measures taken in this field (Article 51, paragraph 3).

A fine of 200,000 to 300,000 dinars shall be imposed on an employer who is a private entrepreneur for an offence referred to in paragraph 1 of this Article.

A fine of 30,000 to 40,000 shall be imposed on the manager, or other person authorized by the employer under paragraph 1 of this Article.

## Article 71

A fine of 100,000 to 150,000 dinars shall be imposed on the employer as a legal entity if he fails to inform the competent labor inspectorate in writing on the

execution of duties within eight days after the expiry of the set deadline for the elimination of deficiencies or irregularities (Article 68, paragraph 2).

A fine of 50,000 to 100,000 dinars shall be imposed on an employer who is a private entrepreneur for an offence referred to in paragraph 1 of this Article.

A fine of 30,000 to 50,000 dinars shall be imposed on the manager, or other person authorized by the employer for an offence referred to in paragraph 1 of this Article.

#### **Article 72**

A fine of 400,000 to 600,000 dinars shall be imposed on a health institution that has organized occupational health services if it fails to deliver the prescribed report on the medical examination of the employee (Article 41, paragraph 2, item 5).

A fine of 20,000 to 30,000 dinars shall be imposed on the responsible person in a medical institution for an offence referred to in paragraph 1 of this Article.

#### **Article 73**

A fine of 400,000 to 600,000 dinars shall be imposed on a legal entity:

1) if it fails to issue a technical report on the survey and **testing the work equipment** or testing of working environment conditions (Article 15, paragraph 3);

2) if it performs health and safety at work under Article 40 of this Law without an appropriate license (Article 55, item 1);

3) if it performs inspection and **testing of work equipment** and testing of working environment conditions, without an appropriate license (Article 55, item 2).

A fine of 200,000 to 300,000 dinars shall be imposed on a private entrepreneur for an offence referred to in paragraphs 1, item 2 of this Article.

A fine of 20,000 to 30,000 dinars shall be imposed on the responsible person in the legal entity, as well as the person in the legal entity that performs tasks of responsible person for which license is prescribed, for an offence referred to in paragraph 1 of this Article (Article 55, item 3).

#### **Article 74**

A fine of 20,000 to 50,000 dinars shall be imposed on the person for safety and health at work if he does not perform tasks stipulated by this Law (Article 40).

#### **Article 75**

A fine of 10,000 to 20,000 dinars shall be imposed on employees:

1) if the employee does not apply the prescribed measures for safe and healthy work, if he uses means of work and hazardous substances inappropriately or if he does not use instruments and equipment for personal protection at work with them or does not handle them carefully, **if he arbitrarily turns off, changes, or removes security devices on means of work** (Article 35);

2) if the employee, in accordance with his knowledge, fails to immediately inform the employer about irregularities, deficiencies, harmfulness, dangers or other occurrences that could endanger his safety and health or the safety and health of other employees in the workplace (Article 36, paragraph 1).

## **XII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 76**

Legal persons authorized under regulations that were in force until the entry into force of this Law to carry out preliminary and periodical medical examinations, periodic inspections and testing of work equipment and working environment, as well as training of employees in occupational safety, shall harmonize their operations with the provisions of this Law within one year from the date of entry into force of this Law.

### **Article 77**

Until the passing of regulations referred to in Art. 15, paragraph 2, Art. 18. paragraph 4, 6 and 7, Article 43, paragraph 2, Article 49, paragraph 2 and Article 51, paragraph 2 of this Law, the following shall apply:

1) Regulations on the conditions for carrying out the review of technical documentation, inspections and testing of work equipment, hazardous substances, installations and working environment, means and equipment for personal protection and training of workers for safe work ("Official Gazette of RS", no. 13/00);

2) Regulations on the procedure of inspection and testing of work environment, hazardous substances, work equipment, installations and means and equipment for personal protection ("Official Gazette of RS", no. 7/99);

3) Regulations on contents of the construction site study ("Official Gazette of RS", no. 31/92);

4) Regulation on keeping records of health and safety ("Official Gazette of RS", no. 2/92);

5) Regulations on the procedure and conditions for carrying out previous and periodical medical examinations of employees ("Official Gazette of RS", no. 23/92);

6) Regulations on the content and manner of issuing the list about injuries at work ("Official Gazette of RS", No. 2/92);

7) Regulations on the procedure for determining fulfillment of conditions of health and safety ("Official Gazette of RS", no. 7/99);

8) Regulations on costs of the procedure for determining fulfillment of conditions of health and safety ("Official Gazette of RS", no. 40/01 and 53/01).

### **Article 78**

Until the adoption of regulations on preventive measures for safety and health at work, measures of safety at work (rules) contained in the following regulations shall apply, if they are not inconsistent with this Law:

1) Regulations on special measures for protection at work during processing of non-metallic minerals ("Official Gazette of FRS", no. 2/83);

2) Regulations on special measures for protection and safety in railway transport ("Official Gazette of FRS", no. 19/85);

**3) Deleted (see Article 37 of the Law - 91/15-6)**

4) Regulations on special measures for protection at work in the steel industry ("Official Gazette of FRS", no. 25/87);

5) Regulations on general measures of safety at work for buildings intended for working and auxiliary premises ("Official Gazette of FRS", no. 29/87);

6) Regulations on special measures for protection at work in forestry ("Official Gazette of FRS", no. 33/88);

7) Regulations on special measures for protection at work in mechanical processing and processing of wood and similar materials ("Official Gazette of FRS", no. 51/88);

8) Regulations on general safety at work measures against dangerous effects of electrical power in facilities intended for work, work premises and construction sites ("Official Gazette of FRS", no. 21/89);

9) Regulations on occupational safety in construction works ("Official Gazette of FRS", no. 53/97).

### **Article 79**

Until the passing of regulations on general and specific measures of health and safety at work, measures of safety at work (rules) contained in the following regulations shall apply if they are not inconsistent with this Law:

**1) Deleted (see Article 38 of the Law - 91/15-6)**

2) Rules on hygienic and technical safety measures at work in hemp processing plants ("Official Gazette of the FRY" no. 56/47);

**3) Deleted (see Article 38 of the Law - 91/15-6)**

4) Rules on hygienic and technical safety measures during work in quarries and brick kilns, as well as during extraction of clay, sand and gravel ("Official Gazette of the FRY" no. 69/48), except for Articles 58 – 61;

5) Rules on technical and medical and technical protective measures for operating chemical and technological processes ("Official Gazette of the FRY" no. 55/50) – Annex 9;

6) Regulations on hygienic and technical safety measures for diving works ("Official Gazette of the FRY", no. 36/58);

7) Regulations on hygienic and technical safety measures in port transport ("Official Gazette of the FRY", no. 14/64);

8) Regulations on occupational safety during thermal treatment of light metal alloys in nitrate salt bathrooms ("Official Gazette of the SFRY", no. 48/65);

9) Regulations on occupational safety in the maintenance of motor vehicles and motor vehicle transport ("Official Gazette of the SFRY", no. 55/65);

**10) Deleted (see Article 38 of the Law - 91/15-6)**

11) Regulations on occupational safety when loading cargo on lorries and unloading cargo from such vehicles ("Official Gazette of the SFRY", no. 17/66);

12) Guidelines on the method of supervision of compliance with regulations on safety at work in companies which produce for specific military purposes ("Official Gazette of the SFRY", no. 23/66);

13) Regulations on safety at work and on technical measures for developers of acetylene and acetylene station ("Official Gazette of SFRY", no. 6/67, 29/67, 27/69, 52/90 and 6/92);

**14) Deleted (see Article 38 of the Law - 91/15-6)**

15) Order on prohibiting the use of motor gasoline for degreasing, washing or cleaning metal parts of other material items ("Official Gazette of the SFRY", no. 23/67);

16) Regulations on occupational safety and health in agriculture ("Official Gazette of the SFRY", no. 34/68);

17) Regulations on the provision of accommodation and food for employees, i.e. their transport from place of residence to place of work and back ("Official Gazette of the SFRY", no. 41/68);

18) Regulations on means of personal protection at work and personal protective equipment ("Official Gazette of the SFRY", no. 35/69);

19) Regulations on occupational safety in the preparation of explosives and gunpowder and handling explosives and gun propellants ("Official Gazette of the SFRY", no. 55/69);

20) Regulations on special measures and norms of protection at work during processing leather, fur and leather waste ("Official Gazette of the SFRY", no. 47/70);

21) Regulations on equipment and procedures for the provision of first aid and rescue service organization in the event of an accident at work ("Official Gazette of the SFRY", no. 21/71);

22) Regulations on the measures and norms of protection at work for work tools ("Official Gazette of the SFRY", no. 18/91);

23) Regulations on the measures and norms of protection at work against noise in work premises ("Official Gazette of SFRY", no. 21/92).

#### **Article 80**

Employers are required to pass the Risk Assessment Act referred to in Article 13 st. 1 and 2 of this Law within one year from the date of entry into force of the act referred to in Article 13, paragraph 4 hereof.

#### **Article 81**

Upon the entry into force of this law, the Law on Protection at Work ("Official Gazette of RS", no. 42/91, 53/93, 67/93, 48/94 and 42/98) ceases to be valid.

#### **Article 82**

This Law comes into force eight days after its publication in the "Official Gazette of the Republic of Serbia".

### **PROVISIONS THAT HAVE NOT BEEN ENTERED INTO THE "CONSOLIDATED TEXT" OF THE LAW**

*Law on Amendments to the Law on Safety and Health at Work: "Official Gazette of RS", no. 91/15-6*

#### **Article 40**

**Bylaws under Art. 3, 5 and 31 (new Article 60a) of this Law shall be passed within one year from the date of entry into force of this Law, and the bylaws under Article 18 of this Law shall be passed within two years from the date of entry into force hereof.**

**Professional examination, passed before the entry into force of this Law, shall remain valid.**

**A person who is on 1 December 2017 found performing tasks for safety and health at work, without fulfilling the conditions laid down in Article 17 of this Law may continue to perform these tasks until the fulfillment of the conditions stipulated by this Law for a maximum of five years, other than the person who performed them to the beginning of application of Article 17 and who has a maximum of five years to fulfill the conditions for termination of the right to a retirement pension.**

**Legal entities and entrepreneurs who were issued a license from Article 55 items. 1) and 2) of the Law on Safety and Health at Work, shall harmonize their operations with the provisions of this Law within one year from the date of entry into force of this Law.**

**Legal entities and entrepreneurs to whom the license was issued five years ago or more are required to submit a request for the renewal of the license in accordance with this Law, not later than 30 days from the date of entry into force of this Law, and legal entities and entrepreneurs who were issued the license less than five years ago are required to submit the request for the renewal of the license in accordance with this Law no later than 30 days before it is full five years from the date of issue of the license.**

#### **Article 41**

**This Law comes into force eight days after its publication in the "Official Gazette of the Republic of Serbia", with the exception of Article 17, which shall apply from 1 December 2017.**