

IMPORTANT NOTE: For reasons of clarity and economy, throughout the text the word "he" shall refer to all persons concerned, regardless to their actual gender.

HEALTH AND SAFETY AT WORK ACT

I. GENERAL PROVISIONS

Article 1

This Act shall lay down the rights and duties of employers and employees with respect to healthy and safe working practice, and measures to ensure health and safety at work.

This Act shall also determine the competent bodies in the field of health and safety at work.

By-laws concerning health and safety at work shall be enacted by the minister competent for labour and the minister competent for the field a given by-law shall pertain to.

More specific safety measures shall be defined by an employer in accordance with this Act and other regulations.

Article 2

The provisions of this Act shall apply in all spheres of economic activity and to all persons insured against workplace injury or occupational disease under the regulations on retirement and disability insurance, and health insurance, as well as to all other persons who are involved in work processes.

The provisions of this Act shall not apply in spheres of economic activity or parts thereof where the ensurance of health and safety at work is governed by special regulations.

Article 3

The following interpretations shall apply to the terms used in this Act:

1. An employee means a person employed under an employment contract.

Under this Act, an employee also means a person employed on any other legal basis, or performing independent or self-employed occupational, agricultural or other activity; or performing work at a workplace as part of a training scheme.

2. An employer means a natural or legal person employing the services of an employee under an employment contract.

An employer also means a natural or legal person employing the services of an employee on any other legal basis.

An employer also means a farmer or natural person who, alone or with any member of his household or family, performs an agricultural, gainful or other activity as his only or main occupation and who does not employ other persons.

3. A workplace includes any place designated for the performance of work, and is located in premises of an employer, or in any temporary or mobile work site to which an employee has access during the course of his work and which is under the direct or indirect control of an employer.

4. The working environment means any space in which work is performed. A definition of such includes the workplace, conditions of work, work processes, social relations as well as other influences of the external environment.

5. Means of work means:

- the facilities utilised for work and auxiliary premises; - the work equipment; - personal protective equipment; - substances and preparations; - any other means used in, or otherwise related to, a work process.

6. Work equipment means any machinery, device, tool and other equipment used in the work process.

7. A hazardous substance means a substance which may inflict injury or impair health due to its physical, chemical or biological properties and is in view of its special properties defined as hazardous in special regulations.

8. A safety statement means a document describing the characteristics of a work process which identifies the hazards and assesses the risks to health and safety at the workplace and which prescribes the control measures.

9. A safety officer means a person designated by an employer to carry out expert tasks related to safety at work.

10. An authorised medical practitioner means a specialist in occupational medicine enlisted by an employer to provide medical services at work.

Article 4

The National Assembly of the Republic of Slovenia shall adopt the national programme of health and safety at work (henceforth: the National Programme).

The National Programme shall determine the development strategy in the field of health and safety at work aimed at protection of lives, health and ability to work of employees, and at the prevention of workplace injuries and occupational or other work-related diseases.

The draft National Programme shall be prepared by the Government of the Republic of Slovenia in consultation with professional experts, employers' organisations and trade unions.

II. FUNDAMENTAL PRINCIPLES

Article 5

An employer shall have a duty to ensure the health and safety of his employees in every aspect related to the work. Within the context of his responsibilities, the employer must take the measures necessary for the safety and health protection of employees, including prevention of occupational risks and provision of information and training, as well as provision of appropriate organisation and necessary means.

An employer shall have a duty to introduce such preventive measures and to select such working and production methods that will enhance the level of health and safety at work, and will be incorporated in all activities of the employer and on all levels of organisation.

The enlisting of competent external services or persons to execute expert tasks concerning health and safety at work shall not discharge the employer from his responsibilities in this area. The employees' obligations in the field of health and safety at work shall have no effect the principle of responsibility of the employer.

Article 6

An employer shall implement the measures referred to in the preceding Article hereof on the basis of the following general principles of prevention:

- avoiding risks; - assessing the risks which cannot be avoided; - combating the risks at source; - adapting the work to the individual, especially as regards the design of workplaces and working environment, the choice of work equipment and the choice of working and production methods; - implementing measures necessary for maintenance and strengthening of health; - adapting to technical progress; - replacing the dangerous by the non-dangerous or the less dangerous; - developing of a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence factors related to the working environment; - giving collective protective measures priority over individual protective measures; - giving appropriate instructions and notices to the employees.

Article 7

All duties of employers arising from this Act and regulations prescribed on the basis thereof shall constitute the rights of employees with regard to the health and safety protection at work.

Article 8

An employee shall have the right to the type of work and a working environment which are safe and without risk to health.

The work process must be adapted to the employee's physical and mental capabilities, while the working environment and means of work must, taking the account of the nature of work, be safe and without risk to health.

Article 9

An employee must comply with and implement measures necessary to ensure health and safety at work.

An employee must take care of his own safety and health and that of other persons affected by his acts at work.

An employee must make correct use of safety devices and the personal protective equipment, handle them with care and maintain them in full working order.

Article 10

Employers and employees or their representatives must keep each other informed of, consult on, and take part in decisions on all issues pertaining to safety and health at work in compliance with this Act and regulations governing workers' participation in management.

Article 11

The insurance of health and safety at work may not place an employee under any financial obligation. Work-related health impairment may not affect an employee's pay nor encroach upon his economic and social status acquired through work.

The measures taken by an employer to ensure health and safety at work may not place an employee under any financial obligation.

Article 12

Employers, employers' associations, insurance companies, as well as institutions in the field of health insurance, and retirement and disability insurance, shall all take part in the planning of collective activities with a view to achieving a higher level of health and safety at work as well as the general development of a safety oriented practice; and shall also ensure the provision of the necessary funds for this purpose in accordance with the law.

Legal and natural persons carrying out the activity of ensuring health and safety at work, the University and other institutions of education shall all take part in the planning of collective activities referred to in the preceding paragraph.

Employees performing work which is particularly hard and damaging to health and employees performing work tasks which cannot be performed as a profession after a certain age shall be mandatorily insured by their employer according to the pension and disability insurance regulations.

The employer's contribution in relation to a workplace injury or occupational disease shall depend on the attained level of health and safety at work.

The employer's contribution referred to in the preceding paragraph shall be determined by the Health Insurance Institute of the Republic of Slovenia and the Pension and Disability Insurance Institute of the Republic of Slovenia in accordance with the regulations governing health insurance and the regulations governing pension and disability insurance.

The Health Insurance Institute of the Republic of Slovenia shall determine the employer's contribution referred to in the fourth paragraph of this article in accordance with Article 56 of the Health Protection and Health Insurance Act (Official Gazette of the Republic of Slovenia, Nos. 9/92, 13/93, 9/96, and 29/98) not later than 12 (twelve) months after coming into force of this Act.

Article 13

Education and training concerning health and safety at work shall form an integral part of the general and vocational education received in schools of all types and levels, as well as an integral part of induction and ongoing training of an employee at work.

III. OBLIGATIONS OF AN EMPLOYER

Article 14

Every employer must prepare and implement a written safety statement specifying the manner in which the health and safety shall be secured at work as well as the actual measures to be taken. If a new hazard occurs or the risk level changes, the safety statement must be revised accordingly.

A safety statement shall be based on an identification of the hazards and assessment of the risks to safety and health at the workplace and in working environment to which the safety statement relates.

The manner of preparation of a safety statement, its content as well as the data on which the risk assessment should be based shall be specified and prescribed by the minister competent for labour in cooperation with the minister competent for health in the light of the nature of the activities and size of the undertaking.

Article 15

An employer must ensure health and safety at work particularly through:

- entrusting the safety officer with expert tasks concerning safety at work, and the authorised medical practitioner with expert tasks concerning health at work;
- the adoption of fire safety measures in accordance with special regulations;
- the adoption of first aid and evacuation measures in the event of danger;
- informing employees or their representatives about the introduction of new technologies or means of work, as well as any potential or actual dangers of injury or health impairment possibly related to them, and issuing the pertaining safe working practice instructions;

- training of employees in safe working practice;
- providing employees with personal protective equipment and ensuring its use if the means of work or working environment are inadequate to ensure mandatory health and safety at work despite the safety measures being taken;
- undertaking periodic inspections of the working environment, as well as examinations and testing of work equipment;
- the provision of health examinations for employees.

Article 16

Based on the professional assessment of an authorised medical practitioner, an employer shall define any special health requirements that are to be observed by an employee who is engaged in a given work tasks or a work process, or is using a particular means of work.

Article 17

An employer may only allow employees to handle a hazardous substance if such is accompanied with a Material Safety Data Sheet (hereinafter MSDS) in the Slovene language by way of which the manufacturer or supplier of said substance specifies, in accordance with special regulations, all the relevant safety and technical information needed to control the risk in working with the substance in question. All the safety measures determined by the MSDS must be implemented.

When such is necessary, an employer must provide a translation of the MSDS described in the preceding paragraph into a language which the employees understand.

Article 18

An employer must designate one or more safety officers for the execution of expert tasks pertaining to safety at work.

An employer shall determine the number of safety officers and their type, as well as the level and field of the professional education they require by taking into account:

- the organisation, nature and volume of the work process;
- the number of employees involved in the work process;
- the number of work-shifts; and
- the number of separated work units.

In the execution of expert tasks pertaining to safety at work, safety officers shall be directly answerable to an employer.

An employer must ensure the full autonomy of a safety officer in the execution of his tasks according to this Act, and must allowed him adequate time and access to all required information as well as enable him advanced training. A safety officer must not be placed at a disadvantage or suffer unjustified consequences because of his actions.

An employer may entrust the organisation and execution of certain individual or all tasks described in Article 19 hereof to competent external services or persons which were granted the licence in accordance with Article 46 hereof.

An employer who has entrusted the organisation and execution of certain individual or all tasks described in Article 19 hereof to the external services or persons referred to in the preceding paragraph, shall have a duty to inform said services or persons as to all the factors which effect or might effect health and safety at work, and to allow them access to data on risks in the workplace as well as the safety measures necessary to control the risks and eliminate the harmful consequences.

Article 19

The primary obligations of the safety officer shall be to:

1. advise an employer on planning, selection, purchase and maintenance of means of work;
2. advise an employer on the fitting-out of the workplace and the working environment;
3. set out the professional basis for the safety statement;
4. conduct periodic inspections of the chemical, physical or biological risks in the working environment;
5. conduct periodic inspections and examinations of work equipment;
6. conduct the internal supervision of the implementation of the measures for safe working practice;
7. develop instructions for safe working practice;
8. monitor the situation regarding work-related injuries, occupational diseases and work-related diseases, as well as identify the causes of same and prepare reports for the employer together with any proposed preventive measures;
9. prepare programmes and carry out employee training in safe working practice.

A safety officer may perform the tasks referred to in items 3, 4, 5 and 9 of the preceding paragraph if he fulfils the same conditions prescribed for the performance of such tasks as are determined by the regulation referred to in paragraph one of Article 48 hereof.

Notwithstanding the provision of paragraph 18(1) hereof, and notwithstanding the provision of the preceding paragraph, a safety officer entrusted with certain individual or all expert tasks must pass the proficiency examination in health and safety at work referred to in Article 48(2) hereof.

Article 20

An employer must ensure that expert tasks pertaining to the provision of medical services at work are performed by an authorised medical practitioner.

Depending on the type of the activity performed by the employer as well as the type and level of the risk of injury or health impairment, the primary tasks of the authorised medical practitioner shall be to:

1. partake in any assessment of the risks to safety and health at the workplace and in working environment;
2. inform employees as to the hazards and the risks linked to them pertaining to their work in a given workplace, as well as provide health education to employees;
3. identify and investigate causes of occupational diseases and work-related diseases;
4. perform preventive health examinations of employees in accordance with special regulations;
5. provide medical services for employees with occupational diseases;
6. organise the provision of first aid, rescue and evacuation of employees in cases of a workplace injury or collective accident;

7. identify causes of work-related disabilities and propose appropriate preventive and curative measures; take part in the execution of pertinent occupational rehabilitation and consult on the selection of a more suitable work tasks;
8. propose to an employer measures of protection of the health of employees exposed to severe danger of injury or health impairment;
9. advise an employer on safe working practice;
10. keep records and collect data on the health of employees in accordance with the special regulations.

Article 21

The medical tasks specified in the preceding paragraph may be performed by:

- a public health institution;
- a legal or natural person with a concession for the performance of medical services within the medical service system in accordance with the laws governing medical services.

Article 22

An employer must provide health examinations for his employees.

Types, manner, scope and frequency of the health examinations referred to in the preceding paragraph shall be prescribed by the minister competent for health, in agreement with the minister competent for labour.

Article 23

An employer is obliged to inform employees about safe working practice by way of written notices and instructions. In exceptional cases, when employees are exposed to imminent danger to their health or lives, such notices and instructions may be delivered orally.

An employer must inform employees of every type of risk in the workplace, as well as the safety measures necessary to control the risks and eliminate the harmful consequences. An employer must inform pregnant employees, young people at work, older employees and those with diminished working capacity as to the results of a risk assessment and the measures taken by the employer in order to safe-guard their health and safety at work.

An employer must ensure that access to workplaces exposed to imminent and unavoidable danger is allowed only to those employees who have received special instructions for work at such workplaces.

An employer engaging the employees of another employer on the basis of a contract must provide such employees with information on health and safety at work risks as well as information concerning the employee with specific responsibility for the first aid, fire safety and evacuation of employees.

In accordance with special regulations, an employer must display at the workplace and on the means of work special notices and danger signs as well as safety instructions.

Article 24

An employer must ensure that each employee receives adequate health and safety training on recruitment, in the event of a transfer to a new workplace, in the event of the introduction of any new

technology or new means of work, and in event of any modification of the work process which may alter the level of safety at work.

Health and safety training must be adjusted to the specifics of the workplace and must be carried out according to a programme which must be, as circumstances require, renewed and modified with regard to new forms and types of danger.

Theoretical and practical examinations in safe working practice shall be conducted by an employer at the workplace.

An employer shall determine mandatory periodic theoretical and practical examinations in safe working practice for all employees working at workplaces where an increased danger of injury and health impairment has been established during a risk assessment, as well as for all those employees who work at workplaces where there is increased incidence of injuries at work and health impairment.

The frequency of the examinations prescribed in the preceding paragraph may not be lower than once every two years.

Following an inspection, a Labour Inspector may prescribe that an existing health and safety training programme be adjusted to the workplace specifics with regard to the forms and types of hazards. Following an inspection, a Labour Inspector may also prescribe a theoretical and practical examination of safety practice.

An employer temporarily engaging the employees of another employer on the basis of a contract must ensure that said employee receives adequate instructions as to health and safety risks.

An employer must ensure that works council members and workers' representative receive adequate health and safety training.

The training referred to in paragraphs 1 and 2 of this article must take place during working hours and may not be at the employee's expense.

Article 25

At sites where two or more employers are engaged at the same time, they must agree in writing as to the common protective and preventive measures to be taken, and designate an employee responsible for the implementation thereof.

Article 26

At least fifteen days prior to the commencement of a work process involving increased danger of injury or health impairment, an employer must notify the Labour Inspectorate accordingly.

Article 27

An employer must forthwith report to the Labour Inspectorate any fatal accident or any injury at work which renders the employee in question incapable of work for at least three consecutive working days, or any collective accident, or dangerous situation, or officially established occupational disease.

An employer must forthwith report any fatal accident to the body competent for the interior.

A dangerous situation within the meaning of paragraph 1 of this article shall be deemed any event where considerable material damage may or has occurred, or an employee's health or life may be or has been put to risk, or an injury may occur which would render the injured employee incapable of work.

Article 28

An employer must allow employees or their representatives to take part in discussions on all questions relating health and safety at work in accordance with this Act and other regulations.

The tasks referred to in the preceding paragraph shall be performed by the works council in accordance with the regulations governing workers' participation in management.

The works council and trade unions must be presented the safety statement referred to in Article 14 hereof, the report on health and safety at work and the executed safety measures referred to in Article 40 hereof and the records referred to in Article 39 hereof.

The works council must be consulted on any measure which might effect health and safety at work; the designation of a safety officer referred to in Article 18; the appointment of an authorised medical practitioner referred to in Article 20; the safety statement; and informing of employees.

Article 29

At an employer where no works council is organised, the tasks described in the preceding article shall be performed by the workers' representative with specific responsibility for the health and safety at work.

The workers' representative with specific responsibility for the health and safety at work must be ensured of mode of work and rights which apply to a works council.

Article 30

In the election of a workers' representative with specific responsibility for the health and safety at work, the provisions regulating the election of a works council, which are prescribed by the Workers' Participation in Management Act, shall be reasonably applied.

Article 31

A works council or workers' representative with specific responsibility for the health and safety at work can demand that an employer adopt suitable measures for the reduction or elimination of health and safety risks in the workplace.

A works council or workers' representative with specific responsibility for the health and safety at work may request an inspection by the Labour Inspectorate if it is believed that an employer has failed to provide adequate safety measures.

A representative of a works council or the workers' representative with specific responsibility for the health and safety at work may be present at any inspection by the Labour Inspectorate or by any other body when such is inspecting the safe-guarding of health and safety at work.

An employer must inform the works council or the workers' representative with specific responsibility for the health and safety at work, and the trade unions at an employer as to the findings, suggestions and measures effected by an inspection body.

IV. RIGHTS AND OBLIGATIONS OF EMPLOYEES

Article 32

It shall be the right and obligation of every employee to be aware of the safety and health protection measures and to train for their implementation.

It shall be the right and obligation of every employee to make proposals, give opinions and provide information concerning health and safety at work to the persons referred to in items 9 and 10 of Article 3 hereof.

Article 33

It shall be the right of an employee to decline to perform work if either he is not informed beforehand of all potential risks involved, or if the employer has failed to provide the prescribed health examination.

It shall be the right of an employee to decline to perform work if he is exposed to an imminent risk to health or life because the prescribed safety measures have not been implemented. In such case, an employee may demand that the risk be controlled.

It shall be the right of an employee to decline to perform work exceeding the full working time or night work if, in the opinion of the authorised medical practitioner, such work would impair his health.

Should an employer fail to control the risk or act in accordance with the opinion of the authorised medical practitioner, an employee may demand the intervention of the Labour Inspectorate and notify the works council or workers' representative with specific responsibility for the health and safety at work, accordingly.

Article 34

In the event of serious and imminent danger to health and life, it shall be the right of an employee to take appropriate action to avoid the consequences of such danger according to his knowledge and the technical means available and leave his workplace, work process or the working environment.

In cases described in the preceding paragraph, an employee shall not be held liable for any damage resulting from his action, except if acting with intention or great negligence.

Article 35

An employee may work at a workplace or in conditions in which he is exposed to increased danger of injury or health impairment under conditions specified in special regulations and on basis of the professional assessment of the authorised medical practitioner stating said employee's ability for said work.

Article 36

Employees must observe the prescribed safety measures and use the prescribed personal protective equipment as well as undergo the health examinations in accordance with this Act and the regulations issued on the basis thereof.

Should an employee fail to act in accordance with provisions of the preceding paragraph, he shall be deemed to have put at risk his own health and safety and those of other employees.

Should an employee fail to act in accordance with the provisions of the first paragraph of this Article, he shall be deemed to have committed a serious breach of the obligations stemming from employment relations for which his employment can be terminated.

Article 37

An employee must immediately inform his employer through workers' representatives either orally or in writing of any deficiency, health risk, defect or other occurrence that may endanger his own health and safety at work or those of other employees.

If an employer fails to remedy an occurrence described in the preceding paragraph, or if an employee believes that the safety measures appropriate to that purpose have not been implemented, the employee may demand the intervention of the Labour Inspectorate, and shall notify the works council or workers' representative with specific responsibility for the health and safety at work accordingly.

An employee must cooperate with the employer and the employees with specific responsibility for the health and safety at work to ensure that the working environment and working conditions are safe and that the measures proposed by the Labour Inspectorate are implemented.

V. RECORDS AND REPORTS

Article 38

An employer shall keep all documentation specified in this Act.

Article 39

An employer must keep records of the following:

1. periodic inspections of any chemical, physical or biological agents;
2. periodic testing and examination of work equipment;
3. testing and examination of personal protective equipment;
4. training and practical examinations in safe working practice;
5. special health requirements referred to in Article 16 hereof;
6. preventive health examinations of employees;
7. any workplace injury, collective accident, dangerous situation, established occupational disease or work-related disease and its cause;
8. notifications referred to in Article 26 hereof;
9. hazardous substances used if so prescribed by special regulations.

Article 40

Reports on health and safety at work and executed safety measures shall be prepared by an employer at the request of the Labour Inspectorate.

Article 41

The minister competent for labour shall prescribe the contents of records, the method of the keeping and storing of documentation, as well as the deadlines for preparation of the records and reports described in Article 39 hereof.

VI. NATIONAL OFFICE FOR HEALTH AND SAFETY AT WORK

Article 42

The National Office for Health and Safety at Work at the ministry competent for labour (henceforth: the Office) shall ensure the following:

- monitor and assess the state of affairs in the field of health and safety at work and on such a basis prepare further elaboration of the uniform regulation of health and safety at work which is subject of this Act and other regulations;

- prepare expert bases for the drafting of the National Programme and monitor its implementation;
- prepare expert identification for the drafting of laws and other regulations;
- conduct and promote research in the field of humanisation of work;
- investigate hazards in the workplace which result in injury, occupational disease as well as other work-related illness;
- develop expert opinion in the field of health and safety at work;
- prepare methodologies for the expert tasks related to health and safety at work;
- conduct examinations and make expert assessments of the periodic examinations and testing of workplace as well as analyses of chemical, physical and biological agents and the microclimate of the working environment;
- conduct informational and documentational activities pertaining to health and safety at work, and inform the public by way of various seminars as well as through publications;
- perform publishing activities in the field of health and safety at work; and

Article 43

State bodies, offices, institutes and other organisations administering affairs of common importance to health and safety at work must, when requested, provide the Office with information concerning health and safety at work.

VII. COUNCIL FOR HEALTH AND SAFETY AT WORK

Article 44

The Government of the Republic of Slovenia shall establish the Council for Health and Safety at Work (henceforth: the Council) as an expert advisory body.

The Council shall discuss and adopt opinions and recommendations concerning the following:

- the National Programme;
- the state of affairs in the field of health, safety and medical services, the strategy and implementation of a uniform policy of prevention of workplace injuries, occupational and other work-related diseases and injuries;
- expert bases for the drafting of laws and other regulations on health and safety at work;
- the documents of international organisations concerning health and safety at work.

Article 45

The Council shall comprise of 15 members, representatives of the expert community (4 members), employers' organisations (4 members), the trade unions representative of the entire country (4 members), and the Government of the Republic of Slovenia (3 members).

The members of the Council shall be appointed by the Government of the Republic of Slovenia upon the motion of the bodies referred to in the preceding paragraph.

The expert community referred to in paragraph 1 of this article shall comprise of representatives of the University conducting education in the field of health and safety at work (1 member), the University conducting education in the field of occupational medicine (1 member), the safety officers' association (1 member) and association of occupational medicine experts (1 member).

VIII. THE LICENCE

Article 46

The minister competent for labour shall issue to a legal or natural person, fulfilling the personnel, organisational, technical and other conditions, a license for the performance of the following expert tasks:

- periodic assessment of chemical, physical and biological agents in the working environment;
- periodic tests and examinations of work equipment;
- the development of expert justification for the preparation of the safety statement;
- the preparation and implementation of training programmes for employees in safe working practices.

The minister competent for labour shall revoke the licence described in the preceding paragraph in the event of the following:

- upon establishment that the legal or natural person fails to fulfil the necessary conditions for the acquisition of the licence;
- the legal or natural person granted the licence fails to commence the tasks specified in said licence within one year of its issue;
- the licence was issued on the basis of false information;
- on the advice of Labour Inspectorate, if it has been established that the tasks have not been performed at an expert level.

Article 47

The minister competent for labour shall issue or revoke the licence by way of a decree, which may not be appealed against.

The costs of any such procedure shall be borne by the legal or natural person.

On the day of coming into force of said decree, any issue or revocation of a license shall be entered into the register kept by the ministry competent for labour.

The legal or natural person may commence the execution of expert tasks on the day that the license is entered into the register.

Data entered into the register shall be a matter of public record.

Article 48

The minister competent for labour shall specify the personnel, organisational, technical and other conditions that legal or natural persons must fulfil in order to obtain the license; the composition of the committee; as well as the keeping of the register.

The minister competent for labour shall also specify the conditions, manner and programme for the proficiency examination in health and safety at work.

IX. THE CHAMBER

Article 49

Safety officers and authorised medical practitioners performing tasks in the field of health and safety at work may associate in the Chamber.

Article 50

The Chamber shall perform activities specified in this Act and the statute, and in particular the following:

- monitoring and supervision of the work of its members pursuant to its regulations; - adoption of code of professional ethics; and - keeping records on its members.

X. SUPERVISION

Article 51

Supervision over the implementation of this Act, the regulations issued on the basis thereof, other regulations governing health and safety at work, and the safety measures specified in internal rules or collective agreements shall be carried out by the Labour Inspectorate.

Article 52

Supervision referred to in the preceding paragraph concerning mines and mine working as well as underground construction works using mine-working methods and in accordance with the legislation governing mining and the regulations issued on the basis thereof shall be carried out by the Mining Inspectorate.

Article 53

Supervision referred to in Article 51 hereof on ships and boats used for commercial purposes, with the exception of trawlers, shall be carried out by the Naval Authority of the Republic of Slovenia.

Article 54

Supervision referred to in Article 51 hereof concerning the work of aircraft crews shall be carried out by the inspectorate competent for air navigation.

Article 55

The Inspectorate carrying out the supervision over the implementation of this Act, the regulations issued on the basis thereof, other regulations governing health and safety at work, and the employed safety measures, shall inform the works council or workers' representative with specific responsibility for the health and safety at work, as well as the representative trade unions within that undertaking, of its findings.

XI. PENAL PROVISIONS

Article 56

A fine of not less than 300,000 SIT shall be imposed on an employer, if he:

1. fails to prepare and implement a written safety statement, or to prepare a safety statement in the prescribed manner and content (Articles 14(1) and (3));

2. fails to define, on the basis of the professional assessment of an authorised medical practitioner, the special health requirements that are to be observed by an employee who is engaged in a given work task or work process or is using a particular means of work (Article 16);
3. allows employees to handle a hazardous substance which is not accompanied with a MSDS in the Slovene language by way of which the manufacturer or supplier of said substance specifies, in accordance with special regulations, all the relevant safety and technical information needed for control of the risk in working with the substance in question; and fails to implement all the safety measures determined by the MSDS (Article 17(1));
4. fails to provide, when such is necessary, a translation of MSDS into a language which employees understand by way of which the manufacturer or supplier of said substance specifies, in accordance with special regulations, all the relevant safety and technical information needed for control of the risk in working with the substance in question (Article 17(2));
5. fails to designate one or more safety officers for the execution of expert tasks pertaining to safety at work (Article 18(1));
6. fails to ensure the full autonomy of a safety officer in the execution of his expert tasks according to this Act, or to allow a safety officer adequate time and access to all required information, or to enable him advanced training; or places a safety officer at a disadvantage or makes him suffer unjustified consequences because of his actions;
7. entrusts the organisation and execution of certain individual or all tasks described in Article 19 hereof to external experts or expert services which do not hold a licence in accordance with Article 45 hereof (Article 18(5));
8. fails to ensure that the tasks referred to in Items 3, 4, 5 and 9 of Article 19(1) hereof are performed in accordance with the prescribed conditions (Article 19(2));
9. fails to ensure that expert tasks pertaining to the provision of medical services at work are performed by an authorised medical practitioner (Article 20(1));
10. fails to provide health examinations for his employees (Article 22(1));
11. fails to inform employees about safe working practice, or every type of danger in the workplace, as well as the necessary safety measures (Article 23(1) and (2));
12. fails to provide employees with information on health and safety at work risks as well as information concerning the employee with specific responsibility for the first aid, fire safety and evacuation of employees (Article 23(4));
13. fails to ensure that each employee receives adequate health and safety training, or to renew and modify a training programme as circumstances require (Article 24(1) and (2));
14. fails to conduct theoretical and practical examinations in safe working practice at the workplace (Article 24(3));
15. fails to determine mandatory periodic theoretical and practical examinations in safe working practice or to observe the prescribed frequency of the examinations (Article 24(4) and (5));
16. fails to provide training for employees in safe working practice during working hours and free of charge, or fails to ensure that works council members and workers' representative receive adequate health and safety training (Article 24(8) and (9));

17. fails to specify in writing the common protective and preventive measures to be taken, and designate an employee responsible for the implementation of such measures at a site where two or more employers are engaged at the same time (Article 25);

18. fails to notify the Labour Inspectorate about the commencement of a work process involving increased danger of injury or health impairment at least fifteen days prior to the commencement of same (Article 26);

19. fails to report forthwith to the Labour Inspectorate any fatal accident or any injury at work which renders the employee in question incapable of work for at least three consecutive working days, or any collective accident, or any dangerous situation, or officially established occupational disease; or fails to report any fatal accident forthwith to the body competent for the interior (Article 27(1) and (2));

20. fails to allow employees or their representatives to take part in discussions on all questions relating health and safety at work in accordance with this Act and other regulations (Article 28(1));

21. fails to submit to the works council the safety statement, the report on health and safety at work as well as the executed safety measures, and the records (Article 28(3));

22. fails to consult the works council on any measure which might effect health and safety at work; the designation of a safety officer; the appointment of an authorised medical practitioner; the safety statement; and informing of employees (Article 28(4));

23. fails to keep all documentation specified in this Act, or fails to keep the prescribed records (Articles 38 and 39).

A fine of not less than 50,000 SIT shall be imposed on the responsible person in an undertaking if he commits a violation referred to in the preceding paragraph.

Article 57

A fine of not less than 30,000 SIT shall be imposed on an employee, if he:

fails to immediately inform his employer of any deficiency, health risk, defect or other occurrence that may endanger his own health and safety at work or those of other employees (Article 37(1)).

Article 58

A fine of not less than 100,000 SIT shall be imposed on an employer, if he:

1. fails to provide employees with personal protective equipment and ensure its use if the means of work or working environment are inadequate to ensure mandatory health and safety at work despite the safety measures being taken (Article 15(1) Indent 6).

2. fails to undertake periodic inspections of the working environment, as well as examinations and testing of work equipment (Article 15(1) Indent 7);

3. fails to ensure that access to workplaces exposed to imminent and unavoidable danger is allowed only to those employees who have received special instructions for work at such workplaces (Article 23(3)).

4. fails to display at the workplace and on the means of work special notices and danger signs as well as safety instructions in accordance with special regulations (Article 23(5)).

A fine of not less than 50,000 SIT shall be imposed on the responsible person in an undertaking if he commits a violation referred to in the preceding paragraph.

The fine referred to in the first paragraph of this Article shall be collected by a competent inspector on the spot.

Article 59

A fine of not less than 20,000 SIT shall be imposed on an employee, if he:

fails to observe the prescribed safety measures or to use the prescribed personal protective equipment, or to undergo the health examinations in accordance with this Act and the regulations issued on the basis thereof (Article 36(1)).

The fine referred to in the preceding paragraph of this Article shall be collected by a competent inspector on the spot.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 60

An employer must regulate health and safety at work within his undertaking in accordance with the provisions of this Act within two years after coming into force hereof.

Article 61

Legal and natural persons licensed on the basis of Article 42 of the Safety at Work Act (Official Gazette of SR Slovenia, No. 32/74, 16/80, 25/86 and 47/86) for performance of the expert tasks referred to in Article 46 hereof may continue to perform said expert tasks until coming into force of the provisions of Article 48(1) hereof.

Until a by-law is issued which will replace Regulation on the Inspection of the Working Environment and the Examination and Testing of Means of Work (Official Gazette of the SR Slovenia, No. 35/88), an employer shall be obliged to provide periodic inspections of the working environment and examinations and testing of means of work within a period of a duration not longer than three years.

Article 63

The minister competent for labour and the minister competent for health shall issue the by-laws related to this Act within 12 (twelve) months of coming into force hereof.

Article 64

Within one year of this Act coming into force, the Government of the Republic of Slovenia must submit into reading before the National Assembly, the draft national programme referred to in Article 4 hereof.

Article 65

Until the adoption of regulations governing health and safety at work, the following regulations in force shall apply, save those which are contrary to the provisions of this Act or other regulations:

- Regulation on Hygienic and Technical Safety Measures for Work in Hemp Processing Factories (Official Gazette of the FPR of Yugoslavia, No. 46/47)
- Regulation on Hygienic and Technical Safety Measures for Work in Glassworks (Official Gazette of the FPR of Yugoslavia, Nos. 14/48, and 17/48)
- Regulation on Hygienic and Technical Safety Measures for Work in Quarries and Brick Factories and in the Quarrying of Clay, Sand and Crushed Stone (Official Gazette of the FPR of Yugoslavia, No. 69/48)
- Regulation on Safety in Handling Explosives and Blasting in Mines, Quarries and Other Works (Supplement No. 8 to Official Gazette of the FPR of Yugoslavia, No. 98/49)

- General Regulation on Hygienic and Technical Safety Measures for Work (Official Gazette of the FPR of Yugoslavia, Nos. 16/47, and 36/50, Articles 11-25, 33-39, 40 and 41, 42-49, 76 and 77, 86 and 87, 100-103, and 152-183)
- Regulation on Hygienic and Technical Safety Measures for Work in Chemical Technology Processes (Supplement No. 9 to (Official Gazette of the FPR of Yugoslavia, No. 55/50, save Article 86)
- Regulation on Hygienic and Technical Safety Measures for Work in Ferrous Metallurgy (Official Gazette of the FPR of Yugoslavia, No. 7/55)
- Regulation on Hygienic and Technical Safety Measures for Work on Sea Vessels (Official Gazette of the FPR of Yugoslavia, Nos. 6/57, and 32/58)
- Regulation on Hygienic and Technical Safety Measures for Work in Diving Operations (Official Gazette of the FPR of Yugoslavia, No. 36/58)
- Regulation on Hygienic and Technical Safety Measures for Work in the Mechanical Processing and Shaping of Wood and Similar Materials (Official Gazette of the FPR of Yugoslavia, No. 40/61)
- Regulation on Hygienic and Technical Safety Measures for Work in Transport Works in Harbours (Official Gazette of the SFR of Yugoslavia, No. 14/64)
- Regulation on Safety in the Maintenance and Use of Motor Vehicles (Official Gazette of the SFR of Yugoslavia, No. 55/65)
- Regulation on Safety in the Loading and Unloading of Lorries (Official Gazette of the SFR of Yugoslavia, No. 17/66)
- Regulation on Safety at Work and Technical Measures Concerning Acetylene Generators and Acetylene Stations (Official Gazette of the SFR of Yugoslavia, Nos. 6/67, and 27/69)
- Ordinance on the Prohibition of Absolving and Cleaning Metallic Parts and Other Materials with Fuel Petrochemicals (Official Gazette of the SFR of Yugoslavia, No. 23/67)
- Regulation on General Measures and Norms for Safety at Work Concerning Construction Works Intended for Working and Accessory Premises (Official Gazette of the SFR of Yugoslavia, Nos. 27/67, 29/68, and 41/68)
- Regulation on Safety in Agricultural Work (Official Gazette of the SFR of Yugoslavia, No. 34/68)
- Regulation on the Provision of Accommodation and Meals to Employees and Their Transport from Place of Residence to Workplace and in the Opposite Direction (Official Gazette of the SFR of Yugoslavia, No. 41/68)
- Regulation on Safety in Construction Works (Official Gazette of the SFR of Yugoslavia, No. 30/69)
- Regulation on General Measures and Norms for Safety at Work with Elevators (Official Gazette of the SFR of Yugoslavia, No. 30/69)
- Regulation on Means of Personal Safety for Work and Personal Safety Equipment (Official Gazette of the SFR of Yugoslavia, No. 35/69)
- Regulation on Safety in the Manufacture and Use of Explosives and Dynamite (Official Gazette of the SFR of Yugoslavia, No. 55/69)
- Regulation on Special Measures and Norms for Safety at Work in the Processing of Hides, Furs and Fur Wastes (Official Gazette of the SFR of Yugoslavia, No. 47/70)
- Regulation on Equipment and Procedure for the Provision of First Aid and on Organisation of Industrial Accident Aid Service (Official Gazette of the SFR of Yugoslavia, No. 21/71)
- Regulation on General Measures and Norms Concerning Noise at Work Premises (Official Gazette of the SFR of Yugoslavia, No. 29/71)
- Regulation on Safety at Work in Thermal Processing of Light Metal Alloys in Liquid Nitrates (Official Gazette of the SR Slovenia, No. 26/75)
- Instructions on the Method of Reporting and Investigating Industrial Accidents (Official Gazette of the SR Slovenia, No. 9/78)
- Regulation on Technical Norms for Safety at Work in Foundries (Official Gazette of the SFR Yugoslavia, No. 14/79)
- Regulation on Safety at Work in the Forest Industry (Official Gazette of the SR Slovenia, No. 15/79)
- Instructions on the Records in the Field of Safety at Work (Official Gazette of the SR of Slovenia, No. 32/80)
- Regulation on the Records and Reports in the Field of Safety at Work (Official Gazette of the SR Slovenia, Nos. 1/84, 18/87, and 35/88)
- Regulation on Safety Measures for Work with Substances Containing Polychlorinated Biphenyls, Polychlorinated Naphthalenes, and Polychlorinated Terphenyls (Official Gazette of the SR Slovenia, No. 13/85)
- Regulation on Grounds for Performance of Tasks Concerning Safety at Work (Official Gazette of the SR Slovenia, No. 27/87)
- Regulation on Documents Concerning Means of Work (Official Gazette of the SR Slovenia, Nos. 26/88, and 31/88)

- Regulation on Safety at Work in the Construction of Tunnels (Official Gazette of the SR Slovenia, No. 26/86)
- Regulation on the Inspection of the Working Environment and the Examination and Testing of Means of Work (Official Gazette of the SR Slovenia, No. 35/88)
- Regulation on Safety at Work on the Railways (Official Gazette of the SR Slovenia, No. 36/89)
- Regulation on Safety Measures in the Manufacture and Processing of Paper, Cardboard and Timber Products (Official Gazette of the SR Slovenia, No. 36/89)
- Regulation on Measures and Norms Concerning Safety at Work with Work Tools (Official Gazette of the SR Slovenia, No. 18/91)
- Regulation on Safety at Work in the Graphic Industry (Official Gazette of the RS, No. 7/92)
- Regulation on Safety at Work Concerning the Danger of Electric Power (Official Gazette of the RS, No. 29/92)
- Regulation on Proficiency Examination in the Field of Safety at Work (Official Gazette of the RS, No. 17/96)
- Regulation on the Conditions to be Fulfilled by an Authorised Organisation Performing Expert Tasks in the Field of Safety at Work (Official Gazette of the RS, No. 61/96)
- Regulation on Manner and Procedure applied in Preventive Medical Examinations of Employees (Official Gazette of the SR Slovenia, No. 33/71)

Article 66

On coming into force of this Act, the following shall cease to have effect: the Safety at Work Act (Official Gazette of the Socialist Republic of Slovenia, Nos. 32/74, 16/80, and 25/86), save the provisions of Articles 48, which shall apply until the enforcement of a new Employment Relationships Act; Articles 115, 120 and 121 of the Employment Relationships Act (Official Gazette of the Socialist Republic of Slovenia, Nos. 24/77, 30/78, 27/82, 45/82, 11/83, 24/83, 5/86 and 18/88); the first, second, third, fourth and fifth indents of Article 9(1), Articles 9(2), 10 and 11, items 2-3 of Article 95 of the Health Protection and Health Insurance Act (Official Gazette of the Republic of Slovenia, Nos. 9/92, 13/93, 9/96 and 29/98).

Article 67

This Act shall come into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

No. 160-01/95-1/9 Ljubljana, 30 June 1999

Parliament of the Republic of Slovenia

President Janez Podobnik