

**309/2006 Coll.**  
**ACT**  
**of 23rd May 2006**

**stipulating further requirements for health and safety at work in labour relations  
and concerning occupational health and safety protection in activities or services  
provided outside labour relations (Act on Further Requirements on Occupational  
Health and Safety)**

The Parliament has resolved upon this Act of the Czech Republic:

**PART ONE**

**FURTHER REQUIREMENTS FOR  
HEALTH AND SAFETY AT WORK  
IN LABOUR RELATIONS**

**SECTION 1**

**REQUIREMENTS CONCERNING  
THE WORKPLACE AND  
WORKING ENVIRONMENT,  
MANUFACTURING AND WORK  
SIGNS EQUIPMENT, THE  
ORGANIZATION OF WORK AND  
WORKING PROCEDURES AND  
SAFETY SIGNS**

**§ 1**

**General Provisions**

This Act transposes into law the relevant European Community legislation<sup>1)</sup> and

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<sup>1</sup> Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.  
Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work, as amended by Directives 95/63/EC and 2001/45/EC (second individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual

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handling of loads where there is a risk particularly of back injury to workers (fourth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Directive 2004/37/EC of the European Parliament and the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (sixth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Directive 2000/54/EC of the European Parliament and the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work (ninth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Council Directive 98/24/EEC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Directive 1999/92/EC of the European Parliament and the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres (fifteenth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Directive 2002/44/EC of the European Parliament and the Council of 25 June 2002 on the minimum safety and health requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Directive 2003/10/EC of the European Parliament and the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).  
Directive 2004/40/EC of the European Parliament and the Council 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks

imposes, in relation to Act No. 262/2006 Coll., the Labour Code, further requirements for health and safety at work in labour relations and occupational health and safety protection in activities or services provided outside labour relations, pursuant to Article 3 of the Labour Code.

## § 2

### **Requirements concerning the Workplace and the Working Environment**

(1) Employers are required to ensure that the design of the workplace, as regards both construction and layout, allows employee working conditions to comply with the safety and health requirements for working environments and workplaces from the point of view of safety and health at work, to the extent that:

a) areas designated for work, corridors, stairwells and other communication areas conform to regulations regarding size and surface area and are equipped for the activities that take place within them,

b) the workplace is lit, if possible by natural light, and conforms to regulations regarding microclimatic conditions, particularly those concerning

the volume of air, ventilation, humidity, temperature and a supply of water,

c) areas used by employees for their personal hygiene, changing, storing personal belongings, rest and refreshment are of designated size and have been properly designed and equipped,

d) emergency routes, exits and traffic routes leading to them, including access paths, are kept clear at all times,

e) the areas set forth in paragraphs a) to,

f) are regularly maintained, cleared and cleaned,

g) the workplace has, to the extent agreed with the competent facility providing occupational health care, an area for the provision of first aid and is equipped with the means for summoning the emergency medical services.

(2) More detailed requirements for workplaces and working environments are set out in the related secondary legislation.

## § 3

### **Requirements concerning the Workplace and the Working Environment on Construction Sites**

(1) An employer who provides construction, assembly, scaffolding or maintenance work for another natural or legal person at his workplace shall ensure, together with this person, that the workplace is equipped for the safe performance of the work. Work according to the first sentence may only

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arising from physical agents (electromagnetic fields) (eighteenth individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical physical and biological agents at work.

Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual directive within the meaning of Article 8 of Directive 80/1107/EEC) as amended by Directive 91/382/EC, Directive 98/24/EC and Directive 2003/18/EC.

begin if the workplace is properly secured and equipped.

(2) An employer set forth in paragraph (1) is required to comply with all requirements imposed for safety and health at work when preparing projects and undertaking construction work, including:

- a) keeping the construction site in good order and clean,
- b) organizing the construction site in compliance with the relevant documentation,
- c) the location of the workplace and access to it, creating traffic routes or an area for the arrival and movement of natural persons, production and work equipment,
- d) complying with requirements concerning the handling of materials,
- e) avoiding health risks related to handling loads,
- f) carrying out checks before machinery, technical equipment, appliances and tools are first used, during their use and at regular intervals while they are being used in order to eliminate any defects that might prove hazardous to safety and health,
- g) complying with requirements concerning the professional competency of natural persons performing work on the construction site,
- h) designating and preparing an area for storage, particularly of hazardous substances, preparations and materials,

i) complying with requirements concerning the elimination and disposal of hazardous waste,

j) storing, handling, eliminating and disposal of waste and remnants of materials,

k) organizing the time needed for individual work or stages of work in accordance with the actual progress of the work,

l) avoiding risks to the life and health of natural persons who may be present on the construction site to the knowledge of the employer,

m) arranging collaboration with other persons,

n) avoiding risks associated with the performance of different types of work on the construction site or close to it,

o) maintaining records on the presence of employees and other natural persons on the construction site, that were conveyed to him,

p) adopting suitable measures should work and activities with specific risks that place the lives or health of employees at risk be carried out on the construction site,

q) complying with the more detailed minimum requirements for the protection of the safety and health of employees working on construction sites set forth in the related secondary legislation.

(3) More detailed minimum requirements for the protection of the safety and health of employees working

on construction sites and a more detailed definition of work and activities that place the lives or health of employees at risk and whose performance requires special professional competency are set forth in the related secondary legislation.

#### § 4

##### **Requirements concerning Work Equipment**

(1) The employer shall take the measures to ensure that machinery, technical equipment, vehicles and tools are suitable for the purpose for which they will be used as regards health and safety at work. Machinery, technical equipment, vehicles and tools must be:

- a) equipped with safety devices, to protect the life and health of employees,
- b) equipped or adapted in such a way as to comply with ergonomic requirements, in order to prevent employees being subjected to unsuitable working conditions,
- c) regularly and properly maintained, checked and inspected.

(2) More detailed requirements for the safe operation and use of machinery, technical equipment, vehicles and tools are set forth in the related secondary legislation.

#### § 5

##### **Requirements concerning Organization of Work and Working Procedures**

(1) The employer shall take the measures to organize work and to establish

working procedures in order to comply with the principles of safe behaviour in the workplace and in order that employees are:

- a) not performing monotonous activities that place an unbalanced strain on the body. If this cannot be avoided, the work must be regularly interrupted by safety breaks<sup>2</sup>); in specific cases set forth in special legal regulations<sup>3</sup>), only a limited amount of time may be spent performing these types of tasks during the working day,
- b) not at risk from falling or flying objects or materials,
- c) protected from falls or collapsing structures,
- d) not at risk from vehicles at the workplace,
- e) not working in isolation and without supervision from other employees, unless they are otherwise protected, in workplaces having a higher level of risk,
- f) not manually handling loads that may prove injurious to their health, especially their backs.

(2) More detailed requirements on methods of organizing work and operating procedures required from the employer are set forth in the related secondary legislation.

#### § 6

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<sup>2</sup> § 89 of the Labour Code.

<sup>3</sup> Such as § 3 of Act No. 111/1994 Coll., on road transport, as amended by Act No. 150/2000 Coll.

## **Safety Signs, Signboards Communication**

(1) In workplaces where work that may be harmful to health is performed, the employer shall provide safety signs and signboards and introduce signals that provide information or instructions related to the protection of safety and health at work and to inform the employees of their meaning. Safety signs, signboards and communication may primarily be pictorial, acoustic or luminous.

(2) The appearance, location and design of the safety signs and signboards and the introduction of signals are stipulated in the related secondary legislation.

## **SECTION II**

### **PREVENTING RISKS TO LIFE AND HEALTH**

#### **§ 7**

#### **Risk Factors related to Working Conditions and Contained Areas**

(1) If risk factors appear in the employer's workplace, the employer shall be required to determine and control their extent and to ensure that they are eliminated, or at least reduced to the lowest reasonably achievable level by measuring them at regular intervals and without undue delay whenever there is a change in the working conditions. When determining, evaluating and adopting measures to maintain them at the lowest permissible levels, he is required to proceed in compliance with special legal regulations. Particular risk factors are physical (such as noise and

vibration), chemical (such as carcinogens), biological agents (such as viruses, bacteria or mould), dust, physical strain, psychological and eye strain and unpleasant microclimatic conditions (such as extreme cold, heat and humidity). If it is not possible to eliminate the presence of biological agents and the maximum permissible values for these risk factors continue to be exceeded, the employer shall restrict their effect by introducing technical, technological or other measures, including adapting the working conditions, the length of the working day, introducing contained areas, using suitable personal protective equipment and equipment or providing protective drinks.

(2) During work intended to perform activities associated with exposure (hereafter referred to as "exposure") to biological agents included in the second and fourth groups set forth in a special legal regulation<sup>4</sup>), or where the measurements of the risk factors exceed the highest permissible levels, the employer is required to discover the cause of this situation. If the presence of biological agents cannot be eliminated or the risk factor levels cannot be reduced to below the maximum permissible levels, thereby removing the risk to the employees, the employee is required to proceed in accordance with § 104 of the Labour Code. He is also obliged to inform the employees without delay. If it is not possible to protect the health of the employees by adopting the measures set forth in paragraph 1, or the measures set forth in the special legal regulation,

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<sup>4</sup> § 41 of Act No. 258/2000 Coll. on the protection of public health and amendments to related legislation, as amended by Act No. 274/2003 Coll.

the employer shall take the source of the risk factor out of service and, should this not be possible, terminate the work.

(3) The employer shall ensure that work with asbestos, chemical carcinogens and biological agents and work processes with the risk of chemical carcinogens always be performed in contained areas which are marked with signs and secured in order to prevent employees who do not perform work, repairs, maintenance, tests, revision, inspection or supervisory activities in them from entering them, within the scope stipulated by the related legislation. The employer may assign employees to other work in the contained areas, which will subject them to the effect of risk factors, provided this is necessary in order to protect the health of the employees.

(4) The employer is required to maintain records of the contained areas and those employees who access the contained areas or perform the work set forth in paragraph 3 therein, and to file them after the period stipulated by a special legal regulation<sup>5</sup>). The records shall contain:

- a) the name or names and surname of the employee and his/her date of birth,
- b) the title of the contained area and the dates it was established and closed down,
- c) the nature of the work performed,
- d) the purpose for which the contained area was entered and the period the employee remained in it,

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<sup>5</sup> § 39 of Act No. 258/2000 Coll., as amended by Act No. 13/2002 Coll. and Act No. 356/2003 Coll.

- e) the number of shifts worked,
- f) a list of the biological agents, chemical substances and preparations handled in the contained area, or other risk factors,
- g) a record of exceptional situations and amendments to the data entered in the records, with the date on which these occurred.

(5) Eating, drinking and smoking are prohibited in contained areas; the employer shall set aside special areas for these activities. Personal protective equipment and equipment designed for the work to be performed in the contained area must be worn before gaining access to the contained area.

(6) No employees under 18 years of age may work in contained areas, even for training purposes, nor may pregnant employees, employees who are breastfeeding or female employees with children up to nine months of age.

(7) Risk factors related to working conditions, their definition, the hygiene limits, the means for determining and evaluating them and the minimum measures required for the protection of employee health are set forth in the relevant secondary legislation.

## § 8

### **Prohibitions on Performing certain Types of Work**

(1) Work with 2-naphthylamine and its salts, 4-aminodiphenyl and its salts, benzidine and its salts, 4-nitrodiphenyl and polychlorinated biphenyls, with the

exception of mono- and dichlorinated biphenyls, and work with preparations containing more than 0.1% of 2-naphthylamine and its salts, 4-aminobiphenyl and its salts, benzidine and its salts or 4-nitrodiphenyl or more than 0.005% of polychlorinated biphenyls is prohibited. This prohibition shall not apply to research laboratory work, analytical work, work to liquidate unwanted supplies, waste and equipment containing these substances and preparations and work to neutralize the substances referred to above, if they are created as an unwanted side-product during the processing of substances or preparations.

(2) Work with asbestos is prohibited. This prohibition shall not apply to research laboratory work, analytical work, work to liquidate supplies, waste and equipment containing asbestos, or repair and maintenance work on constructions or work entailing isolated, short-term exposure.

(3) The spraying of asbestos and working procedures entailing the use of thermal or noise insulating materials with a density of less than 1g/m<sup>3</sup> which contain asbestos are prohibited.

### **SECTION III**

#### **PROFESSIONAL COMPETENCY AND SPECIAL PROFESSIONAL COMPETENCY**

#### **§ 9**

##### **Professional Competency**

(1) Employers shall organize and perform tasks to evaluate and prevent risks that could potentially endanger

their employees' lives and health (hereafter referred to as "performing tasks concerning risk prevention") with regard to:

a) the danger posed to the safety and health of employees at work by the subject of the employer's activity,

b) the basic knowledge and experience of the employees,

c) the number of employees, their professional qualification and the type of work they perform.

(2) The employer may himself perform tasks concerning risk prevention provided he is competent or professionally competent so to do in the cases and under the conditions set forth in paragraph 3, letters a) and b), otherwise he is required to designate these tasks to a professionally competent employee with whom he has an employment contract<sup>6</sup>). If he does not have this type of employee, he is required to ensure that they are performed by another professionally competent person. A professionally competent employee of the employer and another professionally competent natural person are referred to as professionally competent persons.

(3) If the employer employs:

a) up to 25 employees, he may perform the tasks concerning risk prevention himself, provided he has the necessary competency,

b) between 26 and 500 employees, he may perform the tasks concerning risk prevention himself, provided he has the

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<sup>6</sup> § 3 of the Labour Code.

necessary competency, or delegate them to one or more professionally competent persons,

c) over 500 persons, one or more professionally competent persons will always perform tasks concerning risk prevention.

(4) The employer shall:

a) provide the professionally competent person performing tasks concerning risk prevention with at least the means and the time required to perform these activities, particularly as regards employees on fixed term employment contracts<sup>7</sup>), employees under eighteen years of age<sup>8</sup>), pregnant employees, employees who are breastfeeding, or female employees with children up to nine months of age and temporary agency workers<sup>9</sup>) who are on temporary work assignments with other employers,

b) provide a sufficient number of professionally competent persons,

c) to provide the professionally competent persons with documentation and information:

1. concerning any facts or circumstances known to him that influence or might influence an employee's safety at work or endanger their health,

2. provided to employees of other employers before work began in the employer's workplace and which

concern safety and health protection at work.

(5) When performing tasks concerning risk prevention, the professionally competent person shall cooperate with professionally competent natural persons acting within their competence pursuant to special legal regulations<sup>10</sup>), with the trades unions and with worker's representatives with specific responsibility for occupational health and safety<sup>11</sup>).

(6) The employer shall provide professionally competent persons with written materials related to accidents at work and occupational diseases and provide any necessary cooperation:

a) in preventing threats to life and health<sup>12</sup>) with regard to the nature of the risk in his workplace,

b) in adopting preventative measures if the work exposes the employees to increased health risks,

c) in the selection and choice of safety devices.

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<sup>7</sup> § 40 of the Labour Code.

<sup>8</sup> § 343, paragraph 2 of the Labour Code.

<sup>9</sup> § 2, paragraph 5 of the Labour Code.

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<sup>10</sup> Such as § 83a paragraph 1, letters g), h) and i) of Act No. 258/2000 Coll., as amended by Act No. 254/2001 Coll., and Act No. 274/2003 Coll., § 5 paragraph 3 of Act No. 61/1988 Coll., on mining activities, explosives and the state mining administration, as amended by Act No. 542/1991 Coll., § 17 of Act No. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (Atomic Act) and on changes in and amendments to related legislation, as amended by Act No. 13/2002 Coll., and Act No. 310/2002 Coll., § 9 of Act No. 356/2003 Coll., on chemical substances and chemical preparations and amendments to related legislation, § 11 of Act No. 133/1985 Coll., on fire protection.

<sup>11</sup> § 15 and 108 of the Labour Code.

<sup>12</sup> § 102 of the Labour Code.



(7) If more than 2 professionally competent persons perform tasks concerning risk prevention in one workplace, the employer shall determine who will coordinate their activities.

## § 10

(1) Professional competency for a natural person is expected to comprise:

a) at least secondary education with a graduation certificate<sup>13</sup>),

b) professional experience

1. of at least 3 years,

2. of 2 years if the natural person has completed tertiary professional education<sup>14</sup>),

3. of 1 year if the natural person has completed university education in a bachelor or masters study programme in the field of occupational health and safety;

professional experience is deemed to be a period of activities performed in an area where the natural person will perform tasks concerning risk prevention or activities in the field of occupational health and safety,

c) a certificate attesting that a test for professional competency has been passed (§ 20).

(2) Recognition of professional qualifications or competency received by

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<sup>13</sup> § 58, paragraph 1, letter c) of Act No. 561/2004 Coll., on pre-school, basic, secondary, tertiary professional and other education (the Education Act).

<sup>14</sup> § 92 of Act No. 561/2004 Coll.

nationals of European Union Member States or their family members<sup>15</sup>) in another European Union Member State will be in accordance with a special legal regulation<sup>16</sup>).

## § 11

### Special Professional Competency

(1) As regards the service, assembly, check or repair of work equipment that expose employees to an increased level of risk to their lives and health, only employees with special professional competency may independently perform this work and these activities and independently service them.

(2) Special professional competency for an employee is expected to comprise:

a) being of sound health, in accordance with a special legal regulation,

b) being of the prescribed age as stipulated by a special legal regulation; this shall not be lower than 18 years,

c) professional training stipulated by the related secondary legislation,

d) professional experience of a duration stipulated by the related secondary legislation,

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<sup>15</sup> Article 11 of Council Regulation (EEC) No. 1612/68 of 15 October 1968 on the free movement of workers within the Community.

<sup>16</sup> Act No. 18/2004 Coll., on the recognition of professional qualifications and other qualifications of the citizens of other member States of the European Union and on amendments to related legislation (Professional Qualification Recognition Act), as amended.

e) compliance with the requirements set forth in paragraph 3 by persons who launch on the market or distribute, or bring into operation products that might, in large quantities threaten legitimate interests<sup>17</sup>),

f) a certificate attesting that an exam for special professional competency has been successfully completed (§ 20).

(3) An employee with special professional competency must complete an induction or training course which is performed under the supervision of the person described in paragraph 2 e), or a person delegated by this person. In the manner, content and timing of the induction or training course were not set by the person described in paragraph 2 e), the employer shall set them, having regard for the nature of the work and the complexity of the service.

(4) The provisions set forth in § 10 paragraph 2 also apply.

## **PART TWO**

### **PROVIDING OCCUPATIONAL HEALTH AND SAFETY PROTECTION IN ACTIVITIES OR SERVICES PROVIDED OUTSIDE LABOUR RELATIONS**

#### **§ 12**

Legal relations for providing occupational safety and health protection in activities or services provided outside labour relations, where these concern:

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<sup>17</sup> Act No. 22/1997 Coll., on technical requirements for products and on changes in and amendments to related legislation, as amended.

a) an employer who is a natural person<sup>18</sup>) and who also works,

b) a natural person, who is self-employed pursuant to a special legal regulation<sup>19</sup>),

c) a cooperative spouse or a child of a person described in a) or b),

d) a natural person or legal entity that is the owner of the construction (the client) or the contractor or he/she participate in the construction works;

are subject to § 101 paragraphs 1 and 2, § 102, 104 and 105 of the Labour Code and § 2 to 11 having regard to the requirements regulating the performance of activities or the provision of services and their scope.

#### **§ 13**

Where reference is made in the Labour Code or Part One to the employer or the employee, this refers to the person described in § 12.

## **PART THREE**

### **ADDITIONAL TASKS FOR THE CLIENT, HIS CONTRACTOR OR NATURAL PERSONS PARTICIPATING IN THE CONSTRUCTION WORKS AND THE COORDINATOR FOR SAFETY AND HEALTH MATTERS ON THE CONSTRUCTION SITE**

#### **§ 14**

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<sup>18</sup> § 10 of the Labour Code.

<sup>19</sup> Such as Act No. 455/1991 Coll., on licensed trading (the Trade Licensing Act), as amended.

(1) If employees of more than one building contractor are working together on the construction site, the client shall designate the required number of coordinators for safety and health matters on the construction site (hereafter referred to as the "coordinator") having regard to the scope and complexity of the work and the difficulties involved in coordinating both the preparation stage and the implementation stage. The activities of coordinator for the preparation of the work and its implementation may be carried out by the same person.

(2) The coordinator is a natural person or a legal entity appointed by the client to perform set activities during the construction preparation stage, or during construction on the construction site. The coordinator may be a designated natural person who complies with the requirements for professional competency (§ 10). A legal entity may carry out the activities of the coordinator provided a professionally competent natural person ensures their performance. The coordinator may not be the same as the person who is the professional manager responsible for the construction site<sup>20</sup>).

(3) Should the client appoint more than one coordinator to act together during the preparation or the construction works, he shall define the rules for their mutual cooperation. An client who is a natural person and who complies with the requirements for professional competency of the coordinator shall not appoint a coordinator if he intends to act as coordinator himself.

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<sup>20</sup> § 160 of Act No. 183/2006 Coll., on territorial planning and the building code (the Building Act).

(4) The client shall be obliged to provide the coordinator with any documentation and information he might require for his activities, including information concerning the natural persons who might to his knowledge be present on the construction site, to provide him with the required cooperation and to ensure that all the contractors, as well as other persons, cooperate with the coordinator during the entire period of the preparation and implementation of the construction works.

(5) The coordinator shall be obliged to maintain confidentiality concerning any information or facts he might have learned through his activities and which may not be communicated to other persons, unless a special legal regulation stipulates otherwise.

(6) During preparation and construction works:

a) which are not subject to an obligation to submit a prior notice pursuant to § 15 paragraph 1,

b) which are performed by the client himself, pursuant to a special legal regulation<sup>21</sup>), or

c) which do not require a building permit nor notification, pursuant to a special legal regulation<sup>22</sup>), a coordinator, under the terms of paragraph 1, shall not be appointed.

## § 15

(1) In cases where, during the construction works:

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<sup>21</sup> § 160 paragraph 3 of the Building Act.

<sup>22</sup> § 103 of the Building Act.

a) the total time scheduled to complete the work and activities is longer than 30 working days, during which work and activities will be performed and on which more than 20 natural persons will work for a period longer than 1 working day, or

b) the total scheduled volume of work and activities during the construction will exceed 500 working days as calculated for one natural person, shall submit a prior notice of works, the contents of which is stipulated in by the related legislation, to the labour inspectorate competent for the construction site<sup>23</sup>) at the latest 8 days before the construction site is handed over to the contractor; the prior notice may be submitted in either paper or electronic form. Should any significant changes be made to the information contained in the prior notice, the client is required to update it without unnecessary delay. A copy of the prior notice shall be displayed visibly at the entrance to the construction site during the entire period of the construction until the work has been completed and handed over to the client for his use. Extensive construction projects may be marked using some other suitable means, such as a board providing the necessary data. The data may be part of a plaque or board located in the construction site or on the construction.

(2) If work and activities are to be carried out on the construction site that increase the threat to the lives or health of natural persons exposed to them and which are set forth in the related secondary legislation, just as in cases

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<sup>23</sup> § 2 paragraph 1 of Act No. 251/2005 Coll., on Labour Inspection.

regulated by paragraph 1, the client shall ensure that a safety and health plan for work on a construction site (hereinafter referred to as the "plan") is drawn up, reflecting the type and size of the construction in order to fully comply with the requirements to ensure safe and risk-free work before work begins on the construction site. The plan shall contain the necessary measures regarding working capacity and methods and shall also be adapted to reflect the true situation and any major changes that occur during the construction work.

## § 16

The contractor is required:

a) to show, at the latest 8 days before work commences at the construction site, that he has informed the coordinator of any risks arising from the working or technological procedures he has selected,

b) to cooperate with the coordinator to the extent required to enable him to perform his tasks during the entire period of his involvement in the preparation and construction works, particularly in providing him with the information and documentation required to draw up the plan and to amend it in a timely manner, to take account of the coordinator's initiatives and instructions, to participate in drawing up the plan, to comply with the plan, to participate in inspection days and to proceed according to the measures agreed, in the scope, manner and to the timetable laid down in the plan.

## § 17

(1) Another natural person, who personally participates in the

## § 18

construction work and who does not employ employees (hereafter referred to as the "other person"), shall be required to cooperate with the contractor and the coordinator as required and to proceed in accordance with the instructions or procedures for safe and risk-free work established by the contractor. The other person shall inform the contractor of any circumstances that might, during the activities on the building site, endanger the life and health of other natural persons present on the building site to the knowledge of the contractor within 5 working days before handing over the construction site and, should this not be possible for good reason, without unnecessary delay.

(2) The other person:

a) is required

1. to comply with legal regulations concerning safety and health at work on construction sites and to take account of the coordinator's initiatives,

2. to use the required personal protective equipment<sup>24</sup>), work, equipment and tools that comply with the requirements stipulated by a special legal regulation<sup>25</sup>),

b) may not wilfully discard, change or move protective devices for machinery, equipment and tools and must use these devices for the purposes and under the conditions for which they were intended.

(3) Paragraph 2 also applies to contractors who work on the construction site in person.

(1) During the preparatory work for the construction, the coordinator is required:

a) to provide the client with a summary of the legal regulations relating to the construction, information concerning the risks that might arise during the construction works, taking account of work and activities that might increase the risk to the life and health of natural persons and other documentation needed to ensure a safe and risk-free working environment and working conditions, for which consideration must be made for the nature of the construction and its implementation, sufficiently in advance of the handover of the construction by the construction owner to the building contractor,

b) to provide the architect, the contractor, if one has been designated, or another person, any additional information concerning health and safety risks which are known to him and which affect his activities,

c) to carry out other activities stipulated by the related secondary legislation.

(2) During the construction work, the coordinator is required:

a) without unnecessary delay:

1. to inform all relevant contractors of safety and health risks that have arising on the construction site during the work,

2. to warn the contractors of any deficiencies in putting into practice requirements for safety and health at work that were discovered in the

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<sup>24</sup> § 104 of the Labour Code.

<sup>25</sup> Government Order No. 21/2003 Coll., setting out technical requirements for personal protective equipment.

workplace used by the contractor and to request that improvements be put in place; he is also empowered to suggest suitable remedies,

3. to inform the client of cases where, in accordance with point 2, the contractor did not take the appropriate measures to implement the remedies without undue delay,

b) to carry out other activities stipulated by the related secondary legislation.

## **PART FOUR**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### **CHAPTER 1**

#### **COMMON PROVISIONS**

### **§ 19**

General technical requirements concerning building <sup>26</sup> ), special requirements for workplaces <sup>27</sup> ), launching products on the market and into operation<sup>17</sup>), activities related to the use of nuclear energy and ionizing radiation<sup>28</sup>), fire protection<sup>27</sup>) and on activities related to the prevention of serious accidents, which are set forth in special legal regulations <sup>29</sup> ) are not affected by this Act.

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<sup>26</sup> Such as the Building Act, Decree No. 137/1998 Coll., on general technical requirements for construction, Decree No. 369/2001 Coll., concerning technical requirements ensuring the use of structures by persons limited in their ability of movement and orientation.

<sup>27</sup> Act No. 133/1985 Coll., as amended.

<sup>28</sup> Act No. 18/1997 Coll., as amended.

<sup>29</sup> Act No. 59/2006 Coll., on the prevention of serious accidents caused by selected hazardous

### **§ 20**

(1) The Ministry of Labour and Social Affairs shall decide on the award, suspension, change or withdrawal of accreditation authorizing legal entities or natural persons to conduct tests to ascertain professional competence or special professional competence (hereafter referred to as "accreditation") in administrative proceedings <sup>30</sup> ). Accreditation is awarded for a period of 3 years.

(2) The proposal for the award or change of accreditation includes written documentation on the method and procedure of tests of professional competency and special professional competency.

(3) Provided the conditions for the award of the accreditation have been fulfilled, the accreditation shall be awarded.

(4) The accreditation is not required if a natural person or legal entity is based in a different European Union Member State and decides to perform tests of professional competency or special professional competency on the territory of the Czech Republic, provided he is authorized to perform tests of professional competency or special professional competency, should this

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chemical substances or chemical preparations and on amendments to Act No. 258/2006 Coll., on the protection of public health and on amendments to related legislation, as amended, and Act No. 320/2002 Coll., on amendments to and the repeal of certain acts in relation to the termination of the activities of the district authorities, as amended (Act on the Prevention of Serious Accidents).

<sup>30</sup> Act No. 500/2004 Coll., Rules of Administrative Procedure.

authorization be required in that Member State.

(5) The Ministry of Labour and Social Affairs is empowered to control<sup>31</sup>) whether the conditions for which the accreditation was awarded are being maintained.

## § 21

The Government:

a) shall issue an order to implement § 2 paragraph 2, § 3 paragraph 3, § 4 paragraph 2, § 5 paragraph 2, § 6 paragraph 2, § 7 paragraph 7, § 15 and § 18 paragraph 1 letter c) and paragraph 2 letter b),

b) shall lay down by order:

1. which work equipment presents an increased level of risk to the life and

2. health of employees, entailing that their service, assembly and repair or check require special professional competency,

3. the age at which employees may be tested for special professional competency if this is higher than 18,

4. the level or field of professional training for special professional competency and the length of professional experience,

5. conditions for the award, suspension or cancellation of accreditation for natural persons and legal entities to perform tests for

professional competency and special professional competency,

6. test circles of theoretical knowledge for tests of professional competency and special professional competency,

7. the content and method of testing for professional competency and special professional competency, the organization, procedures, evaluation and conditions for amending these tests, as well as certificates for the successful completion of the aforementioned tests,

8. maintaining records on those who have been awarded accreditation to perform tests of professional competency and special professional competency.

## CHAPTER II

### TRANSITIONAL AND FINAL PROVISIONS

## § 22

(1) This Act also regulates labour relations relating to safety and health at work that came into being prior to 1. January 2007, unless paragraph 2 stipulates otherwise.

(2) Professional competency and special professional competency awarded in accordance with the previous legal regulations shall be deemed valid for a maximum of five years from the date this Act comes into force.

(3) The previous legal provisions shall apply to constructions for which a building permit or on which the work

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<sup>31</sup> Act No. 552/1991 Coll., on state control, as amended.

started was issued before this Act came into force.

(4) This Act regulates legal relations relating to occupational safety and health for activities and services provided outside labour relations that were entered into prior to 1 January 2007.

### § 23

Until the implementing legal regulations for § 2 paragraph 2, § 4 paragraph 2, § 5 paragraph 2, § 6 paragraph 2 and § 7 paragraph 7 have been issued, the following regulations shall apply:

a) Government Order No. 362/2005 Coll., on more detailed requirements for occupational safety and health at the workplace for dangerous falls from heights to into depths,

b) Government Order No. 101/2005 Coll., on more detailed requirements for the workplace and working environment,

c) Government Order No. 378/2001 Coll., establishing more detailed requirements for the safe operation and use of machinery, technical facilities, equipment and tools,

c) Government Order No. 27/2002, establishing methods of work organization and working practices which the employer is required to impose for work related to breeding animals,

e) Government Order No. 28/2002 Coll., establishing methods of work

organization and working practices which the employer is required to impose for work in forests and in workplaces of a similar nature,

f) Government Order No. 406/2004 Coll., on more detailed requirements for ensuring safety and health at work in environments where there is the threat of explosions,

g) Government Order No. 168/2002 Coll., establishing methods of work organization and working practices which the employer is required to impose when operating means of transport,

h) Government Order No. 11/2002 Coll., establishing the appearance and location of safety signs and introducing signals, as amended by Government Order No. 405/2004,

i) Government Order No. 178/2001 Coll., establishing conditions for the protection of employees' health at work, as amended by Government Order No. 523/2002 Coll., and Government Order No. 441/2004 Coll.

### § 24

#### **Entry into force**

This Act shall enter into force on  
1 January 2007.

Zaorálek in his hand

Klaus in his hand

Paroubek in his hand

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<sup>32</sup> § 160 of Act No. 183/2006 Coll., on territorial planning and the building code (the Building Act).



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<sup>33</sup> § 160 paragraph 3 of the Building Act.

<sup>34</sup> § 103 of the Building Act.

<sup>35</sup> § 2 paragraph 1 of Act No. 251/2005 Coll., on Labour Inspection.

<sup>36</sup> § 104 of the Labour Code.

<sup>37</sup> Government Order No. 21/2003 Coll., setting out technical requirements for personal protective equipment.

<sup>38</sup> Such as the Building Act, Decree No. 137/1998 Coll., on general technical requirements for construction, Decree No. 369/2001 Coll., concerning technical requirements ensuring the use of structures by persons limited in their ability of movement and orientation.

<sup>39</sup> Act No. 133/1985 Coll., as amended.

<sup>40</sup> Act No. 18/1997 Coll., as amended.

<sup>41</sup> Act No. 59/2006 Coll., on the prevention of serious accidents caused by selected hazardous chemical substances or chemical preparations and on amendments to Act No. 258/2006 Coll., on the protection of public health and on amendments to related legislation, as amended, and Act No. 320/2002 Coll., on amendments to and the repeal of certain acts in relation to the termination of the activities of the district authorities, as amended (Act on the Prevention of Serious Accidents).

<sup>42</sup> Act No. 500/2004 Coll., Rules of Administrative Procedure.

<sup>43</sup> Act No. 552/1991 Coll., on state control, as amended.