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*DATA COLLECTION / CREATING THE DATABASE*

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## DATA COLLECTION / CREATING THE DATABASE

- *THE LAW ON SAFETY AND HEALTH AT WORK\** (“OFFICIAL GAZETTE OF MONTENEGRO,” br. 34/14 i 44/18);
- *PENSION AND DISABILITY INSURANCE LAW* (“OFFICIAL GAZETTE OF THE REPUBLIC OF MONTENEGRO”, no. 54/03, 39/04, 61/04, 79/04.....47/07, OFFICIAL GAZETTE OF THE REPUBLIC OF MONTENEGRO” no. 12/07, 13/07..... 44/15, 55/16);
- *STRATEGY FOR IMPROVING HEALTH AND SAFETY AT WORK IN MONTENEGRO 2016 - 2020 WITH THE ACTION PLAN FOR IMPLEMENTATION;*
- *RULEBOOK ON THE CONTENT AND METHOD OF ISSUING THE REPORT ON INJURY AT WORK* (“OFFICIAL GAZETTE OF THE REPUBLIC OF MONTENEGRO”, NO. 18/93 OF 04.06.1993).

# THE LAW ON SAFETY AND HEALTH AT WORK

## *Safety and Health at Work*

➤ *Safety and health at work involves providing working conditions not posing a risk of injury at work, occupational and work-related diseases, while also creating conditions for full physical and psychological safety of employees.*

➤ *Application The Law on Safety and Health at Work (Article 4)*

*The provisions of this Law shall apply to all persons employed in the territory of Montenegro with legal entities and entrepreneurs in all sectors of activity, state authorities, government bodies, public administration and local self-government units, posted workers if the regulations of the receiving State provide less favourable measures of safety and health at work than those provided for in this Law, unless otherwise regulated by a special law.*

# EMPLOYER, EMPLOYEE, COLLECTIVE INSURANCE

- *Employer* is a legal person or an entrepreneur who employs persons under contracts of employment or engages persons on any other legal basis;
- *Employee* is a person who is working with the employer on the basis of the employment contract, including a person undergoing a training and a trainee, as well as any person carrying out work for the employer on any legal basis;
- The employer is obliged to ensure that employees are provided with work-related injuries, occupational diseases and diseases related to work (collective insurance).
- Insurance premiums fall under the burden of the employer, and are determined depending on the level of risk of injuries at work, occupational diseases and work-related illnesses.

# INJURY AT WORK



- *For the purposes of this Law, an injury at work shall be deemed to be an injury sustained by the Participant in direct, causal, spatial and time connection with the performance of the job by virtue of which he/she is insured, and which is caused by an immediate and brief mechanical, physical or chemical cause, sudden changes in body position, sudden weighing down of the body or by other changes in the physiological condition of the body.*
- *An injury at work shall also be deemed to be an injury caused in the manner under paragraph 1 of this Article which the Participant sustains while doing a job he/she is not assigned to, but which he/she does in the interest of the employer with whom he/she is employed.*

# INJURY AT WORK



- *An injury at work shall also be deemed to be an injury caused in the manner under paragraph 1 of this Article which the Participant sustains on his/her regular way from home to work, and back, on a journey undertaken for the purpose of carrying out official business or on a journey undertaken to commence work, as well as under other circumstances determined by this Law.*
- *An injury at work shall also be deemed to be the illness of a Participant which arises immediately after or as the sole consequence of an accident or a force majeure in the course of job performance by virtue of which he/she is insured or linked to that job.*

# PROFESSIONAL DISEASES

- *Professional diseases, for the purpose of this Law, shall be certain diseases that have arisen during the insurance period, caused by longer direct influence of processes and conditions at the work-place, or in the jobs a Participant performed.*
- *Professional diseases, work-places, and jobs at which these diseases arise and the conditions under which they are regarded as professional diseases, as under paragraph 1 of this Article, shall be determined by the public administration body competent for pension and disability insurance activities, upon obtaining the findings of the public administration authority competent for health affairs.*

# REPORTS



- *The employer is obliged, at least once a year, to make a report on safety and health at work of employees, which is to be considered by the authorities that perform management tasks, together with business reports.*
- *The employer shall, at the request of the competent inspector, provide a report on the state of safety and health at work of employees, as well as the measures conducted in this field with the employer.*



# REPORTS INJURIES AT WORK

- *The employer shall immediately and not later than 24 hours from onset, report in writing to the Labour Inspectorate on every death, collective, serious and other injury at work resulting in employee's absence from work for more than three days, and dangerous phenomena that could jeopardize the safety and health of employees.*
- *The employer is obliged to issue to injured employee and the medical facility where the medical examination of the employee was taken, a report of the injury of the employee at work, in deadline and on a form prescribed by the act of the state authority responsible for health.*

# RULES ON THE CONTENTS AND MANNER OF ISSUING A REPORT ON INFRINGEMENT ("OFFICIAL GAZETTE OF THE REPUBLIC OF MONTENEGRO", NO. 18/93)



- *This Rulebook prescribes the form, content and method of issuing the report on the injury at work. The work injury report prescribed in this Rulebook is printed on Form A-4 with this Rulebook and forms its integral part.*
  
- *The report on injury at work contains the following data, as follows:*
  - *company information*
  - *information about the injured person*
  - *data on jobs, time and place of injury at work*
  - *data on occupational injuries and occupational safety measures*
  - *eyewitness information*
  - *information about the responsible employee and*
  - *a doctor's report that first examined the injured person.*

## RULES ON THE CONTENTS AND MANNER OF ISSUING A REPORT ON INFRINGEMENT ("OFFICIAL GAZETTE OF THE REPUBLIC OF MONTENEGRO", No. 18/93)



- *The company reports to the injured worker, that is, the health institution in which the workers' examination was carried out within 24 hours from the moment of finding out about the violation.*
- *The report on injury at work is issued in four copies.*
- *A notice of injury at work, in which the data prescribed by this Regulation is entered, shall be submitted within three days to the Health Insurance Fund where the employee realizes the rights set forth in the health insurance regulations.*
- *The Health Insurance Fund keeps two copies of the report on the work injury for its own needs, and supplies the other copies to the company that delivers one copy to the worker or family of the injured worker.*

## COOPERATION



- *Health Insurance Fund, the Pension and Disability Insurance Fund of Montenegro, authorized medical institutions for health care of employees and other health care facilities are required to, in connection with the submission of data on occupational injuries, occupational and work related diseases and disabled employees, cooperate with the state authority in charge of labour and provide the information at the request and on monthly basis, and for each calendar year no later than 28<sup>th</sup> February next year.*
- *According to the data of the Health Insurance Fund, the total number of reported injuries at work in 2016 was 720, while in 2017, the number of reported injuries was 847. In 2018, The number of reported work-related injuries is 318 injuries at work.*

# DUTIES AND POWERS OF LABOUR INSPECTORS IN THE FIELD OF SAFETY AND HEALTH AT WORK



- *In the inspection the inspector in the field of safety and health at work, in addition to the duties and powers defined by law, shall have the obligation and authority to conduct the investigation of serious, collective and fatal injuries at work,*
- *According to Labor Inspection data for the period 2012-2017. In total, there were 230 injuries at work; 37 deaths, 184 serious and 9 collective injuries at work,*

# PENALTY PROVISIONS



## *Fines for offense of the legal person, responsible person or entrepreneur*

- *A fine of EUR 500 to EUR 15,000 shall be imposed on a legal entity, if:*
  - *fails to inform the Labour Inspectorate in writing immediately and not later than 24 hours of occurrence of the death, collective, and other serious injury at work which causes the employee's absence from work for more than three days, and of the dangerous occurrence that could jeopardize safety and health of employees (Article 51, paragraph 3);*
  - *fails to issue employee who is injured and medical facility where the examination of the employee was taken a report on the injury of the employee at work (Article 51, paragraph 4 ).*
- *For the offense referred to in paragraph 1 of this Article, the responsible person of a legal entity shall be fined with a fine of 30 Euros to 1,000 Euros.*

## PLANNED ACTIVITIES



*Activities that need to be realized in the following period:*

- *Adoption of the Rulebook on the content and method of issuing the report on injuries at work and putting out of force the rules currently in force;*
- *Adoption of the Register of Injury at Work;*
- *Adoption of the Register of Occupational Diseases;*
- *Determine the list of occupational diseases.*

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*THANK YOU FOR ATTENTION!*

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*Priština, 01.-03.11.2018.*