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au Kosovo

UNMIK/REG/2003/33  
6 November 2003

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**REGULATION NO. 2003/33**

**ON THE PROMULGATION OF  
THE LAW ADOPTED BY THE ASSEMBLY OF KOSOVO  
ON OCCUPATIONAL SAFETY, HEALTH  
AND THE WORKING ENVIRONMENT**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

In conformity with sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account a communication from the President of the Assembly of Kosovo, dated 15 October 2003, concerning the Law on Occupational Safety, Health and the Working Environment adopted by the Assembly of Kosovo on 9 October 2003,

Noting that the provisions of the Law shall be without prejudice to the employment relationships within UNMIK, KFOR or offices or missions in Kosovo of foreign governments and international governmental organizations,

Hereby promulgates effective as of the date of signature the Law on Occupational Safety, Health and the Working Environment (Law No. 2003/19) attached to the present Regulation, subject to the deletion of the term "National Council ..." in section 1.5 and its replacement by the term "Kosovo Council ..." in the final official text of the Law.

Signed on this 6<sup>th</sup> day of November 2003.

Harri Holkeri  
Special Representative of the Secretary-General

PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

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**LAW No : 2003 / 19**

**ON OCCUPATIONAL SAFETY, HEALTH AND THE WORKING  
ENVIRONMENT**

The Kosovo Assembly,

According to the Constitutional Framework on Provisional Self-Government in Kosovo,  
Regulation no: 2001/9 from 15 of May, chapter 5.1 (j) and 9.1.26,

In order to create conditions for occupational safety, health and the working environment  
in Kosovo,

Approves:

**Law on Occupational Safety, Health and the Working Environment,**

Section 1.

General provisions

- 1.1.The objective of the Law on Occupational Safety, Health and the Working Environment is to prevent occupational injuries and diseases at the workplace and to protect the working environment.
- 1.2.The workplace is any place where working activities are taking place.
- 1.3.Safety and health protection at the workplace is an integral part of the organization of work and the work process. It shall be carried out through both the employer and the employee [terms: the employer and the employee are as defined in UNMIK Regulation No. 2001/27 on Essential Labour Law in Kosovo (Section 9, paragraphs 9.2. and 9.3.) activity, application of binding, contracted and recognized rules for

occupational safety, health and working environment protection and other supplementary measures and instructions determined by the employer.

1.4. The right on occupational safety, health and working environment in accordance with this Law have:

- Employees that have established employment relationship.
- Persons attending the vocational training at the employer, which haven't established employment relationship.
- Persons on vocational retraining and rehabilitation.
- Pupils and students on practical work at the employer.
- Participants in voluntary work, or other public works organized for general interests.
- Persons who are working during serving time (prisoners).
- Persons who are happened to be at workplace (business associates, representatives of state administration, beneficiaries of services.)
- Employees in civil service
- Excluding: KPC, KPS and Fire Department.

1.5. The Government of Kosovo establishes the National Council for Occupational Safety and Health (hereinafter referred as "Council"), Council comprises of: representatives of State, employers, employees and eminent experts in field of occupational safety, health and working environment.

1.6. Measures taken by the employer for the occupational safety, health and working environment shall not impose any financial commitment on employees.

1.7. The employee: complies with measures necessary to ensure safety and health at work. In takes care of his own health and of other persons affected by his acts at work, make correct use of safety devices and the personal protective equipment, handle them with care and maintain them in working order.

## Section 2.

### Employer's responsibilities and obligations

2.1. The employer shall be obliged to create conditions for occupational safety, health and working environment of his/ her employees. The employer shall be liable for payment of any expenses associated with treatment of work-related accidents and illnesses. The establishment of the social security scheme, out of the employers' contributions for all employees shall acquit them from the commitments for expenses transfer.

2.2. The employer shall be responsible to organize and undertake measures necessary for occupational safety, health and working environment, including the prevention of risks at work, offering information, trainings, respective organization and proper measures in order to provide, maintain machinery, instruments, equipment, tools, workplace, access to the workplace.

2.3. The employer shall be responsible to organize and implement occupational safety, health and working environment measures. The employer shall inspect the efficiency and especially shall undertake necessary measures for further improvement. The enterprise with 50 or more employees must designate a part-time safety officer.

The enterprise with 250 employees or more must designate a full-time safety officer.

2.4. The employer shall carry out a detailed risk assessment for each workplace. Similar workplaces can be grouped. Risks to be addressed can particularly arise from:

2.4.1. Design and equipment of a work place

2.4.2. Physical, chemical and biological influences

2.4.3. Design, selection and use of tools, material, equipment components, systems and their application

2.4.4. Design of working and manufacturing systems, work flows and working hours and their interactions

2.4.5. Qualification and training of employees in accordance with EU standards.

2.5. The employer shall furnish the employee with PPE (personal protective equipment) that is designed to prevent exposure to occupational dangers and risks.

The employer shall cover the costs and shall replace the personal protective equipment on regular intervals and whenever necessary.

2.5.1 The employer will be obliged to always have essential means for first aid.

2.6. The Employer is obliged in case of injuries or unforeseen illness of the employee to provide :

- First aid,
- To evacuate the injured employee in a manner that is adapted to the nature of the employer's activity,
- The enterprise provides and organizes contacts with concerned services:
- Emergency room,
- Emergency medical care,
- Fire safety and rescue,
- To train certain number of employees in first aid, rescue and evacuation of the employees in case of eventual risk.

2.7. The employer shall inform the employee of the dangers of the job carried out by the employee. The employer shall inform as soon as possible the employee who is to be exposed to the high risk about the risks and protective measures in order to minimize the risk. In case of immanent risk on his/hers and the life of others, the employer is allowed to enforce suitable countermeasures, if the supervisor is not present. Taking into account the received training and technical means on disposal, the employees shall not suffer disadvantages for such acts, except in cases of flagrant negligence or deliberate sabotage.

2.8. The employer shall train the employee for the work in a way which ensures the protection of the life and health of the employee and prevents the occurrence of accidents.

2.9.The employer shall inform immediately the competent authority about all the cases of death at work, serious accidents at work or related to work, also about all the phenomena that can endanger the life and health of the employees at work or that are related to work.

2.10.The employer is responsible for the damage caused to the employee in case of injuries and occupational diseases relating to the work, according to the principles of objective responsibility on the obligatory right.

### **Section 3.**

#### **The employee's rights and responsibilities**

3.1.The employee has the right and obligation for occupational safety, health and working environment.

3.2.The employee: implements and complies with measures necessary for occupational safety, health and working environment, cares for its safety and health and of other persons affected by his/hers work, uses properly safety equipment and PPE, uses them carefully and maintain them in working order. Employee shall also have the responsibility to ensure safety and health of all persons affected by their work.

3.3. It shall be a right of the employees' or their organizations to elect and appoint their safety officer. Such person shall supervise the implementation of measures taken by the employer and shall cooperate with labor inspection in the interest of the employees in the fields occupational safety, health and working environment at the workplace.

3.4.The employee shall immediately inform his employer of any deficiency, health risk, defect or other occurrence that may endanger his own safety and health at work or those of other employees

3.5.The employee shall have the right to refuse work if he/she believes that there is an imminent danger to his/her life and health.  
If the employer considers that the work refusal is ungrounded, he/she shall immediately inform labour inspector.

3.6.The employee shall cooperate with the employer and the safety officer to ensure that the working environment and working conditions are safe and that the employer implements the measures proposed by the labor inspectors.

3.7.It shall be a right of employees and their organizations to consult with the employer on all aspects of occupational safety, health and working environment associated with their work.

3.8. Employees shall use all machines, equipment, tools, working material and means of transport as well as safety devices and their PPE in accordance with the specified instructions.

3.9. The employee shall have the right to make suggestions to improve the safety and health situation at the workplace.

3.10. The employee shall have the right to report deficiencies PPE and safety measures directly to labour inspector, provided that they have concrete ground to believe that the safety measures, implemented by the employer, are insufficient and additionally the employer has not remedied the risk. In this case employees shall not be disadvantaged.

#### Section 4.

##### Protection of Young Persons, Women and Disabled Persons

Employees under 18 years of age, pregnant women, disabled persons shall not be assigned to particularly hard manual work, work beyond working hours and night work.

#### Section 5.

##### Rest rooms and changing rooms.

5.1. The employer shall put at the disposal of the employees sufficient number of rest rooms and changing rooms, separate for men and women and maintain them properly.

5.2. The employer is obliged to ensure means and conditions for the cleaning of working clothes, particularly if the employees work with dangerous substances or in very dirty conditions (underground).

5.3. The employer shall provide eating-places, dry, clean, sufficiently warm, ventilated and free of harmful atmosphere. The eating-places shall be equipped with suitable furniture.

#### Section 6.

##### Special fields of the occupational safety, health and working environment

Specific occupational branches and risks shall be regulated separately by secondary legislation on the basis of this Law.

## Section 7.

### Air pollution

7.1. The level of air pollution from dust and gases shall be measured and controlled by competent authorities. Dust and gases shall be cleaned by ventilation or otherwise so as to prevent concentrations tending to injure health or obstruct vision in conformity with European standards.

7.2 In closed working environment, where more than one person works, smoking shall not be allowed.

7.3 The employer is obliged to ensure facilities where smoking is allowed; those facilities should be set according to Article 13 of this law.

## Section 8.

The employer is obliged to ensure necessary amount of drinking water for the employees, according to the nature of the working environment.

## Section 9.

### Noise, vibration and lights

Noise, vibration and lights should be measured and controlled by competent institutions. The level of noise and vibration shall be regulated and to be at allowed level in accordance with minimum European standards.

## Section 10.

### Lights

In every working environment necessary light, natural or artificial and protection from overly exposed light.

## Section 11.

### Electrical hazards.

11.1. All electrical equipment shall have the label on which all their characteristics are marked with CE symbol. Electrical installations should be done in accordance with European standards (EN).

11.2. Measures for occupational safety, health and working environment against electric power shall be defined by secondary legislation on the basis of this law.

## Section 12.

### Chemical product.

All chemical substances, including pesticides, alkalis, acids and other corrosive substances shall be stored and used in accordance with European standards for Control of Substances Hazardous to Health.

## Section 13.

### Fire.

13.1. The workplace shall be equipped with adequate fire fighting equipment in accordance with emergency response plan.

13.2. Employees shall be trained in their correct usage by the employer in accordance with emergency response plan and in case of emergency to act according to the evacuation plan.

13.3. In case of emergency, emergency exits shall be clearly marked and equip with emergency light.

13.4. Routes to emergency exits shall be free from obstructions as well as the exit doors shall not be locked.

13.5. In workplaces with more than 20 employees, the employer shall be obliged to have emergency evacuation plan.

## Section 14.

### Documentation and Records

14.1. The employer shall keep:

- Technical certificates which clearly specify the application of occupational safety, health and working environment regulations for buildings or parts of buildings used as workrooms or facilities for as long as they are in use,
- Instructions on the use of all machinery and appliances for as long as their in use,
- certificates which confirm that installations are in order and clearly show the characteristics of the machine in use, in accordance with European standards.

14.2. The employer shall keep records on the following:

- training programs for employees for carrying out work safely,
- preliminary and periodical medical check of employees designated to carry out the work in special working conditions.
- the dangerous substances it manufactures,
- accidents at work, cases of serious injuries, cases of death at work, occupational diseases
- the results of all risk assessments, measures taken to eliminate such risks and the results of control on efficiency of such measures.
- changes in the technological process which endangered or may entail danger to the occupational safety, health and working environment.



## Section 15.

### Penalty Measures

For a violation of provisions 1.3.,1.4., 1.6. and 1.7. the employer shall be fined in range from 100 €till 20.000 €

For a violation of provisions 2.1., 2.2., 2.3., 2.4., 2.5., 2.6., 2.7.,2.8., 2.9., 3.7., 4., 5.1., 5.2., 5.3., 7, 9, 11.1, 11.2, 12, 13.1, 13.2 , 13.3, 13.4, 13.5 and 14 the employer shall be fined in range from 500 €till 35.000 €

For a violation of provisions 3.2., 3.4., 3.5., 3.7. and 3.8. the employee shall be fined in range from 100 €till 500 €

## Section 16.

MLSW and other competent authorities in fields of occupational safety, health and working environment, shall issue regulations and other sub-legal acts.

## Section 17.

### Supervision

The Labor Inspection Authority shall be authorized to control and follow-up the implementation of the provisions of the present Law as well as other provisions in order to ensure compliance with and enforce measures of occupational safety, health and working environment.

## Section 18.

### Interim and Final Provisions

The Employer shall be obliged to provide the necessary conditions and measures prescribed by the provisions of this Law within 6 months from the day this Law enters into force.

## Section 19.

### Entry into force

The present Law shall enter into force on its day of promulgation by the Special Representative of the Secretary-General.

**LAW No : 2003 / 19**  
**9 October 2003**