

Advokatska kancelarija TSG TOMIĆ SINDJELIĆ GROZA informiše o aktuelnostima u radu kancelarije i zakonodavnom reljefu RS / Die Rechtsanwälte TSG TOMIĆ SINDJELIĆ GROZA informieren über aktuelle Themen der Kanzlei und den Rechtsrahmen der RS / The TSG TOMIĆ SINDJELIĆ GROZA Law Office is informing about the actual activities of the Law office and the Law frame in RS/ Юридическая контора ТСГ ТОМИЧ СИНДЖЕЛИЧ ГРОЗА информирует о самых актуальных событиях, о работе конторы и законодательном рельефе РС / Glavni urednik/Chefredakteur /Editor-in-Chief / Главный редактор: Ljubica Tomić /Lektor/Lektor/Proofreader/Лектор: Ivana Radović, Vesna Gašić, Vojislava Katić, Viktorija Topalović, Magda Braun / Br. 84/15

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## Safety and Health at Work

Serbian Parliament adopted the Law on Amendments to the Law on Safety and Health at Work, which entered into force on 13 November 2015.

The adopted amendments are based on the solutions contained in the Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work ("Directive") and other directives related to this field.

We offer an overview of the most interesting legal novelties.

### **I. Expanding the term employer**

One of the more important amendments is a more precise definition of the **term employer**, in the sense that certain categories of natural persons may now be considered to be an employer, with the exception of the head of a household and a family farm.

### **II. Introduction of additional obligations for employers**

#### **a) Taking fire-fighting, rescue and evacuation measures**

Another novelty is the introduction of the obligation for employers to provide adequate measures for fire-fighting, rescue and evacuation in accordance with a special law, to be more precisely defined under a special by-law.

#### **b) Reporting works on removal of major break-downs or damages**

The employers performing works on removal of major break-downs or damages to facilities, which may jeopardize the functioning of technical and technological systems or performance of business activities, must report the works without delay, orally and in writing, to the relevant labour inspection office.

#### **c) Providing the use of work equipment and/or materials and equipment for personal protection at work**

The amendments offer a more precise definition of the terms and conditions under which the employer provides the use of work equipment and the materials and equipment for personal protection at work, envisaging that these may be made available for use only if: (i) they comply with the prescribed technical requirements, (ii) their compliance is established according to the prescribed



procedure, (iii) they are labelled in accordance with the regulations, and (iv) they are accompanied with the prescribed documents of conformity and other necessary documentation.

Furthermore, it is envisaged that dangerous chemical substances and other chemical substances requiring preparation and submission of safety data sheets may be made available for use to employees by the employer only if **safety data sheet** has also been made available, in accordance with the regulations governing chemicals, and if all measures under the safety data sheets have been ensured.

#### **d) Training programme for employees**

Under the present amendments, the employer must ensure that each worker receives adequate safety and health training, in accordance with the **Safety and Health Training Programme**, to be adopted by the employer and revised and amended as required.

#### **e) Periodic testing of employees' occupational health and safety competencies**

Occupational health and safety competencies of employees at workplaces involving increased risk must be tested within **one year** from the last test taken, and for other employees not later than within **four years** from the last test.

#### **f) Employer's records related to safety and health at work**

In addition to other previously prescribed records, employers are now required to keep: (i) records of issued materials and equipment for personal protection at work and (ii) records on medical examinations of employees in accordance with the regulations on safety and health at work.

f) Records of employers in the field of safety and health at work

### **III. Organization of occupational health and safety activities by the employer**

Under the amendments, the employers who: (i) perform some of the non-production activities defined in the law, and (ii) have up to 20 employees, are allowed to **independently organize and perform activities related to the safety and health at work even without having taken a professional exam.**

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On the other hand, with regard to some **high-risk jobs** (in building, agriculture, forestry, fisheries, mining, processing industry, etc.), the level of competencies required of persons engaged in occupational health and safety activities at the employer has been raised by introducing an obligation for employers to designate for such activities a person who has acquired at least a degree in undergraduate academic studies corresponding to a minimum of 180 ESPB credits, undergraduate academic studies, or studies lasting up to three years in the appropriate scientific or professional field.

#### **IV. Novelties related to the conditions for obtaining licences in the field of health and safety at work**

The present amendments tighten and add new conditions for obtaining licences in the field of safety and health at work, namely: (i) licences for performing the occupational health and safety activities, (ii) licences for inspection and testing of work equipment and testing of working environment conditions and (iii) licences for performing the tasks of the responsible person, by introducing additional requirements in terms of possessing the appropriate level of qualifications, work experience etc.

#### **V. Commencement of application of the amendments**

The amendments to the Law on Safety and Health at Work entered into force on 13 November 2015.

However, the commencement of application of certain provisions of the Law has been delayed in order to allow employers and other legal entities to bring their operations in compliance with the new legal requirements, as follows:

a) A person performing the occupational health and safety tasks on 1 December 2017, who has not fulfilled the requirements under the law (for example, does not hold a higher education diploma, does not have sufficient work experience, etc.) may continue to perform such tasks until fulfilment of the requirements stipulated by the law, however not longer than five years.

b) Legal entities and entrepreneurs who have been issued licences under the old Law on Safety and Health at Work, must bring their operations into compliance with the amendments within one year from entry into force of the Law, or until 13 November 2016.

c) Legal entities and entrepreneurs who were issued licences five or more years ago are required to apply for renewal of licences in accordance with the Law no later than 30 days from entry into force of Law, and legal entities and entrepreneurs who were issued licences within

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the past five years are required to apply for the renewal no later than 30 days before expiry of five years from the date of issue of the licence.

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