

L A W

ON WORKPLACE SAFETY AND HEALTH

I. BASIC PROVISIONS

Article 1

This Law shall lay down implementation and promotion of workplace safety and health for the persons involved in work processes, as well as for persons currently in the working environment, in order to prevent injuries at work, occupational disease and work-related disease.

This Law shall establish Management for Workplace Safety and Health as an administrative body within the Ministry of Labor, for the purpose of carrying out specific state administration operations in the field of workplace safety and health, employment and social policy, and lay down its jurisdiction.

Article 2

Employer's and Employee's rights, liabilities and responsibilities, competence and measures, application, i.e. implementation of which ensures safety and health at work, shall be exercised in accordance with this Law and regulations adopted based on the Law, unless otherwise determined by special law.

Article 3

The rights, liabilities and responsibilities related to workplace safety and health, as laid down by this Law, shall be closely governed by the Collective Contract, General Employer's Act or Labor Contract.

Article 4

Particular terms used in this Law shall have the following meaning:

1) Employee is a domestic or foreign natural person, employed by Employer, as well as the person who carries out work on any grounds or is trained by Employer, except for the person employed by Employer in order to carry out domestic assistance;

2) Employer is a domestic or foreign legal person, i.e. natural person who employs or hires one or more persons;

3) Employees' representative is a person appointed to represent Employees in the field of workplace safety and health before Employer;

4) Workplace safety and health provides for such conditions at work, which, as far as possible, reduce injuries at work, occupational diseases and work-related diseases, and predominantly create prerequisites for full physical, mental and social wellbeing of Employees;

5) Preventive measures are all measures undertaken or planned to be undertaken at all work levels by Employer, in order to prevent injury or damage of Employees' health;

6) Workplace is a space intended for carrying out operations at Employer's (within facility or in open, as well as in temporary and mobile construction sites, in buildings, machinery, means of transportation, etc.) where Employee resides, or has access to during the work, and which is directly or indirectly supervised by Employer;

7) Working environment is a space where the work is carried out, and it includes workplaces, working conditions, work procedures and labor relations;

8) Means of production is:

(1) facility used as work or auxiliary premises, including open facility with all its belonging installations (flow installations, heating, electrical installations and other),

(2) work equipment (machine, device, facility, installation, tools etc.) used in the work process,

(3) construction and facility for collective workplace safety and health (protection at crossings, entries, in corridors and shelters from heat or other radiation, protection from electric shocks, general ventilation system and air condition and others),

(4) auxiliary structure and facility, as well as the structure and facility temporarily used for work and movement of Employees (scaffold, work platform, tunnel timbering, construction for the prevention of landslides in the course of digging deep trenches and others),

(5) other means used in the work process or in any way related to the work process;

9) Means and equipment of personal protection at works stand for clothes, footwear, auxiliary devices for prevention of injuries at work, occupational diseases, work-related diseases and other harmful consequences to Employee's health;

10) Hazardous substances are explosive, flammable, oxidizing, poisonous, repulsive, contagious, corrosive, cancerogenous and radioactive substances laid down in standards and other regulations, produced, used or stored in the work process, as well as substances whose characteristics, when interacting with certain substances, pose a life and health threat to Employees;

11) Danger is a circumstance or condition which may jeopardize health of, or cause injury to Employee;

12) Dangerous occurrence is an event that jeopardizes or may jeopardize the life and health of Employee, or pose a threat of injuring Employee;

13) Risk is a probability of injury, disease or health damage which may occur to Employee due to hazard;

14) Risk Assessment Act is an act containing description of the work process in addition to risk assessment, with regard to injuries and/or health damage at the workplace in the working environment, and measures for eliminating or reducing the risk in order to improve safety and health at work;

15) Risk assessment is a systematic registration and assessment of all factors in the work process that may cause occurrence of injuries at work, diseases

or health damage and determine options, i.e. method of prevention, elimination or reduction of the risks;

16) Workplace with increased risk is a workplace determined by Risk Assessment Act where, in addition to fully or partially applied measures in accordance with this Law, there are circumstances that may jeopardize Employee's safety and health;

17) Person responsible for workplace safety and health is a person that carries out duties related to workplace safety and health, has passed professional examination on practical qualifications and who was appointed by Employer, by virtue of written act, to perform these duties;

18) Legal person for carrying out of examinations and testing of work equipment and testing of working environment, i.e. chemical, biological and physical harmfulness (except for ionizing radiation), microclimate and lighting, is a legal person who was issued a certificate by the Minister of Labor, in accordance with this Law;

19) Occupational Health Service is a service that was entrusted by Employer to carry out health care of Employees;

20) Expert finding is a report on performed examination and testing of work equipment or testing of working environment conditions, with the conclusion stating if the prescribed safework and occupational health measures were applied or not;

21) Person-in-charge of carrying out examinations and testing of work equipment or testing of working environment conditions, as well as for signing of expert findings, is a certified person for carrying out these operations (hereinafter: Person-in-charge);

22) Certificate is an authorization provided by the Minister of Labor to a legal or physical person, in order to carry out specific operations in the field of safety and health at work, in accordance with this Law.

Article 5

Right to workplace safety and health shall be borne by:

- 1) Employees;
- 2) pupils and students engaged in mandatory manufacturing work, occupational practice or practical studies (workshops, economies, cabinets, laboratories and other);
- 3) persons engaged in occupational trainings, retraining or additional training;
- 4) persons engaged in occupational rehabilitation;
- 5) persons serving prison sentence while working in commercial unit of the institution for serving of the prison sentence (workshops, construction sites etc.) and other workplaces;
- 6) persons engaged in voluntary and public works organized in public interest, voluntary work events and work-related competitions;
- 7) persons currently in the working environment in order to carry out particular operations, if Employer is informed about their presence.

Workplace safety and health for persons from paragraph 1 subparagraphs 1), 2) , 4) and 7) of this Article shall be ensured by Employer, for persons from subparagraph 3) of this Article by educational organization, for persons from subparagraph 5) of this Article by institutions for serving prison sentence, and for persons from subparagraph 6) of this Article - by the organizer of works and competitions.

Article 6

Special rights, liabilities and measures related to workplace safety and health of youth (particularly in connection with their mental and physical development), women employed at the workplaces with increased risk of jeopardizing maternity, disabled and professionally ill persons - shall be governed by this Law, other regulations, Collective Contract, General Employer's Act and Labor Contract.

II. PREVENTIVE MEASURES

Article 7

Preventive measures in achieving workplace safety and health shall be provided by applying up-to-date technical, ergonomic, health, educational, social, organizational and other measures and means to eliminate risks of injuring or damaging health of Employees, and / or their bringing to a least possible extent, during the process of:

1) designing, constructing, using and maintaining facilities intended for work and auxiliary premises, as well as facilities intended for work in open areas, in order to provide safe development of work process;

2) designing, establishing, using and maintaining technological work processes with all its belonging work equipment, in order to provide safe work of Employees and harmonize chemical, physical and biological harmfulness, microclimate and lighting in workplaces and in work and auxiliary premises, with prescribed measures and norms with regard to work carried out at these workplaces and in these work premises;

3) designing, constructing, using and maintaining of the work equipment, structures and facilities for collective workplace safety and health, auxiliary structures and facilities and other means used in the work process or in any other way related to the work process, in order to prevent injury or damage of Employees' health;

4) production, packaging, transport, storage, using and destroying hazardous substances, in the manner and in accordance with the regulations and rules eliminating possibilities to injure or damage Employees' health;

5) designing, producing and using means and equipment for personal protection at work, the application of which eliminate risks or hazards that could not have been eliminated by applying adequate preventive measures;

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

Preventive measures in the processes from paragraph 1 of this Article shall be prescribed by the Minister of Labor.

III. EMPLOYER'S LIABILITIES AND RESPONSIBILITIES

1. General liabilities

Article 8

Employer's liabilities, in the sense of this Law and regulations adopted based on this Law, simultaneously represent Employees' rights in connection with implementation of safework and occupational health measures.

Article 9

Employer shall be liable to provide work to Employee at the workplace and in the working environment, with applied safework and occupational health measures.

Employer shall not be exempted from liabilities and responsibilities related to safework and occupational health measures by appointing other person or conferring its liabilities and responsibilities to other person.

Employer shall not be liable in the sense of this Law, in case of injury at work due to unusual and unpredictable circumstances, beyond Employer's control or due to extraordinary events with consequences which are impossible to avoid in spite of all efforts.

Employer shall be liable to ensure that the work process is adjusted to Employee's physical and mental capacity and working environment, instruments of labor and means and equipment for personal protection at work to be organized, manufactured and supplied so as not to jeopardize Employee's safety and health.

Article 10

Employer shall be liable to provide that the implementation of safework and occupational health measures does not give rise to financial liabilities to Employee and Employees' representative, and that it does not affect their material and social status earned at work and in connection with the work.

Article 11

Employer shall be liable to, during the organization of the work and work process, ensure preventive measures in order to protect life and health of Employees, as well as to provide necessary financial means for implementation thereof.

Employer shall be liable to ensure preventive measures before Employee starts to work, during the work, as well as after any alteration of technological procedure, by selecting labor 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 safety and health at work, Labor Law, technical regulations and standards, regulations in the field of health care, work hygiene, health and pension and disability insurance, and others.

Article 12

The preventive measures shall be provided by Employer starting from the following principles:

- 1) avoiding of risk;
- 2) assessment of the risk that cannot be avoided at the workplace;
- 3) elimination of risks at their source by applying up-to-date technical solutions;
- 4) adjustment of work and workplace to Employee, in particular with a view to selecting work equipment and method of work, as well as to selecting technological procedure, in order to avoid monotony of work, and to reduce its impact on Employee's health;
- 5) substitution of dangerous technological processes or work methods with harmless or less hazardous technological processes or work methods;
- 6) giving priority to collective over individual safework and occupational health measures;
- 7) adequate training of Employees for safe and healthy work and issuing safework instructions.

Article 13

Employer shall be liable to adopt Risk Assessment Act in written form for all workplaces in the working environment, and lay down the method and measures for risk elimination.

Employer shall be liable to amend Risk Assessment Act in case of emergence of any new hazard and change of the risk level in the work process.

The Risk Assessment Act shall be established by determining possible types of hazards and harmfulness at the workplace in the working environment, based on which risk assessment of occurrence of the injury and health damage of Employee shall be carried out.

The method and procedure of the risk assessment at the workplace and in the working environment shall be prescribed by the Minister of Labor.

Article 14

Employer shall be liable to, by virtue of General Act, i.e. Collective Contract, lay down rights, liabilities and responsibilities in the field of safety and health at work.

Employer who employs up to ten Employees may lay down rights, liabilities and responsibilities from paragraph 1 of this Article by virtue of Employment Contract.

Article 15

Employer shall be liable to:

- 1) appoint the person responsible for workplace safety and health by virtue of written act;
- 2) assign Employee to carry out tasks with already implemented safework and occupational health measures;
- 3) inform Employees and their representative on introduction of new technologies and instruments of labor, as well as on hazards from injuries and health damage, which appear due to their introduction, and to adopt in such cases adequate instructions for the safework;
- 4) train Employees for safe and healthy work;
- 5) ensure that Employees use means and equipment for personal protection at work;
- 6) ensure maintenance of instruments of labor and means and equipment for personal protection at work in regular condition;
- 7) hire a certified legal person in order to implement preventive and periodic examinations and testing of work equipment, as well as the preventive and periodic testing of working environment conditions;
- 8) provide, based on Risk Assessment Act and evaluation from Occupational Health Service, prescribed medical examinations of Employees, in accordance with this Law;
- 9) provide first aid, as well as to train adequate number of Employees to provide first aid, rescue and evacuation in case of emergency;
- 10) stop any type of work that presents an immediate life or health threat to Employees.

Procedure and periods of preventive and periodic examinations and testing of work equipment, as well as preventive and periodic testing of working environment conditions, i.e. chemical, biological and physical harmfulness (except for ionizing radiation), microclimate and illumination shall be prescribed by the Minister of Labor.

Legal person from paragraph 1 subparagraph 7) of this Article shall be liable to issue expert finding upon completed examination and testing of work equipment or working environment.

Article 16

Employer shall be liable to, on the basis of Risk Assessment Act and evaluation from Occupational Health Service, determine special health conditions to be met by Employees concerning performance of particular operations at the workplace in the working environment, or concerning utilization of particular work equipment.

Employer shall be liable to allow conditions for independent carrying out of operations concerning health care of Employees, to the hired Occupational Health Service.

Article 17

Employer shall be liable to provide means and/or equipment for personal protection at work, in accordance with Risk Assessment Act.

2. Special liabilities

Article 18

Employer shall be liable to, at least eight days before work commencement, inform the competent Labor Inspection on:

- 1) commencement of his work;
- 2) work of the separate department;
- 3) any change of technological procedure, if such changes alter the working conditions.

Employer that carries out construction or reconstruction of the building or alters technological process for longer than seven days, shall be liable to prepare a prescribed/stipulated study on planning of the construction site, which shall be submitted in addition to the Report on the commencement of works, to a competent Labor Inspection.

Employer shall be liable to provide, maintain and implement safework and occupational health measures at the construction site, in accordance with the study on planning of the construction site.

The content of the study on planning of the construction yard shall be prescribed by the Minister of Labor.

The fulfillment of prescribed requirements in the field of safety and health at work, before the commencement of Employer's operations, in accordance with the Law, shall be determined by the Ministry of Labor, at Employer's request.

The procedure for determination of the fulfillment concerning prescribed requirements from paragraph 5 of this Article shall be prescribed by the Minister of Labor.

The cost of the procedure for determination of the fulfillment concerning prescribed requirements from paragraph 5 of this Article, shall be prescribed by the Minister of Labor and the Minister of Finance by mutual agreement.

The funds realized from charged costs pertaining to the procedure for determination of the fulfillment concerning prescribed requirements from paragraph 5 of this Article, shall represent income to the Republic of Serbia's budget.

Article 19

When two or more Employers share the work space during operations, they shall be liable to cooperate concerning the application of prescribed safework and occupational health measures for Employees.

Employers from paragraph 1 of this Article shall be liable to, taking into account the nature of operations performed by them, coordinate activities related to implementation of measures for the detection of the risk from injury, i.e. health damage to Employees, as well as to mutually inform themselves and their Employees and/or Employees' representatives on these risks and measures concerning elimination thereof.

The method of achieving cooperation from the par. 1 and 2 of this Article shall be determined by Employers by virtue of written agreement.

The person for coordination of joint measures for ensuring safety and health of all Employees shall be appointed by virtue of agreement from paragraph 3 of this Article.

Article 20

Employer shall be liable to undertake measures to prevent access into territory of the building or in the construction site area, to persons and means of transportation that do not have reason to be present there.

Article 21

Employer who contracts, for carrying out his operations, other Employer's Employees, shall be liable to provide for these Employees prescribed safework and occupational health measures in accordance with this Law.

Article 22

Employer shall be liable to, during any change of technological process, adjust instruments of labor to this technological process, before he starts working.

Article 23

Employer shall be liable to allow Employees to use instruments of labor, i.e. means and equipment for personal protection at work, with applied prescribed safework and occupational health measures and to provide the control over its utilization, in accordance with the purpose.

Article 24

Employer may Employees allow to use work equipment, means and equipment for personal protection at work or hazardous substances, only:

1) if he has prescribed documentation in Serbian Language, concerning its utilization and maintenance, i.e. packaging, transport, utilization and storage, where the manufacturer, i.e. supplier stated all safework and technical data, relevant for assessment and elimination of risk at work;

2) if he ensured all safework and occupational health measures stated in this documentation, in accordance with the regulations concerning safety and health at work, technical regulations and standards.

When Employer is exceptionally unable to provide documentation from paragraph 1 subparagraph 1) of this Article, he shall be liable to supply this documentation from the legal person registered for product quality control operations.

Employer shall be liable to, if necessary, to provide translation of documentation from par. 1 and 2 of this Article on the language comprehensible to Employee.

Article 25

When due to introduction of new technology, there are no prescribed safework and occupational health measures, Employer, until adoption of respective regulations, shall apply generally accepted measures that assure safety and health of Employees.

Generally accepted measure, in the sense of paragraph 1 of this Article shall deem to be measure, which can eliminate work hazard, or reduce harmfulness to Employee's health to a reasonable extent.

Article 26

If Employer detects deficiencies in the field of safety and health at work, by virtue of Risk Assessment Act, and their elimination requires higher investments, hence Employee's life and health are not in a serious danger, Employer shall be liable to set up a special program concerning gradual elimination of deficiencies and set deadlines for the realization of program.

3. Training of Employees

Article 27

Employer shall be liable to carry out training of Employee for a safe and healthy work, at the beginning of his employment, i.e. reassignment to other jobs, when introducing a new technology or new instruments of labor, as well as in case of alteration of the work process that may cause change of safework and occupational health measures.

Employer shall be liable to introduce Employee, during the training on safe and healthy work, with all types of risks at jobs of his/hers appointment, and with concrete safework and occupational health measures in accordance with Risk Assessment Act.

Training from paragraph 1 of this Article shall be provided by Employer during working hours, and training costs may not be charged to Employee.

Training for safe and healthy work of the Employee has to be adjusted to particularities of his/hers workplace.

If Employer appoints Employee to perform simultaneously jobs at two or more workplaces, he shall be liable to train Employee for safe and healthy work at each of these workplaces.

Article 28

Employer shall carry out theoretical and practical training of Employees for safe and healthy work.

Testing of theoretical and practical training of Employee for safe and healthy work shall be carried out at the workplace.

Periodic testing of fitness for safe and healthy work of the Employee who works at the workplace with increased risk, shall be carried out in the manner and under the procedure laid down by Risk Assessment Act.

Article 29

When the work is carried out by other Employer's Employees, on the basis of a contract, agreement or on any other grounds, Employer shall be liable to train these Employees for safe and healthy work, in accordance with this Law.

Article 30

When technological work process requires additional training of Employee for safe and healthy work, Employer shall be liable to introduce him/her with safe performance of work, by virtue of information, instructions or written instructions.

In exceptional cases, when there is an immediate threat to Employee's life or health due to emergency, information or instructions may be given in the verbal form.

Employer shall be liable to ensure that, women employed during pregnancy, Employees younger than 18 years and Employees with reduced work abilities, in addition to training for safe and healthy work, are informed in written form about results of the risk assessment of the workplace, and about measures to eliminate the risks in order to increase safety and health at work.

Article 31

Employer shall be liable to warn any person, which is for any kind of reason located in the working environment, about dangerous locations or health hazards appearing in technological process, i.e. safework measures he/she has to apply, and to instruct him/her to free movement zones.

Employer shall be liable to noticeably mark and post safety and/or health signs in order to inform Employees on risks of technological process, directions of movement and unrestricted area as well as on measures for the prevention or elimination of risks.

Employer shall be liable to ensure that the access to a workplace in the working environment, in case of immediate threat from injury or health damage at such workplace (poisoning, suffocation, and other), is allowed only to persons capable for safe and healthy work, who received special work instructions for such place and who are furnished with adequate means and equipment for personal protection at work.

IV. RIGHTS AND LIABILITIES OF EMPLOYEES

Article 32

Employee shall have the right and liability to introduce himself/herself with safework and occupational health measures on jobs or at workplace of his/her appointment, as well as to train for implementation.

Employee shall have the right:

- 1) to give suggestions and observations and to provide information to Employer on issues concerning safety and health at work;
- 2) to control his/her health with regard to workplace risks, in accordance with health care regulations.

Employee that works at the workplace with increased risk, shall have the right and liability to take medical examination, and shall be instructed to the latter by Employer.

Employee shall be liable to work at the workplace with increased risk, based on the report from Occupational Health Service, which will determine whether he/she is fit to work at such workplace.

Article 33

Employee shall have the right to refuse working:

- 1) if there is an immediate life or health threat, due to non-implementation of prescribed measures for safety and health at the workplace of his/her appointment, until such measures are provided;
- 2) if Employer did not provide prescribed medical examination for Employee or if the medical examination determines that prescribed medical conditions have not been met, as per Article 43 of this Law, concerning work at the workplace with increased risk;
- 3) if during the training for safe and healthy work he/she was not introduced with all types of risks and measures for its elimination, as per Article 27 paragraph 2 of this Law, at jobs or workplace where he/she was assigned by Employer;
- 4) longer than full working hours, i.e. during night-time if, according to evaluation from Occupational Health Service, such work may worsen his/her health condition;
- 5) at instruments of labor where prescribed safework and occupational health measures are not applied.

In the cases from paragraph 1 of this Article, Employee may address Employer with written request to undertake measures that, from Employee's point of view, have not been implemented.

If Employer does not act upon request from paragraph 2 of this Article within eight days from receiving the request, Employee shall have the right to submit the request for protection of rights to the Labor Inspection.

When Employee refuses to work in the cases from paragraph 1 of this Article, and Employer believes that Employee's request was not justified, Employer shall be liable to inform the Labor inspection immediately.

Article 34

When there is an immediate life or health threat to Employee, he/she shall have the right to undertake adequate measures, in accordance with his/her knowledge and available technical means and to leave the workplace, work process, i.e. work environment.

In the case from paragraph 1 of this Article, Employee shall not be responsible for damage caused to Employer.

Article 35

Employee shall be liable to apply prescribed safework and occupational health measures, to specifically use instruments of labor and hazardous substances, to use prescribed means and equipment for personal protection at work and to handle them with care, so as not to jeopardize his/her safety and health as well as the safety and health of other persons.

Employee shall be liable to examine his/her workplace before he/she starts working, including instruments of labor used, as well as means and equipment for personal protection at work, and in the case of detected deficiencies, to report to Employer or other authorized person.

Before leaving the workplace, Employee shall be liable to leave the workplace and instruments of labor in condition that will not jeopardize other Employees.

Article 36

Employee shall be liable to, in accordance with his/her knowledge, immediately inform Employer on irregularities, harmfulness, hazards or other occurrence, which could jeopardize his/her safety and health as well as the safety and health of other Employees at the workplace.

If Employer, after he obtained information from paragraph 1 of this Article, does not remove irregularities, harmfulness, hazard or other occurrence within eight days, or if Employee considers that adequate safework and occupational health measures have not been implemented with regard to detected occurrence, Employee may address the competent Labor Inspection, and shall inform the person for safety and health at work thereof.

Employee shall be liable to cooperate with Employer and person for safety and health at work, in order to implement prescribed safework and occupational health measures in his line of duty.

V. ORGANIZATION OF SAFETY AND HEALTH AT WORK OPERATIONS

Article 37

Employer shall be liable to organize workplace safety and health operations.

The workplace safety and health operations may be carried out by a person who has passed professional exam in accordance with this Law.

The workplace safety and health operations may be carried out by Employer himself in trade, catering and tourism, trades/crafts and personal services, financial and technical and business services, education, science and information, health and social care, and in housing and communal activities, if there is up to ten Employees and he shall not be liable to pass professional exam from paragraph 2 of this Article.

For the implementation of workplace safety and health operations, Employer may appoint one or more of its Employees, or to hire a legal person, i.e. entrepreneur with the certificate (hereinafter: a person for safety and health at work).

Employer shall decide on the method for organization of safety and health at work operations subject to:

- 1) technological process,
- 2) organizations, nature and scope of the work process,
- 3) number of Employees who participate in the work process,
- 4) number of work shifts,
- 5) estimated risks,
- 6) number of units separated by locations,
- 7) type of activity.

Article 38

Employer shall be liable to ensure that person for safety and health at work may independently and individually carry out activities in accordance with this Law, and to have access to all necessary data in the field of safety and health at work.

Person for workplace safety and health shall be directly responsible to Employer for whom he/she performs such activities, and may not suffer any detrimental effect if he/she carries out his/hers work in accordance with this Law.

Employer shall be liable to provide promotion of Employee's knowledge in the field of safety and health at work, appointed for carrying out of these activities.

Article 39

Employer who hires a legal person or entrepreneur for safety and occupational health activities, shall be liable to previously introduce them with the technological process, risks in the work process and measures for eliminating risk.

Article 40

Person for safety and health at work shall carry out activities in accordance with this Law, and in particular he/she shall:

- 1) participate in the preparation of Risk Assessment Act;
- 2) carry out control and give advices to Employer in planning, selection, utilization and maintenance of instruments of labor, hazardous substances and means and equipment for personal protection at work;
- 3) participate in equipping and planning of the workplace in order to provide safe and healthy work conditions;
- 4) organize preventive and periodic testing of work environment conditions;
- 5) organize preventive and periodic examinations and testing of work equipment;
- 6) recommend measures to improve work conditions, in particular, at the workplace with increased risk;
- 7) follow up and monitor implementation of safework and occupational health measures for Employees on daily basis;
- 8) follow up condition of injuries at work and occupational diseases, as well as work-related diseases, participate in determination of its causes and prepare the reports with recommendations of measures for its elimination;
- 9) prepare and implement training of Employees for safe and healthy work;
- 10) prepare instructions for safe work and control its application;
- 11) prohibit work at the workplace or using instruments of labor, in case of determining immediate life or health threat to Employee;
- 12) cooperate and coordinate work with Occupational Health Service on all issues in the field of safety and health at work;
- 13) maintain registers in the field of safety and health at work with Employer.

Person for safety and health at work shall be liable to report to Employer and Employees' representative in written form on prohibition of work from paragraph 1 subparagraph 11) of this Article.

If Employer, in spite of work prohibition in the sense of paragraph 1 subparagraph 11) of this Article, orders Employee to continue working, person for safety and health at work shall be liable to immediately inform the competent Labor Inspection thereof.

Article 41

Employer shall hire Occupational Health Service for carrying out of Employees' health care at work.

The Occupational Health Service from paragraph 1 of this Article shall be liable to carry out activities in accordance with this Law, and in particular it shall:

1) participate in identification of risk and risk assessment at the workplace and in the working environment in course of preparation of the Risk Assessment Act;

2) introduce Employees with health risks related to their work and carry out training of Employees for providing first aid;

3) determine and test reasons for emerging occupational diseases and work-related diseases;

4) evaluate and establish special health abilities to be met by Employees during certain activities at the workplace with increased risk or for utilization, namely manipulation of particular work equipment;

5) carry out pre-employment and periodic medical examinations of Employees at workplaces with increased risk and issue reports on medical examinations in accordance with safework and health regulations;

6) participate in organization of first aid, rescue and evacuation in case of injury of Employees or disasters;

7) give advice to Employer during the selection of other adequate activity with regard to health ability of Employee;

8) consult Employer concerning the selection and testing of new instruments of labor, hazardous substances and means and equipment for personal protection at work, from the medical point of view;

9) participate in the analysis of injuries at work, occupational diseases and work-related diseases;

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

Pre-employment and periodic medical examinations of Employees in the sense of paragraph 2 subparagraph 5) of this Article may be carried out by Occupational Health Service that has prescribed equipment, premises and professional staff.

Article 42

Personal data collected in connection with medical examinations of Employee are confidential and shall be under the supervision of Occupational Health Service, which is carrying out these examinations.

The data on injuries at work, occupational diseases and work-related diseases shall be submitted to health and pension and disability insurance organizations in accordance with the Law.

The data from paragraph 2 of this Article may be submitted to other persons only with Employee's written consent.

The report on medical examination of Employee shall be submitted to Employer in the manner which does not disturb the principle of confidentiality concerning personal data.

Use of data collected based on the medical examination of Employees for the purpose of discrimination of Employees shall not be allowed.

Article 43

Employer shall be liable to provide pre-employment medical examination to Employee, before he/she starts working, as well as periodic medical examination during the work.

Pre-employment and periodic medical examinations of Employees at the workplaces with increased risk shall be carried out in the manner, under the procedure and by deadlines laid down in safework and health regulations, prescribed by the Minister of Labor and Minister of Health by mutual agreement.

If during the periodic medical examination procedure, Employer was determined to be not fulfilling special health requirements for carrying out of activities at the workplace with increased risk, Employer shall be liable to reassign him/her to other workplace suitable to his/hers health abilities.

Non-fulfillment of special health requirements to work at the workplace with increased risk may not be the reason to cancel Employment Contract.

VI. EMPLOYEES' REPRESENTATIVE FOR SAFETY AND HEALTH AT WORK

Article 44

Employees under Employer shall have right to select one or more representatives for safety and health at work (hereinafter: Employees' representative).

At least three Employees' representative shall form Board for safety and health at work (hereinafter: Board).

Employer who has 50 or more Employees shall be liable to appoint in the Board at least one representative, therefore the number of Employees' representatives shall be at least by one bigger than the number of Employer's representatives.

The selection procedure and method of work of Employees' representatives and Board, number of Employees' representatives under Employer, as well as its relation with the syndicate shall be governed by the Collective Contract.

Article 45

Employer shall be liable to provide to Employees' representative, namely Board, the following:

- 1) insight into all acts related to safety and health at work;
- 2) participate in review of all issues related to implementation of safety and health at work.

Employer shall be liable to inform Employees' representative, namely Board, on all data related to safety and health at work.

Article 46

Employees' representative, i.e. Board shall have the right to:

- 1) give suggestions to Employer on all issues related to safety and health at work;
- 2) request from Employer to undertake adequate measures for eliminating or reducing risks that jeopardize safety and health of Employees;
- 3) request supervision by the Labor Inspection, if they consider that Employer did not implement adequate safework and occupational health measures.

Employees' representative, namely Board Member, shall have the right to participate during the inspection supervision.

Article 47

Employer shall be liable to inform Employees' representative, namely Board:

- 1) on findings and recommendations or undertaken measures by the Labor Inspection;
- 2) about the reports on injuries at work, occupational diseases and work-related diseases, and on undertaken safework and occupational health measures;
- 3) on measures undertaken for the prevention of immediate life and health threat.

Article 48

Employer and Employees' representative, namely Board and syndicate, shall be liable to cooperate mutually on issues related to safety and health at work, in accordance with this Law and other regulations.

VII. RECORDS, COOPERATION AND REPORTING

Article 49

Employer shall be liable to maintain and keep records of:

- 1) workplaces with increased risk;
- 2) Employees assigned to workplaces with increased risk and medical examinations of Employees assigned to these workplaces;

- 3) injuries at work, occupational diseases and work-related diseases;
- 4) trained Employees for safe and healthy work;
- 5) hazardous substances used in the work process;
- 6) performed tests of the working environment;
- 7) performed examinations and testing of work equipment and means and equipment for personal protection at work;
- 8) reports from Article 50 of this Law.

The method of maintaining registers from paragraph 1 of this Article shall be prescribed by the Minister of Labor.

Article 50

Employer shall be liable to, immediately and not later than 24 hours from occurrence, report verbally and in written form to the competent Labor Inspection and competent body of internal affairs every fatal, collective or serious injury at work, injury at work which rendered Employee to be unable to continue working for at least three consequent working days, as well as hazardous occurrence, which could jeopardize safety and health of Employees.

Employer shall be liable to, not later than three consecutive days from the day of awareness, to report the occupational disease to the competent Labor Inspection, i.e. work-related disease of an Employee.

Article 51

Employer shall submit the report on injury at work, occupational disease and work-related disease which occurred at the workplace, to Employee that suffered injury, i.e. disease and to organizations authorized for health and pension and disability insurance.

The content and method of issuing the report form from paragraph 1 of this Article shall be prescribed by the Minister of Labor.

Employer shall be liable to, at the request of Labor Inspector or Employees' representative, submit the report on the conditions of Employees' safety and health at work, as well as on implemented measures.

Article 52

Employers, syndicates, insurance companies, organizations authorized for health and pension and disability insurance shall be liable to cooperate in adopting common views on issues concerning promotion of safety and health at work, as well as to take care about development and promotion of the general culture regarding safety and health at work, in accordance with this Law.

Organizations authorized for health and pension and disability insurance shall be liable to submit to the Ministry of Labor data on injuries at work, occupational diseases, work-related diseases and work-related disabled persons at least once a year, and not later than 31st January of the following year for the previous year, and even before at the request of the Ministry of Labor.

Article 53

Employer shall be liable to insure Employees for injuries at work, occupational diseases and work-related diseases, in order to ensure compensations.

The financial means for insurance from paragraph 1 of this Article shall be borne by Employer, and they shall be determined subject to the level of risk from injury, professional disease or work-related disease with regard to the workplace and working environment.

The requirements and procedures concerning insurance from injuries at work, occupational diseases and work-related diseases of Employees shall be governed by the Law.

VIII. PROFESSIONAL EXAM AND ISSUING OF CERTIFICATES

Article 54

In order to perform safety and health at work activities and duties of the Person-in-charge, an adequate professional exam shall be taken.

Professional exam from paragraph 1 of this Article shall be taken before respective Commission formed by the Minister of Labor.

The program, method and amount of costs for undergoing exam from paragraph 1 of this Article shall be prescribed by the Minister of Labor.

The funds acquired from charged costs for undergoing professional exam from paragraph 1 of this Article, shall represent income to the Republic of Serbia's budget.

Article 55

The Minister of Labor shall issue a certificate by virtue of Decision to:

- 1) a legal person or entrepreneur for carrying out of safety and occupational health activities from Article 40 of this Law;
- 2) a legal person for carrying out of examinations and testing of work equipment and testing of working environment;
- 3) Person-in-charge from subparagraph 2) of this Article.

Article 56

The certificate for carrying out of activities in the field of safety and health at work from Article 40 of this Law, may be acquired by a legal person, i.e. entrepreneur, who employs Employee with higher education of the respective occupation who has passed professional exam from Article 54 of this Law and with at least three years of work experience in these activities.

The certificate for carrying out of examinations and testing of work equipment and testing of working environment may be acquired by a legal person

who fulfills prescribed requirements in terms of providing adequate professional staff, technical equipment, methodology for carrying out of particular examinations and testing, and who employs the Person-in-charge.

The certificate to carry out activities of the Person-in-charge may be acquired by the person with higher education of the respective profession who has passed professional exam from Article 54 of this Law and with at least three years of work experience in these activities.

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

The funds acquired from charged costs for the issuing of certificate from paragraph 1 to 3 of this Article, shall represent income to the Republic of Serbia's budget.

Article 57

Minister of Labor may revoke the certificate by virtue of Decision to:

1) the legal person or entrepreneur for carrying out of safety and health at work activities from Article 55 subparagraph 1) of this Law, if it was found that activities are carried out in contravention of the Law;

2) the legal person for carrying out of examinations and testing of work equipment and testing of working environment from Article 55 subparagraph 2) of this Law, if it was found that activities are carried out in contravention of the Law;

3) the Person-in-charge from Article 55 subparagraph 3) of this Law, if it was found that he/she carries out duties, for the purpose of which the certificate was issued, in bad faith and unprofessionally.

Article 58

Filing of a complaint against the Decision from Articles 55 and 57 of this Law, shall not be allowed, but legal appeal may be instituted.

IX. MANAGEMENT OF SAFETY AND HEALTH AT WORK

Article 59

The Management for Safety and Health at Work shall be established within the Ministry of Labor, and it shall carry out duties of the state administration, aiming at promotion and development of safety and health at work, i.e. reducing injuries at work, occupational diseases and work-related diseases (hereinafter: Management).

Article 60

The Management shall carry out the activities as follows:

1) prepare regulations in the field of safety and health at work, as well as opinions concerning its application;

- 2) prepare professional basis for the design of national development program concerning safety and health at work and follow up its realization;
- 3) follow up and evaluate condition of safety and health at work and prepare views for uniform governing safework and health health related measures subject to this Law and other regulations;
- 4) carry out research and encourage development in the field of labor humanization;
- 5) provide professional assistance in the field of safety and health of Employees;
- 6) prepare methodologies for carrying out of examinations and testing in the field of safety and health at work;
- 7) study causes and occurrences, the consequences of which are injuries at work, occupational diseases and work-related diseases;
- 8) organize taking of professional exams from Article 54 of this Law, and maintain the records thereof;
- 9) supervise work validity of legal persons and entrepreneurs as well as the certified Person-in-charges and prepare recommendations for decisions concerning issuing and revoking of certificates from Articles 55 and 57 of this Law, and maintain the records thereof;
- 10) collect and analyze data on injuries at work, occupational diseases, work-related diseases and occurrences that affect Employees' health;
- 11) carry out information and documentation related activities in the field of safety and health of Employees;
- 12) organize counseling, carry out training for Employees, Employer, persons for safety and health at work, inspectors etc, publish various materials and inform the public about the condition in the field of safety and health at work;
- 13) ensure implementation of international acts in the field of safety and health at work;
- 14) encourage education and development of the work culture in the field of safety and health at work;
- 15) carry out other activities laid down by the Law.

X. SUPERVISION

Article 61

The inspection supervision of implementation of this Law, regulations adopted based on this Law, technical and other measures related to safety and health at work, as well as implementation of safework and occupational health measures prescribed by the General Employer's Act, Collective Contract or Labor Contract, shall be carried out by the Ministry of Labor through Labor Inspectors.

Article 62

The inspection supervision in the field of safety and health at work may be carried out by the Labor Inspectors who have higher education, at least three

years of professional work experience and passed professional exam for work in state administration bodies.

Inspection supervision in the field of trade, catering and tourism, trades/crafts and personal services, financial and technical and business services, education, science and information, health and social care, housing and communal services, as well as activities of determining fulfillment of prescribed requirements for safety and health at work, may be exceptionally carried out by the Labor Inspectors with higher education of the respective streams, passed professional exam for work in state administration bodies and at least three years of professional work experience.

Article 63

During the inspection supervision the Labor Inspector shall have the right and liability to undertake actions to control safety and health at work, and in particular hygiene and work conditions, production, trade, utilization and maintenance of instruments of labor, means and equipment for personal protection at work, hazardous substances etc, as well as 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, buildings, facilities, machines, means and equipment for personal protection, items and goods, etc.;
- 4) take samples for analysis, expertise, etc.;
- 5) order measurements to be carried out by other professional organization, when Employer independently or through a particular professional organization carries out measurements in respective fields, and the results of performed measurement justify that;
- 6) provide to Employers, Employees, their representatives and the syndicate, information and advices in the field of safety and health at work, as well as on measures, the application of which provides execution of this Law in the most efficient manner;
- 7) inform Employer and Employee or Employees' representative, in accordance with the submitted request, on performed inspection supervision and assessed condition;
- 8) undertake all other actions authorized by other regulation.

Article 64

Employer shall be liable to, in order to carry out supervision, allow the Labor Inspector:

- 1) to have access into the buildings and premises, at any moment when Employees are at work;
- 2) appoint at least one Employee who will provide necessary information, data, acts and documentation to Inspector;
- 3) to have insight into evidence of building stability;

4) to have insight into applied safework and occupational health measures at instruments of labor and in the working environment;

5) to have insight into means and equipment for personal protection at work;

6) to have insight into data and production records, use and storage of hazardous substances.

Article 65

Labor Inspector shall be liable to carry out supervision immediately upon Employer's report on every fatal, severe or collective injury at work, as well as on dangerous occurrence that could jeopardize safety and health at work, namely immediately after the reception of request, i.e. information from Article 33 paragraphs 3 and 4 of this Law.

Article 66

Labor Inspector shall be required to order Employer or Employee to undertake measures and actions in order to eliminate the causes that led to injuries, occurrence of threats to safety and health at work, namely which may prevent occurrence of injury or reduce or eliminate threats to safety or health at work.

Labor Inspector shall be liable to, during circumstances which led to jeopardizing Employee's safety and health, prohibit work at Employer's workplace and in particular if he found that:

- 1) Employee's safety and health are directly jeopardized;
- 2) uses, where safework and occupational health measures were not applied;
- 3) prescribed means and equipment for personal protection at work are not used;
- 4) Employee works at the workplace with increased risk, and he/she does not meet requirements prescribed for work at such workplace, as well as he/she did not undergo medical examination in the prescribed period;
- 5) Employee is not trained for the safework at his/her workplace;
- 6) Employer did not implement the measures or carry out actions, which were prescribed by the Labor Inspector, in order to eliminate causes that lead to jeopardizing Employee's safety and health.

If application of measures, or requirement to harmonize with prescribed safework and occupational health measures, constitutes a shortfall of which elimination requires higher investments while life and health of Employees are not seriously jeopardized, Labor Inspector may order Employer to set up a special program for eliminating deficiencies with set deadlines for their elimination.

Labor Inspector may also order implementation of generally accepted measure, which may as much as possible eliminate work related hazard or reduce health risks to Employee.

Article 67

The Labor Inspector shall order by virtue of Decision the application of measures and actions which shall in accordance with the provisions of this Law provide safety and health at work for Employees.

A complaint may be filed to the Labor Minister against the Decision of the Labor Inspector within eight days from the date of submitting the Decision.

The complaint shall not delay execution of the Decision that prescribes prohibition of work.

The Decision of the Minister of Labor, made with regard to complaint, shall be definite in the administrative procedure and a dispute may be instituted.

Article 68

Employer shall be liable to, within the period set by the Labor Inspector, undertake prescribed measures and remove detected deficiencies or irregularities.

Employer shall be liable to, within eight days from expiration of period for removing of detected deficiency or irregularity, inform the inspection competent for execution of prescribed liability in written form.

XI. PENALTY PROVISIONS

Article 69

Employer in the capacity of a legal person shall be fined with pecuniary penalty from 800.000 to 1.000.000 dinars, for the penalties as follows:

1) if he does not provide implementation of safework and occupational health measures at Employee's workplace and in the working environment (Article 9 paragraph 1);

2) if he does not ensure preventive measures, during organization of work and work process, in order to protect lives and health of Employees, as well as if he does not provide required financial means for its implementation (Article 11 paragraph 1);

3) if he does not adopt Risk Assessment Act in written form for all workplaces in the working environment, and if he does not establish method and measures to eliminate risks, as well as if he does not amend the Risk Assessment Act in case that any new hazard emerges or risk level alters in the work process (Article 13 paragraph 1 and 2);

4) if he does not lay down rights, liabilities and responsibilities by virtue of General Act, i.e. Collective Contract or Labor Contract in the field of safety and health at work (Article 14);

5) if he does not appoint the person for safety and health at work by virtue of written act (Article 15 paragraph 1 subparagraph 1);

6) if Employee is instructed to carry out jobs where safework and occupational health measures were not implemented (Article 15 paragraph 1 subparagraph 2);

7) if he does not inform Employees and their representative on introduction of new technologies and instruments of labor, as well as on injuries and health damage threats occurring after they are introduced, namely if in such cases he does not adopt adequate safework instructions (Article 15 paragraph 1 subparagraph 3);

8) if he/she does not carry out training of Employee for safe and healthy work (Article 15 paragraph 1 subparagraph 4, Articles 27, 28 and 29);

9) if he/she does not enable Employee to use means and equipment for personal protection at work (Article 15. paragraph 1. subparagraph 5);

10) if he/she does not provide maintenance of the regular condition of instruments of labor and means and equipment for personal protection at work (Article 15 paragraph 1 subparagraph 6);

11) if he/she does not hire a legal person with the certificate in order to carry out preventive and periodic examinations and tests of the work equipment, as well as preventive and periodic tests of the working environment conditions (Article 15 paragraph 1 subparagraph 7);

12) if he/she does not provide, based on the Risk Assessment Act and evaluation from Occupational Health Service and in accordance with this Law, prescribed medical examinations of Employees (Article 15 paragraph 1 subparagraph 8);

13) if he/she does not provide first aid, as well as if he/she does not train an adequate number of Employees to apply first aid, rescue and evacuate in case of emergency (Article 15 paragraph 1 subparagraph 9);

14) if he/she does not stop any type of work that represents immediate life or health threat to Employees (Article 15 paragraph 1 subparagraph 10);

15) if he/she does not determine, based on evaluation from Occupational Health Service, by virtue of the Risk Assessment Act, special health requirements to be fulfilled by Employees who carry out particular jobs at the workplace in the working environment or in order to use particular work equipment (Article 16 paragraph 1);

16) if he/she does not provide conditions for independent health care of Employees, to Occupational Health Service hired by him (Article 16 paragraph 2);

17) if he/she does not provide to the Employee with means and/or equipment for personal protection at work in accordance with the Risk Assessment Act (Article 17);

18) if he/she does not inform the competent Labor Inspection, at least eight days before he starts working, on the commencement of his work, work of the separate department or every alteration of the technological procedure if such changes alter work conditions (Article 18 paragraph 1);

19) if he/she does not make a valid study on construction site planning concerning construction or reconstruction works of the building, or alteration of the technological process carried out for longer than seven days, and if he/she does not submit the study to the competent Labor Inspection in addition to the report on the commencement of works (Article 18 paragraph 2);

20) if he/she does not conclude the agreement on implementation of safework and occupational health measures for Employees with other Employer, whom he/she shares the workspace with during operations, and if he/she does not appoint the person for coordination of the implementation of joint measures to provide safety and health of all Employees (Article 19);

21) if he/she does not provide prescribed safework and occupational health measures, in accordance with this Law, for Employees hired from other Employer (Article 21);

22) in case of altering technological work process, if he/she does not adjust instruments of labor to the new technological process, before the commencement of work, (Article 22);

23) if he/she allows the employee to use instrument of labor, or means and equipment for personal protection at work, when prescribed safework and occupational health measures were not implemented or if he/she does not ensure the control over its specific use (Article 23);

24) if he/she allows the employee to use work equipment, means and equipment for personal protection at work or hazardous substances, when he/she does not possess prescribed documentation in Serbian language for use, or if he did not ensure all safework and occupational health measures prescribed in that documentation (Article 24 paragraphs 1 and 2);

25) if he/she does not make special program on gradual removal of deficiencies laid down in Risk Assessment Act, namely if he/she does not determine deadlines for the realization of the program (Article 26);

26) if he/she does not organize activities of safety and health at work, namely if he/she, for the purpose of carrying out those activities, appoints the person who has not passed professional exam, in accordance with this Law (Article 37 paragraphs 1 and 2);

27) if he hires a legal person or entrepreneur without proper certification, for the purpose of carrying out safety and healthy workplace activities (Article 37 paragraph 4);

28) if he does not provide pre-employment, periodic medical examination to Employee at the workplace with higher levels of hazards (Article 43 paragraph 1);

29) if Employee, who carries out activities at the workplace with higher level of hazards and who was found during periodic medical examination not to fulfill prescribed medical conditions for carrying out activities at the workplace with increased level of hazards, is not transferred to other workplace suitable to his health abilities (Article 43 paragraph 3);

30) if immediately, and at latest until 24 hours from the moment of occurrence, verbally and in written form, he/she does not report to the competent labor inspection and competent body for internal affairs every fatal, collective or severe injury at work, injury at work that made Employee incapable to work for more than three consecutive working days, or dangerous occurrence that could jeopardize safety and health of Employees (Article 50 paragraph 1);

31) if he/she does not report to the competent labor inspection, not later than three consecutive working days from the day of awareness, occupational disease, i.e. work-related disease of Employee (Article 50 paragraph 2);

32) if he/she does not enable Inspector to carry out supervision, that is entry into buildings and premises at any moment when Employees are present at

work, or if he/she does not appoint at least one Employee to provide necessary information to inspector, or does not provide to the Labor Inspector insight into evidence on building stability, acts and documentation, applied safework and occupational health measures at instruments of labor, equipment for personal protection at work or data and records of utilization and storage of hazardous substances (Article 64);

33) if within the set deadline, he/she does not eliminate detected deficiencies and irregularities, as was prescribed by virtue of Decision by the Labor Inspector (Article 68 paragraph 1).

Infringement from paragraph 1 of this Article committed by Employer-private entrepreneur shall be fined with pecuniary penalty from 400.000 to 500.000 dinars.

Infringement from paragraph 1 of this Article committed by Director, i.e. other Person-in-charge with Employer, shall be fined with pecuniary penalty from 40.000 to 50.000 dinars.

Article 70

Employer in the capacity of a legal person shall be fined with pecuniary penalty from 600.000 to 800.000 dinars for the infringement as follows:

1) if he/she does not undertake measures to prevent access of unauthorized persons and means of transportation to the territory of building or construction area (Article 20);

2) if Employee, as laid down by this Law, is not informed on safe work processes when the technological work process requires additional training for safe and healthy work (Article 30 paragraphs 1 and 2);

3) if he/she does not provide to employed woman during pregnancy, Employee younger than 18 years and Employee with reduced work ability written information on risk assessment results at the workplace of their appointment, as well as on measures to eliminate risks (Article 30 paragraph 3);

4) if every person, at any grounds situated anywhere in the working environment, is not warned about hazardous locations and detriment to health in the technological process, i.e. safety measures that he/she has to apply, as well as if he/she does not instruct him/her to free movement zones (Article 31 paragraph 1);

5) if he/she noticeably does not indicate or put marks for safety and/or health of Employees (Article 31 paragraph 2);

6) if he/she allows access to a workplace in the working environment with immediate threat from injury or damage to health to the persons who are not trained for safe and healthy work, who did not acquire special instructions for work at such places or if they are not supplied with adequate means and equipment for personal protection at work (Article 31 paragraph 3);

7) if he/she does not inform the competent Labor Inspection when Employee refuses to work in cases laid down in Article 33 paragraph 1 of this Law (Article 33 paragraph 4);

8) if he/she does not enable the person who carries out activities of safety and health at work to independently and autonomously carry out activities in accordance with this Law and access to all required data in the field of safety and health at work (Article 38 paragraph 1);

9) if he/she previously does not inform the legal person, i.e. entrepreneur hired to carry out activities of safety and health at work about technological process, work process risks and measures to eliminate risks (Article 39);

10) if he/she does not enable Employees to select their representative for safety and health at work or if he/she does not appoint his/her representative (Article 44);

11) if he/she does not enable Employees' representative, namely Board to have insight into all acts related to safety and health of Employees and to participate in reviewing of all issues related to implementation of safety and health at work (Article 45 paragraph 1);

12) if he/she does not introduce Employees' representative, namely Board with findings and suggestions of the Labor Inspection or measures undertaken by the Labor Inspection, or with the reports on injuries at work, occupational diseases and work related diseases and on undertaken safework and occupational health measures, or with measures undertaken to prevent immediate life and health threat (Article 47);

13) if he does not maintain and keep prescribed records (Article 49);

14) if he does not submit the report on safety and health of Employees at work at the request of Labor Inspector or Employees' representative, as well as on measures implemented in this field (Article 51 paragraph 3).

Employer/private entrepreneur shall be fined with pecuniary penalty from 200.000 to 300.000 dinars for infringement from paragraph 1 of this Article.

The Director, i.e. other Person-in-charge with Employer shall be fined with pecuniary penalty from 30.000 to 40.000 dinars for infringement from paragraph 1 of this Article.

Article 71

Employer in the capacity of a legal person shall be fined with pecuniary penalty from 100.000 to 150.000 dinars for infringement, if he/she does not, within eight days upon expiration of the set deadline for eliminating deficiencies or irregularities, inform the competent Labor Inspection in written form on carrying out of prescribed liability (Article 68 paragraph 2).

Employer/private entrepreneur shall be fined with pecuniary penalty from 50.000 to 100.000 dinars for the infringement from paragraph 1 of this Article.

The Director, i.e. other Person-in-charge with Employer shall be fined with pecuniary penalty from 30.000 to 50.000 dinars for the infringement from paragraph 1 of this Article.

Article 72

The Health Care Institution that possesses an organized occupational health service shall be fined with pecuniary penalty from 400.000 to 600.000 dinars for the infringement, if it does not submit the prescribed report on medical examination of Employee (Article 41 paragraph 2 subparagraph 5).

Person-in-charge at the Health Care Institution shall be fined with pecuniary penalty from 20.000 to 30.000 dinars for the infringement from paragraph 1 of this Article.

Article 73

A legal person shall be fined with pecuniary penalty from 400.000 to 600.000 dinars for the infringement as follows:

1) if he does not issue expert finding on performed examination and testing of work equipment or testing of working environment conditions (Article 15 paragraph 3);

2) if he carries out occupational safety and health activities from Article 40 of this Law, and does not have an adequate certificate (Article 55 subparagraph 1);

3) if he carries out examinations and testing of work equipment and testing of conditions in the working environment, and does not have an adequate certificate (Article 55 subparagraph 2).

The private entrepreneur shall be fined with pecuniary penalty from 200.000 to 300.000 dinars for the infringement from paragraph 1 subparagraph 2 of this Article.

Person-in-charge within the legal person shall be fined with pecuniary penalty from 20.000 to 30.000 dinars for the infringement from paragraph 1 of this Article, as well as the Person-in-charge at legal person's (within the legal person) which, without adequate certificates (Article 55 subparagraph 3), carries out duties of the Person-in-charge for which possession of relevant certificate is required.

Article 74

The person for safety and health at work shall be fined with pecuniary penalty from 20.000 to 50.000 dinars for the infringement, if he does not carry out duties laid down by this Law (Article 40).

Article 75

Employee shall be fined with pecuniary penalty from 10.000 to 20.000 dinars for the infringement, as follows:

1) if he/she does not apply prescribed safework and occupational health measures, uses in an unauthorized manner instruments of labor and hazardous substances, or does not use prescribed means and equipment for personal protection at work, or does not handle them with care (Article 35);

2) if he/she does not, according to his/her knowledge, immediately inform Employer on irregularities, deficiencies, harmfulness, hazards or any other

occurrence which could jeopardize his/her and/or other Employees' safety and health at the workplace (Article 36 paragraph 1).

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 76

The legal persons authorized to carry out pre-employment and periodic medical examinations, periodic examinations and testing of work equipment and working environment, as well as the training of Employees for protection at work, based on regulations in effect until coming into force of this Law, shall coordinate their operations with the provisions of this Law within one year from the date of coming into force of this Law.

Article 77

Until regulations from Art. 15 par. 2, 18. par. 4, 6. and 7, 43. paragraph 2, 49. par. 2. and 51. par. 2. of this Law are adopted, the following shall apply:

1) Book of Regulations on requirements for carrying out of technical documentation reviews, examinations 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 Journal RS", No. 13/00);

2) Book of Regulations on procedure concerning examination and testing of working environment, hazardous substances, work equipment, installations and means and equipment for personal protection ("Official Journal RS", No. 7/99);

3) Book of Regulations on the content of study on building site planning ("Official Journal RS", No. 31/92);

4) Book of Regulations on maintaining records from protection at work ("Official Journal RS", No. 2/92);

5) Book of Regulations on the procedure and requirements concerning carrying out of pre-employment and periodic medical examination of workers ("Official Journal RS", No. 23/92);

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

7) Book of Regulations on the procedure to determine fulfillment of prescribed requirements in the field of protection at work ("Official Journal RS", No. 7/99);

8) Book of Regulations on amount of expenditures concerning procedure to determine fulfillment of prescribed requirements in the field of protection at work ("Official Journal RS", No.40/01 and 53/01).

Article 78

Until regulations on preventive measures for safety and health at work are adopted, if not in contravention of the Law, safework measures (rules) contained in the following regulations, shall apply:

- 1) Book of Regulations on special safework measures during the work in processing ferrous minerals ("Official Journal FRS", No. 2/83);
- 2) Book of Regulations on special safework measures in railway transportation ("Official Journal FRS", No. 19/85);
- 3) Book of Regulations on special safework measures in production and processing of non-ferrous metals ("Official Journal FRS", No. 19/85);
- 4) Book of Regulations on special safework measures in iron and steel industry ("Official Journal FRS", No. 25/87);
- 5) Book of Regulations on general safework measures for construction facilities serving as work and auxiliary premises ("Official Journal FRS", No. 29/87);
- 6) Book of Regulations on special safework measures in forestry ("Official Journal FRS", No. 33/88);
- 7) Book of Regulations on special safework measures in mechanical processing and processing of wood and similar material ("Official Journal FRS", No. 51/88);
- 8) Book of Regulations on general safework measures concerning hazardous effect of electricity within work facilities, work premises and work sites ("Official Journal FRS", No. 21/89);
- 9) Book of Regulations on protection at work during construction works ("Official Journal FRS", No. 53/97).

Article 79

Until regulations on general and special safework and occupational health measures are adopted, if not in contravention of the Law, safework measures (rules) contained in the following regulations shall apply:

- 1) General Book of Regulations on hygiene and technical protection measures at work ("Official Journal FPRY", No. 16/47, 18/47 and 36/50), except Art. 26 - 32, Art. 50 - 75, Art. 78 - 86, Art. 88 - 99, Art. 104 - 151 and Art. 184 - 186;
- 2) Book of Regulations on hygiene and technical protection measures at work in hemp-combing facilities ("Official Journal FPRY", No. 56/47);
- 3) Book of Regulations on hygiene and technical protection measures at work in graphic design companies ("Official Journal FPRY", No. 56/47);
- 4) Book of Regulations on hygiene and technical protection measures at work in quarries and brickworks, as well as in extraction of clay, sand and gravel ("Official Journal FPRY", No. 69/48), except Art. 58 - 61;
- 5) Book of Regulations on technical and health-technical protection measures at work in chemical and technological processes ("Official Journal FPRY", No. 55/50) - Addendum No. 9;
- 6) Book of Regulations on hygiene and technical protection measures in diving activities ("Official Journal FPRY", No. 36/58);
- 7) Book of Regulations on hygiene and technical protection measures in port transport ("Official Journal FPRY", No. 14/64);
- 8) Book of Regulations on protection at work in thermal processing of light metal alloys in nitrate salt baths ("Official Journal SFRY", No. 48/65);

9) Book of Regulations on protection at work on maintenance of motor vehicles and transportation of motor vehicles ("Official Journal SFRY", No. 55/65);

10) Instructions on supervision method of respecting regulations on protection at work in internal affairs bodies and its institutions ("Official Journal SFRY", No. 55/65);

11) Book of Regulations on protection at work in loading cargo to freight motor vehicles and unloading cargo from such vehicles ("Official Journal SFRY", No. 17/66);11

12) Instructions on modes of performing supervision over observing regulations on workplace protection at companies producing for certain military needs ("Official Journal SFRY", No. 23/66);

13) Book of Regulations on protection at work and on technical measures for acetylene developer and acetylene station ("Official Journal SFRY", No. 6/67, 29/67, 27/69, 52/90 and 6/92);

14) Book of Regulations on technical rules in handling explosive substances and detonation in the field of mining ("Official Journal SFRY", No. 26/88 and 63/88);

15) Injunction on prohibiting use of gasoline engine for degreasing, washing or cleaning of metal parts of objects made of different materials ("Official Journal SFRY", No. 23/67);

16) Book of Regulations on protection at work in agriculture ("Official Journal SFRY", No. 34/68);

17) Book of Regulations on providing accommodation and food for workers, namely their transportation from their place of residence to their workplace and vice versa ("Official Journal SFRY", No. 41/68);

18) Book of Regulations on means of personal protection at work and equipment for personal protection ("Official Journal SFRY", No. 35/69);

19) Book of Regulations on protection at work in making explosives and gunpowder and manipulating explosives and gunpowder ("Official Journal SFRY", No. 55/69);

20) Book of Regulations on special measures and rules governing protection at work in processing leather, fur and leather refuse ("Official Journal SFRY", No. 47/70);

21) Book of Regulations on equipment and procedure for first aid and organization of rescue service in case of accident at work ("Official Journal SFRY", No. 21/71);

22) Book of Regulations on measures and rules for protection at work concerning work equipment ("Official Journal SFRY", No. 18/91);

23) Book of Regulations on measures and rules for protection at work from noise in the work premises ("Official Journal SFRY", No. 21/92).

Article 80

Employers shall be liable to adopt Risk Assessment Act from Article 13 paragraphs 1 and 2 of this Law, within one year from the date of coming into force of the Act from Article 13 paragraph 4 of this Law.

Article 81

Law on Protection at Work shall become void at the date of coming into force of this Law ("Official Journal RS", No. 42/91, 53/93, 67/93, 48/94 and 42/98).

Article 82

This Law shall come into force eight days from the date of publishing in "Official Journal of the Republic of Serbia".