



# **Occupational Safety and Health Protection Act**

**Slovak Republic - Slovakia**

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**Full Wording**

***Content of the OSH Act – full wording (2011)***

<b>PART ONE</b>	
<b>FUNDAMENTAL PROVISIONS</b>	
Object of the Act	Article 1
Scope of the Act	Article 2
Definition of Certain Terms	Article 3
Measures to Ensure Occupational Safety and Health Protection in the Pre production Stage	Article 4
General Principles of Prevention	Article 5
<b>PART TWO</b>	
<b>OBLIGATIONS OF THE EMPLOYER AND THE RIGHTS AND OBLIGATIONS OF EMPLOYEES</b>	
General Obligations of the Employer	Article 6
Notification and Information of Employees	Article 7
Employer's Obligations in Cases of Immediate and Serious Hazard to Life or Health	Article 8
Controlling Activities	Article 9
Cooperation of the Employer and Employees	Article 10
Reconditioning Stays	Article 11
Rights and Obligations of Employees	Article 12
Safety of Constructions, Working Premises, Installations and Working Procedures	Article 13
Verification of the Fulfilment of Safety Requirements for Technical Equipment	Article 14
Authorisation to Execute Activities	Article 15
Activity Execution Certificate and Activity Execution Permit	Article 16
Occupational accident, Other Accident, Occupational Diseases, Dangerous Events and Serious Industrial Accidents	Article 17
Cooperation of Employers	Article 18
Employee Safety Representative	Article 19
The Commission for Safety and Health Protection at Work	Article 20
Preventive and Protective Services	Article 21

Safety Technical Service	Article 22
Safety Technician	Article 23
Authorised Safety Engineer	Article 24
Revocation of Certificate and Restriction of Activities	Article 25
Occupational Health Service	Article 26
Education and Training	Article 27
Accreditation Commission	Article 28
Controlling Activities of Bodies Representing Employees	Article 29
Empowering Provisions	Article 30
<b>PART THREE</b>	
<b>TRANSFORMATION OF TECHNICAL INSPECTION</b>	
Method of Establishment	Article 31
Subject of Deposit	Article 32
Determination of the Value of the Non-Financial Deposits	Article 33
Transfer of Ownership Rights and the Rights and Duties Arising from Labour Relationships and Other Relationships	Article 34
Subject of the Business	Article 35
Registered Capital, Reserve Fund and Shares	Article 36
The existence of the Technical Inspection spending unit shall terminate on the date of the establishment of the joint stock company.	Article 37
<b>PART FOUR</b>	
<b>COMMON, TRANSITIONAL AND CONCLUDING PROVISIONS</b>	
Common, transitional and concluding provisions	Articles 38 - 41
List of activities posing elevated risks potentially exposing employees to serious damage to health or connected with frequent damage to their health	Annex No 1
Minimum Number of Safety Technicians or Authorised Safety Engineers according to the Number of Employees	Annex No 1a
Types of Education and Training Licences in the Field of Labour Protection	Annex No 2
List of transposed legally binding acts of the European union	Annex No 3

# 124

## ACT

of 2 February 2006

**on Occupational Safety and Health Protection and on the Amendment of Certain Acts as amended by Act No 309/2007 Coll., Act No 140/2008 Coll., Act No 132/2010 Coll., Act No 136/2010 Coll. and Act No 470/2011 Coll.**

The National Council of the Slovak Republic has adopted the following Act:

### TITLE I

#### PART ONE

#### FUNDAMENTAL PROVISIONS

##### Article 1

##### Object of the Act

This Act lays down the general principles of prevention and the basic conditions for the purposes of ensuring occupational safety and health protection, and for avoiding risks and factors causing occupational accidents, occupational diseases and other damage to health from work.

##### Article 2

##### Scope of the Act

(1) This Act shall apply to employers and employees in all sectors of the manufacturing and non-manufacturing spheres.

(2) The obligations and measures laid down by this Act shall, to the extent necessary to ensure occupational safety and health concerning the nature of the activity, also apply to:

- a) detention facility, correctional institutions, correctional institutions for juvenile delinquents, hospitals for accused and convicted persons, legal persons assigning jobs to accused and sentenced persons and accused and sentenced persons who are assigned jobs,
- b) natural persons who are entrepreneurs<sup>1</sup> and who are not employers, including their relatives in direct succession, siblings and spouse, in the event that they participate in the performance of his/her business activities,
- c) organisers of voluntary general beneficiary activities and natural persons performing work in accordance with instructions of organisers of voluntary activities,
- d) natural persons who, with the employer's knowledge, stay at the latter's workplace or in its area.

(3) The scope of this Act may be limited to or excluded for specific activities performed in a service relationship by a specific law. However, in the performance of such specific activities, the

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<sup>1</sup> Article 2, paragraph 2 of the Commercial Code.

employer shall be obliged to ensure the highest possible level of occupational safety and health protection.

(4) This Act shall not apply to activities performed by professional soldiers or citizens drafted for the execution of extraordinary service<sup>2</sup> after the declaration of war, the declaration of a state of war, state of emergency or state of crisis, or professional soldiers or citizens drafted for the execution of extraordinary service who are sent outside the territory of the Slovak Republic for purposes of providing humanitarian assistance, military training or observer missions<sup>3</sup>; in such cases occupational safety and health protection shall be ensured at the highest possible level.

(5) This Act shall not apply to activities performed by the members of the Police Force and members of the Slovak Information Service in the fulfillment of tasks outside the territory of the Slovak Republic established by a special regulation;<sup>3a)</sup> in such event, the highest possible level of safety and health protection is ensured.

### Article 3 Definition of Certain Terms

For the purposes of this Act:

- a) The employer shall be understood as a natural person or a legal person who
  - 1. employs a natural person in a labour-law relationship<sup>4</sup> or in a similar labour relationship<sup>5</sup>,
  - 2. provides practical education to pupils of vocational schools, vocational training schools, secondary schools and university students;
- b) The employee shall be understood as
  - 1. a natural person who in labour-law relationships or in similar labour relationships, performs dependent work for an employer in accordance with his/her instructions, for a wage or remuneration,
  - 2. a pupil of vocational school, vocational training school, secondary school in practical classes and a university student in practical education,
- c) Special groups of employees shall be understood as pregnant women, mothers until the end of the ninth month after the delivery of a child, breastfeeding women, young people and disabled employees,
- d) Prevention shall be understood as a system of measures planned and taken in all areas of the employer's activities, that are aimed to eliminate or reduce risks and factors that cause occupational accidents, occupational diseases and other damage to health from work, and the

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<sup>2</sup> Article 2 letter c) and e) and Article 15 of Act No 570/2005 Coll. on compulsory military service and on amendment of certain Acts.

<sup>3</sup> Article 12 of Act No 321/2002 Coll. on the Armed Forces of the Slovak Republic.

<sup>3a)</sup> Article 77a and 77b of the National Council of the Slovak Republic Act No 171/1993 Coll. on the Police Force as amended by the Act No 490/2001 Coll.

Article 2, Paragraphs 1 to 4 of the National Council of the Slovak Republic Act No 46/1993 Coll. on the Slovak Information Service as amended.

<sup>4</sup> Labour Code.

<sup>5</sup> For example, Act No 73/1998 Coll. on State Service of Police Force Members, the Slovak Intelligence Service Members, the Prison and Judicial Guard Members of the Slovak Republic and the Railway Police Members as amended by later regulations; Act No 200/1998 Coll. on State Service of Customs Officers and on the Amendment of certain Acts as amended by later regulations; Act No 312/2001 Coll. on State Service and on the Amendment of certain Acts as amended by later regulations; Act No 315/2001 Coll. on the Fire and Rescue Corps, as amended by later regulations; Act No 346/2005 Coll. on State Service of Professional Soldiers of Armed Forces of the Slovak Republic, and on the Amendment of certain Acts.

definition of the procedures to be followed in the event of an immediate and serious threat to the life or health of the employee,

- e) Danger shall be understood as the state or characteristic feature of a factor within the working process and working environment that can damage the employee's health,
- f) A hazard shall be understood as a situation in which damage to the employee's health cannot be excluded,
- g) A risk shall be understood as the probability of the occurrence of damage to the employee's health and the level of possible health consequences,
- h) An irremovable danger shall be understood as a danger which, according to current scientific and technical knowledge, cannot be excluded or restricted,
- i) An irremovable hazard shall be understood as a hazard which, according to current scientific and technical knowledge, cannot be excluded or restricted,
- j) A dangerous event shall be understood as an event in which the employee's safety or health is endangered but not damaged,
- k) The safety of technical equipment shall be understood as the state of technical equipment and the method of its use whereby the safety and health of the employee is not threatened; the safety of technical equipment is an inseparable part of occupational safety and health protection <sup>6</sup>.
- l) Severe damage to one's health is a serious defect to health or serious illness, such as
  - 1. mutilation,
  - 2. loss or substantial decrease of the ability to work,
  - 3. paralysis of a limb,
  - 4. loss or substantial weakening of the functioning of a sense organ,
  - 5. damage to an important organ,
  - 6. disfiguration,
  - 7. triggering miscarriage or death of a foetus, or
  - 8. torturous pain.

#### Article 4

##### Measures to Ensure Occupational Safety and Health Protection in the Pre-production Stage

(1) Designers, design engineers and creators of work procedures must draw up projects, drafts of machines or other technical equipment and work procedures designed for use at work in a manner complying with the requirements resulting from legal regulations and other regulations ensuring occupational safety and health protection. These designs, drafts of machines or other technical equipment and work procedures designed for use at work must include the evaluation of irremovable dangers and irremovable hazards arising from the proposed solutions in the determined conditions of their operation and use, the evaluation of risk connected to their use, and the proposal of protective measures against these dangers and hazards.

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<sup>6</sup> Article 146, paragraph 2 of the Labour Code.

(2) The designs, drafts of machines or other technical equipment and work procedures pursuant to paragraph 1 shall include information about their safekeeping, attaching (installation), use, control, maintenance and repair.

## Article 5 General Principles of Prevention

(1) When implementing the measures necessary to ensure occupational safety and health protection, the employer is obliged to follow the general principles of prevention, including ensuring information, training and organisation of work and equipment.

(2) The general principles of prevention include

- a) the exclusion of danger and consequent risks,
- b) the assessment of irremovable risks, in particular with respect to the selection and use of working equipment, materials, substances and working procedures,
- c) the implementation of measures to remove dangers at the place of their occurrence,
- d) giving priority to collective protective measures over individual protective measures,
- e) replacing activities that could lead to any risk of health damage, with safe work or with work involving a smaller risk of health damage ,
- f) adapting work to the employee's capabilities and technical progress,
- g) taking into consideration human capabilities, characteristics and possibilities, especially when designing the workplace and selecting the working equipment, procedures and manufacturing processes, with the objective of excluding or reducing harmful factors at work, strenuous work and monotonous work that could have an effect on the employee's health,
- h) the planning and implementation of a prevention policy by introducing safe working equipment, technology and work organisation methods, improving the working conditions with regard to the factors of the working environment, and implementing social measures,
- i) the issuance of instructions designed to ensure occupational safety and health protection.

## **PART TWO** **OBLIGATIONS OF THE EMPLOYER** **AND THE RIGHTS AND OBLIGATIONS OF EMPLOYEES**

### Article 6 General Obligations of the Employer

(1) In order to ensure occupational safety and health protection, the employer shall be obliged to

- a) implement measures with regard to all circumstances related to work and in accordance with legal regulations and other regulations designed to ensure occupational safety and health protection,
- b) improve working conditions and adapt them to his/her employees, taking into consideration the current and foreseeable changes of circumstances and the state of scientific and technological knowledge,
- c) detect dangers and hazards, assess risks and draw up a written document on risk assessment in all activities performed by the employees,
- d) ensure that the safety and health of the employees are not threatened by the workplace, access roads, working equipment, materials, working procedures, manufacturing procedures, arrangements of workplaces and work organisation, and provide for the necessary maintenance and repairs for this purpose,

- e) ensure that the safety and health of the employees are not threatened by chemical factors, physical factors, biological factors, factors influencing the psychological workload and social factors,
- f) eliminate dangers and hazards, and in the event that this is impossible based on the latest knowledge in the field of science and technology, to implement measures for their reduction and to prepare measures for their elimination,
- g) replace strenuous and monotonous work and work performed in difficult and health damaging or harmful working conditions by suitable working equipment, working procedures, manufacturing procedures and improved work organisation,
- h) on premises where dangerous substances are used or stored, or technologies and equipment are used whose failure, might cause a threat to the life and health of large numbers of employees, and other natural persons, and to the surroundings, and on premises with special dangers and dangers potentially immediately and seriously threatening to the life and health of employees
  - 1. adopt measures to eliminate the threat to life and health; and in the event that it is not possible based on the latest scientific and technological knowledge, implement measures in order to reduce them,
  - 2. implement necessary measures to reduce the possible consequences of threats to life and health, and limit access to the endangered premises of employees, whose presence is inevitable, who are duly and provably informed and trained and equipped pursuant to legal regulations and other regulations in order to ensure occupational safety and health protection,
- i) determine safe working procedures,
- j) determine and ensure protective measures which must be implemented, and when necessary, determine and provide the protective equipment which must be used,
- k) draw up in writing the concept of an occupational safety and health protection policy containing the basic aims to be achieved in the field of occupational safety and health protection, along with an implementation programme of that concept containing, in particular, the procedure, equipment and methods of its implementation and to regularly evaluate and update the aims when necessary; this shall not apply to employer who employ less than 11 employees and to the employer, whose code, pursuant to the statistical classification of economic activities, is not included in Annex No 1.
- l) issue internal regulations, rules of occupational safety and health protection, and give instructions to ensure occupational safety and health protection,
- m) draw up and, when necessary, update his/her own list of works and workplaces that are
  - 1. prohibited to pregnant women, mothers until the end of the ninth month after delivery and breastfeeding women,
  - 2. connected with specified risks to pregnant women, mothers until the end of the ninth month after delivery and breastfeeding women,
  - 3. prohibited to young employees,
- n) keep and store required documentation, records and files relating to occupational safety and health protection, five years from the day on which the last record was carried out in them, unless otherwise stipulated by a special regulation,
- o) assign work to employees according to the state of their health, particularly the results of the assessment of their fitness to work <sup>6aa)</sup>, capabilities along with their age, competence and professional qualifications according to the legal regulations and other regulations pertaining to occupational safety and health protection, and not allow them to perform work that does not correspond to their state of health, particularly the results of the assessment of their fitness to work and capabilities and for which they lack the age, competence and documented professional

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<sup>6aa)</sup> Article 30, paragraph 3 of the Act No 355/2007 Coll. On the Protection, Support and Development of Public Health and on the amendment of certain Acts as amended by the Act No 140/2008 Coll.



qualifications according to the legal regulations and other regulations pertaining to occupational safety and health protection,

- p) ensure the assessing of the individual physical abilities of the employee in the manual handling of loads,
- q) ensure health surveillance pursuant to Article 26, including preventive medical examinations in relation to the work,<sup>6a)</sup> performed at regular intervals and when requested by the employee, taking into account the nature of the work and working conditions at the workplace,
- r) take care of ensuring the occupational safety and health protection of:
  - 1. employees at dislocated workplaces,
  - 2. employees who work alone at workplaces,
  - 3. special groups of employees, in particular in connection with specific dangers particularly influencing their safety and health,
- s) provide rest periods to employees for reasons of occupational safety and health protection<sup>7</sup>,
- t) not use a remuneration system that would, in the case of increased work performance, result in a threat to the safety or health of employees, in the case of employees who are exposed to a higher accident occurrence rate or other health damage.

(2) While ensuring occupational safety and health protection by providing personal protective equipment, the employer shall be obliged to

- a) draw up a list of personal protective equipment, provided on the basis of the risk assessment and evaluation of dangers arising from the working procedure and the working environment,
- b) provide necessary efficient personal protective equipment free of charge to employees where it is required due to their life or health protection, and keep records of such provisions,
- c) maintain personal protective equipment in a usable and functional state and exercise care for their proper use.

(3) The employer shall be obliged to,

- a) Provide working clothes and shoes<sup>8</sup> free of charge to employees who work in an environment where clothes or shoes can easily become worn out or extremely dirty,
- b) Ensure the employees' drinking regime when required for the protection of their lives or health and provide washing, cleaning and antiseptic means for them, as required for maintaining physical hygiene.

(4) The employer and natural persons who are entrepreneurs and are not employers shall be obliged to ensure that employees of other employers performing work at his/her workplaces and at his/her premises have the necessary safety and health protection information and instructions which pertain to his/her workplaces and premises, in particular information pursuant to Article 7, paragraph 6, letters a) through c). An employer may agree on the performance of work with a natural person who is an entrepreneur and is not an employer only if this natural person can document his/her professional qualifications necessary for performing the work with a relevant document pursuant to legal regulations and other regulations in order to ensure occupational safety and health protection .

(5) The employer shall be obliged to forbid smoking at workplaces where work is also performed by non-smokers, and ensure the enforcement of this prohibition, as well as the prohibition against smoking at workplaces<sup>9</sup>.

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<sup>6a)</sup> Article 30, paragraph 6 of the Act No 355/2007 Coll. as amended by the Act No 140/2008 Coll.

<sup>7</sup> For example, the Labour Code, Act No 121/2004 Coll. on Working Time and Rest Periods in Transport and on Amendment of certain Acts.

<sup>8</sup> Regulation of the Government of the Slovak Republic No 395/2006 Coll. on the Minimum Requirements for the Provision and Use of Personal Protective Working Equipment.

(6) In order to ensure occupational safety and health protection, the employer is obliged to inform in writing the Preventative and Protection Services (Article 21) about the employment of the employee for a definite period of time and about the employment of the employee temporarily allocated to him/her pursuant to special regulation.<sup>9a)</sup>

(7) The employer shall be obliged to take care of the safety and health protection of all persons who, to his/her knowledge, are present at his/her workplaces or his/her premises.

(8) The employer's tasks in the field of care for occupational safety and health protection shall be ensured by the managing employees at all levels of management within the scope of obligations derived from their respective positions. These tasks are equivalent and inseparably constituent parts of their working obligations.

(9) A employer who is a natural person, and the statutory body of the employer which is a legal person, upon being notified pursuant to Article 12, paragraph 5 and Article 22, paragraph 8 shall be obliged to ensure the implementation of necessary preventive measures and protective measures; they shall be obliged to act immediately in the event of any immediate threat to life or health.

(10) Obligations of employees related to the assurance of occupational safety and health protection and the implementation of necessary measures do not affect the employer's responsibility for fulfilling obligations in the field of occupational safety and health protection.

(11) The costs connected to the assurance of occupational safety and health protection shall be borne by the employer; such costs are not to be transferred to the employee.

#### Article 7 Notification and Information of Employees

(1) The employer shall be obliged to notify regularly, understandably and provably each employee

- a) of legal regulations and other regulations applying to the ensuring of occupational safety and health protection<sup>10</sup>, of principles of safe work, health protection at work, safe conduct at the workplace and safe working procedures, and verify the employee's knowledge thereof,
- b) of existing and predictable dangers and hazards whose impacts may cause a health threat and the protection against them,
- c) of the prohibition to enter the premises and dwell in the premises and to perform activities posing a potentially immediate threat to the life or health of an employee.

(2) The employer shall be obliged to notify understandably and provably the employee with the list of work and workplaces pursuant to Article 6, paragraph 1, letter m).

(3) In compliance with paragraphs 1 and 2, the employer shall be obliged to notify, the employee upon his/her recruitment, of the employee's transferral to another workplace, assignment or transferral to a different job, and any introduction of new technology, working procedure or working equipment.

(4) The content of notification, and the regularity of repeated notification must be adapted to the character of the work performed by the employee, to his/her workplace and to other circumstances

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<sup>9</sup> For example, Act No 377/2004 Coll. on the Protection of Non-smokers and on the Amendment of certain Acts; Regulation of the Government of the Slovak Republic No 393/2006 Coll. on the Minimum Requirements for Ensuring Occupational Safety and Health Protection in Explosive Atmosphere.

<sup>9a)</sup> Article 58 of the Labour Code.

<sup>10</sup> Article 39 of the Labour Code.

relating to the performance of work, in particular to the working equipment, working procedures, new or changed dangers and hazards. The employer shall be obliged to adjust, by means of an internal regulation, the regularity of repeated notification, in such a way that it will be held at least once in two years, unless legal regulations for ensuring occupational safety and health protection stipulate a shorter interval.

(5) Notification and other education, including the practical phases of education and training, in the field of occupational safety and health protection of employees and of employee representatives responsible for occupational safety and health protection (“employee safety representatives”) must be carried out during working time.

(6) The employer shall be obliged to suitably and understandably provide employees and employee representatives<sup>10a)</sup> including employee safety representatives with the necessary information about

- a) dangers and hazards potentially occurring during work and in connection therewith, and about the results of the risk assessment,
- b) preventive measures and protective measures taken by the employer in order to ensure occupational safety and health protection, pertaining generally to employees and to the work performed by them at the individual workplaces,
- c) measures and procedures to be followed in cases of damage to health, including first-aid provision, and measures and proper procedures in the event of a fire, during rescue operations and evacuations,
- d) preventive and protective measures proposed and ordered by the competent Labour Inspectorate<sup>11</sup> or supervisory bodies<sup>12</sup>,
- e) occupational accidents, occupational diseases and other health injuries from work that have occurred at the employer’s workplace, including the investigation results of their causes and the adopted and implemented measures.

(7) The employer shall also provide the necessary information pursuant to paragraph 6 in particular about the factors influencing or potentially influencing the safety and health of employees to professionally capable employees (“professional employee”) assigned to perform preventive and protective services, including those supplied on a contractual basis (Article 21).

## Article 8

### Employer’s Obligations in Cases of Immediate and Serious Hazard to Life or Health

(1) In order to ensure the occupational safety and health protection of employees in the event of the occurrence of an immediate and serious hazard to life or health, considering the size of the organisation, the character of work and dangers and the size of the risk, the employer, shall be obliged to

- a) implement measures in advance, and ensure the necessary equipment for the protection of the life and health of employees and for the provision of first-aid and shall, in particular, for this purpose
  1. determine in writing the procedure to be followed in cases involving rescue operations, evacuation and health injuries, including first-aid provision,
  2. equip workplaces with the necessary equipment, including equipment for first-aid provision,

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<sup>10a)</sup> Article 11a of the Labour Code.

<sup>11</sup> Act No 125/2006 Coll. on the Labour Inspection and on Amendment to Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on the Amendment of Certain Acts.

<sup>12</sup> Act No 51/1988 Coll. on mining activity, explosives and on the state mining administration, as amended by later regulations. Act No 73/1998 Coll., as amended by later regulations. Act No 200/1998 Coll., as amended by later regulations.

3. appoint, educate and regularly re-educate, by qualified persons, sufficient numbers of employees for the performance of rescue work, evacuations and first aid provision, as well as fire fighting,
  4. provide for the required contacts with competent health centres, rescue centres and fire-fighting brigades,
- b) implement measures in advance enabling employees to exercise care for their health and safety and/or for the health and safety of other persons, and to prevent the consequences of this hazard according to their possibilities,
  - c) inform, immediately, all employees exposed or potentially exposed to a hazard about the hazard and about applicable protective measures,
  - d) provide instructions immediately, and ensure that employees can stop their work, immediately leave their workplace and go to a safe place,
  - e) not require, except in justified and extraordinary cases, employees to continue working or to be present at a workplace, where such hazard exists.

(2) In the event that the employee refuses to perform work, interrupts work or leaves the workplace in order to go to a safe place because he/she reasonably presumes that his/her life or health, or the life or health of other persons are under an immediate and serious hazard, the employer may not consider this as a violation of obligations.

#### Article 9 Controlling Activities

(1) The employer shall be obliged to systematically control and request compliance with legal regulations and other regulations applying to the ensuring of occupational safety and health protection, with principles of safe work, health protection at work and safe conduct at workplaces and safe working procedures, and in particular to control

- a) the state of occupational safety and health protection, including the state of the safety of technical equipment; to ensure, in intervals stipulated in special regulations, the control of this state, measurement and evaluation of factors of the working environment, official tests, the execution of professional inspections and professional checks of restricted technical equipment for the aforementioned purpose,
- b) whether the employees are under the influence of alcohol, narcotics or psychotropic substances, during working time, and whether they adhere to the issued prohibition of smoking on the employer's premises,
- c) the activities of employees working at a dislocated workplace and employees who work alone at a workplace,
- d) the proper use of personal protective equipment, protection means and other protective measures.

(2) The employer is obliged to remove shortcomings found during his/her controlling activities.

#### Article 10 Cooperation of the Employer and Employees

The employer shall be obliged to enable the employees or the employee safety representatives to participate in the resolving of safety and health protection issues and discuss with them in advance any questions which might substantially influence occupational safety and health protection. The employer shall be obliged to submit to employees or to employee safety representatives, the relevant documentation and provide them with reasonable time for expressing standpoints concerning the

- a) proposed policy in matters of occupational safety and health protection, the proposed programme of its implementation and its evaluation,
- b) proposed selection of working equipment, technologies, work organisation, working environment and workplace,
- c) proposals to appoint professional employees for the performance of preventive and protective services and tasks pursuant to Article 8, paragraph 1, letter a), Article 21, paragraph 1, Article 22, paragraph 1 and Article 26,
- d) implementation of tasks in the field of preventive and protective services, when supplied on a contractual basis,
- e) risk assessment, determination and implementation of protective measures, including the provision of personal protective equipment and collective protective equipment,
- f) occupational accidents, dangerous events, occupational diseases and other health injuries from work that occurs at the employer's workplace, including the results of investigations into their reasons and the proposed measures,
- g) method and scope of providing information of employees, employees' safety representatives and appointed professional employees toward the performance of preventive and protective services,
- h) planning and ensuring the notification and information of employees pursuant to Article 7, and the training of employee safety representatives.

#### Article 11 Reconditioning Stays

(1) In the interest of preventing the occurrence of occupational diseases, the employer shall be obliged to provide for reconditioning stays of employees performing selected occupations. Work-related rehabilitation that is ensured by the employer for the employee continuously while performing the work is also considered a reconditioning stay.

(2) For the purposes of the provision of reconditioning stays, the selected occupations are occupations in which the work carried out is classified in the third or fourth category by the state administration in the field of public health and the reconditioning stay shall comply with the condition of purposefulness in terms of preventing damage to occupational health.

(3) The condition of purposefulness in terms of preventing damage to occupational health is not met if the employee at work is exposed to any factors of the working environment, namely

- a) factors causing the outbreak of occupational skin allergies,
- b) biological factors,
- c) electromagnetic radiation,
- d) ultraviolet radiation,
- e) infrared radiation,
- f) laser.
- g) noise.

(4) Reconditioning stays or work-related rehabilitation shall be proposed by the employer in cooperation with the occupational health service physician and upon agreement with the employee representatives, including the employee safety representatives.

(5) The employer shall elaborate a list of employees performing selected occupations in cooperation with the occupational health service physician and upon agreement with the employee representatives, including the employee safety representatives.

(6) The occupational health service physician shall elaborate the content of the reconditioning stay in cooperation with the employer and upon agreement with the employee representatives including the

employee safety representatives. The employer shall inform the employee on the content of the reconditioning stay prior to his/her commencement of the reconditioning stay.

(7) The facility, in which the reconditioning stay shall take place, must comply with the requirements for accommodations and meals pursuant to the special regulation.<sup>12a)</sup>

(8) A reconditioning stay must be professionally operated and guided by a healthcare worker with professional qualifications particularly in the study field of physiotherapy and in the specialization field of physiatrics, balneology and therapeutic rehabilitation, who shall elaborate the reconditioning stay programme according to the framework programme, while taking into account the exposure of employees to work factors and the working environment; he/she shall cooperate with the healthcare workers with professional qualifications, particularly in the specialization field of preventive occupational medicine and toxicology, nutrition hygiene, health and public health education and in the study field of public health and psychology.

(9) The employer may also ensure reconditioning stays for employees who perform work classified in the second category upon the recommendation of the occupational health service physician and the agreement of the employee representatives including the employee safety representatives if the reconditioning stay complies with the condition of purposefulness in terms of preventing occupational health damage.

(10) An employee who lacks the symptoms of an acute illness or transmitted disease may participate in a reconditioning stay.

(11) An employee who continuously performs work classified in the third category for at least six years and an employee, who continuously performs work classified in the fourth category for at least five years is obliged to participate in reconditioning stays. A break in his/her performance of such work for less than eight weeks is also considered as the continuous performance of the work.

(12) An employee is obliged to participate in another reconditioning stay once every four years if he/she has worked at least 800 shifts in the selected occupation during this period or if he/she has worked with proven chemical carcinogens for at least 500 shifts.

(13) An employee employed in underground work involving the extraction of minerals or digging tunnels and adits who has worked at least 275 working shifts in selected occupations for two years shall be obliged to participate in another reconditioning stay.

(14) For the purposes of reconditioning stays, one shift shall be understood as a shift wherein the employee performed the selected occupation for at least a predominant part of the shift. When pertaining to an employee with an uneven distribution of working time, the condition of the worked number of shifts shall be met if his/her re-calculated total corresponds to the determined number of shifts of an employee with an even distribution of working time.

(15) The employer shall determine the date of commencement, the location and duration of the reconditioning stay on the basis of the recommendation of the occupational health service physician. The duration of the reconditioning stay shall be at least seven days; the length of work-related rehabilitation shall be at least 80 hours every two years. A reconditioning stay shall usually be connected to paid holiday and cannot be interrupted without serious reasons. Work related rehabilitation does not need to be connected with paid holiday.

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<sup>12a)</sup> Articles 20, 21 and 26 of the Act No. 355/2007 Coll.

(16) Throughout the entire duration of the reconditioning stay, the employee must be provided with a programme-controlled health care regime, accommodation and full board; accommodation and full board are not ensured with work related rehabilitation.

(17) The employer shall determine the means of the employee's transport and other conditions identical to those that apply to business trips, and provide travel expenses<sup>13</sup>. The costs of reconditioning stays shall be borne by the employer in accordance with Article 6, paragraph 11.

(18) The employer determining the employee's participation in the reconditioning stay shall be responsible for any damage suffered by the employee during or in direct relation to the reconditioning stay. Participation in the reconditioning stay shall be understood as the fulfilment of the reconditioning programme. Travel to and from the reconditioning stay, board and personal time off at the venue of the reconditioning stay are considered to be directly connected to the reconditioning stay; however, a walk which is allowed but not organised by the organizer of the reconditioning stay is not considered to be directly connected to the reconditioning stay.

## Article 12 Rights and Obligations of Employees

(1) The employee shall have the right to

- a) negotiate all questions of occupational safety and health protection applying to his/her work, with the employer; when necessary, experts in the given field, could be invited to such discussion upon mutual agreement,
- b) refuse to perform work, or leave the workplace and go to a safe place in the event that he/she reasonably presumes that his/her life or health, or the life or health of other persons is under immediate and serious threat.

(2) The employee shall be obliged to

- a) comply with instructions, legal regulations and other regulations pertaining to the ensuring of occupational safety and health protection and with the principles of safe work, health protection at work and safe conduct at the workplace, and with determined working procedures, of which the employee was duly and provably notified,
- b) cooperate with the employer and with the employee safety representative to the necessary extent, to enable them to fulfil their obligations connected with the provision of occupational safety and health protection, along with those imposed upon them by the competent labour inspectorate or supervisory bodies,
- c) perform work, operate and use working equipment, materials, dangerous substances and other means in compliance with
  1. the instructions for their use, of which he/she has been duly and provably notified,
  2. exigencies representing part of the knowledge and skills acquired within the professional qualification,
- d) only operate working equipment and perform activities connected to increased risks stipulated by special regulations when holding the applicable certificate or authorisation and only when charged with such operation or performance by the employer,
- e) properly use safety and protection equipment, not exclude them from operation or willingly exchange them,
- f) use all assigned personal protective equipment according to the designated methods,
- g) comply with prohibitions to enter/stay on the premises and to perform activities specified in separate legislation, which could directly threaten his/her life or health,

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<sup>13</sup> Act No 283/2002 Coll. on Travel Expenses as amended by later regulations.

- h) attend information sessions and other educational safety events provided by the employer in the interests of occupational safety and health protection, and submit to the verification of his/her knowledge acquired therein,
- i) undergo preventive medical examinations in relation to work <sup>6a)</sup>,
- j) notify without undue delay the managing employee or, as necessary, the safety technician or authorised safety engineer, the employee safety representative, the competent labour inspectorate or the competent supervisory body of any shortcomings that could potentially pose a threat to occupational safety or health, particularly those which could directly and seriously pose a threat to life or health, and participate in their elimination to the best of his/her possibilities,
- k) refrain from consuming alcoholic beverages, narcotic and psychotropic substances at the workplaces and on the premises of the employer and outside such workplaces and premises during working time, and refrain from reporting for work while under such influence,
- l) undergo examinations organised by the employer or by the competent state authority<sup>14</sup> in order to ascertain whether an employee is under the influence of alcohol, narcotic or psychotropic substances; the employer shall identify in his work regulations or other internal regulations the group of those employees and/or other persons who are authorised to instruct the employee to submit to such examination,
- m) Comply with the prohibition against smoking at workplaces,
- n) participate in reconditioning stays.

(3) The prohibition against consuming alcoholic beverages at and outside the employer's workplaces and premises during working hours does not apply to employees to whom the exceptional consumption of alcoholic beverages is a part of his/her working assignments or usually connected to the performance of such assignments.

(4) The provisions of paragraph 2 and 3 shall apply appropriately to the statutory body of an employer that is a legal entity, and to a natural person who is an employer, when personally performing the work, and the provisions of paragraph 2, letters a) through m) and of paragraph 3 shall apply appropriately also to a natural person who is an entrepreneur and not an employer.

(5) The managing employee shall, immediately, notify his supervisor about any identified shortcomings in the field of occupational safety and health protection in the event that the performance of necessary preventive measures and protective measures exceeds the scope of his obligations.

### Article 13

#### Safety of Constructions, Working Premises, Installations and Working Procedures

(1) The technical documentation of installations and working procedures applied at work shall include requirements laid down in separate legislation<sup>15</sup> and requirements designed to ensure occupational safety and health protection during their production, transport, assembly, installation, operation, use, maintenance, repair and liquidation. The technical documentation of constructions shall include requirements designed to ensure occupational safety and health protection in connection with

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<sup>6a)</sup> Article 30, paragraph 6 of the Act No 355/2007 Coll. as amended by the Act No 140/2008 Coll.

<sup>14</sup> For example, Act No 51/1988 Coll., as amended by later regulations; Act No 125/2006 Coll.

<sup>15</sup> For example, Act No 264/1999 Coll. on the technical requirements of products, on the evaluation of compliance and on Amendments of certain Acts; Regulation of the Slovak Republic Government No 571/2001 Coll., establishing the particulars of technical requirements and compliance evaluation procedures relating to lifts as amended by Regulation of the Slovak Republic Government No 327/2003 Coll.; Regulation of the Slovak Republic Government No 310/2004 Coll., establishing the particulars of technical requirements and compliance evaluation procedures relating to machinery.



their preparation, erection, reconstruction and future operation. The technical documentation shall include instructions for their safe use and maintenance and the conditions for their controlling and inspection.

(2) During the use of constructions and parts thereof, the working premises, the operation of installations and the application of working procedures, the employer shall ensure the maintenance of the prescribed technical documentation corresponding to the actual conditions.

(3) The employer may only use constructions and parts thereof, the working premises, operate installations and apply working procedures if they comply with the regulations designed to ensure safe work and protection of health at work, if the conditions specified by their planner, designer, creator or producer have been adhered to, and if all maintenance, inspections, checks, tests, official tests or expert inspections and expert tests stipulated by special regulation<sup>16</sup> or in the technical documentation of the producer have been carried out.

(4) The detailed requirements of constructions and parts thereof, access roads, workplaces, installations, working procedures and activities from assurance viewpoints of occupational safety and health protection are stipulated<sup>16</sup> in special regulations.

(5) The employer is obliged to appoint an employee to carry out activities stipulated by special regulations that are inevitable for the assurance of occupational safety and health protection in the use of constructions and parts thereof, the operation of installations and the use of working procedures.

(6) The employer is obliged to clearly mark workplaces and equipment that are potentially threatening or damaging to the health of employee, and apply safety and health signs at work pursuant to special regulations<sup>17</sup>.

(7) Paragraphs 1 through 6 shall also apply to the communal parts of buildings and facilities in blocks of flats, as well as non-residential premises, except for flats and houses in personal ownership; the employers' tasks shall be fulfilled by the association of flat owners and non-residential premises in the building, or by the superintendent of the communal parts of the building and facilities in the building, non-residential premises and conveniences co-owned by the owners of flats and non-residential premises.

#### Article 14

##### Verification of the Fulfilment of Safety Requirements for Technical Equipment

(1) Verification of the fulfilment of safety requirements for technical equipment comprises the following:

- a) verification of the employer's professional capability for the execution of professional inspections, tests and repairs of restricted technical equipment pursuant to the legal regulations in order to ensure occupational health and safety, for the filling of pressure vessels for the transport of gases, including the filling of tanks of gas-driven motor vehicles, and the issuance of authorisation for the execution of such activities,

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<sup>16</sup> For example, Regulation of the Government of the Slovak Republic No 391/2006 Coll. on the minimum safety and health requirements of workplaces, Regulation of the Government of the Slovak Republic No 392/2006 Coll. on the minimum safety and health requirements for the provision of working equipment, Regulation of the Government of the Slovak Republic No 396/2006 Coll. on the minimum safety and health requirements of construction sites.

<sup>17</sup> Regulation of the Government of the Slovak Republic No 387/2006 Coll. on the requirements for ensuring safety and health signs at work.

- b) execution of the inspection, guidance and evaluation or execution of the official tests and other tests pursuant to the legal regulations in order to ensure occupational health and safety of restricted technical equipment, including the marking of restricted technical equipment and issuance of the relevant documents,
- c) verification of the professional capabilities of a natural person to conduct tests, professional inspections and professional tests, repairs and operation of restricted technical equipment pursuant to the legal regulations in order to ensure occupational safety and health protection and the issuance of certificates or authorisations enabling such activities, and
- d) assessing the fulfilment of the technical equipment, material, design documentation of projects that include the technical equipment and changes thereof, documentation of technical equipment and technologies with the requirements of safety and health protection at work and the issuance of expert viewpoints.

(2) The authorised legal entity verifies the fulfilment of the safety requirements of technical equipment pursuant to paragraph 1, that has a certificate issued by the National Labour Inspectorate (hereinafter the “Authorised Legal Entity”). The activities of the authorised legal entity do not apply to technical equipment subject to the supervision of bodies specified in separate regulations<sup>18</sup>.

(3) The National Labour Inspectorate, having verified the fulfilment of the conditions laid down in this Act, issues a certificate authorising the legal entity to verify the safety of technical equipment pursuant to paragraph 1 on the basis of its written application. The application based on the previous sentence must contain the name, registered office and identification number of the applicant; the written application shall be accompanied by a document confirming the payment of the administrative fee, wherein the legal entity shall demonstrate that

- a) the subject does not perform activities, in which pursuant to paragraph 1 letter a) professional capability is verified, it does not perform project, construction and supply activities in the field of technical equipment and project designs of constructions,
- b) the subject employs professionally capable natural persons to perform activities pursuant to paragraph 1,
- c) the subject has technical equipment and instruments necessary for the performance of its activities pursuant to paragraph 1,
- d) the performance of activities pursuant to paragraph 1 is ensured in professional as well as organisational terms, including the corresponding working procedures for their performance and has an established quality management system that guarantees the professionalism, independence and impartiality of the performance of these activities, and
- e) the subject is accredited in compliance with separate regulation<sup>19</sup> to
  1. verify the fulfillment of requirements for the safety of technical equipment pursuant to paragraph 1 or
  2. perform activities of the inspection body independent of the involved parties (Type A) and to perform activities of the Certification Body to certify products, persons and management systems.

(4) The National Labour Inspectorate certificate shall contain the name, registered office and identification number of the authorised legal entity, and/or additional data. The certificate is issued for an indefinite period of time.

(5) Activities pursuant to paragraph 1 are performed for pay; the general regulation on the administrative proceedings do not apply to these activities.

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<sup>18</sup> Act of the Slovak National Council No 51/1988 Coll. as amended;  
 Article 49 of Act No. 143/1998 Coll. on Civil Aviation (Aviation Act) and on amendments and supplements to certain Acts as amended.  
 Article 39 of Act No. 338/2000 Coll. on Inland Navigation and on amendments and supplements to certain Acts as amended.  
 Articles 3 and 5 of Act No. 435/2000 Coll. on Maritime Navigation.  
 Article 6, Paragraph 3, letter i) of Act No 321/2002 Coll.  
 Act No. 513/2009 Coll. on Railroads and on amendments and supplements to certain Acts as amended.

<sup>19</sup> Act No 264/1999 Coll., as amended.

(6) The authorised legal entity is obliged to adhere to the conditions specified in paragraph 3 throughout the entire duration of its activities pursuant to paragraph 1; in the event of its failure to adhere to this obligation or violation of legal regulations or other regulations for ensuring occupational safety and health protection while performing activities pursuant to paragraph 1, the National Labour Inspectorate shall revoke the certificate for verification of the fulfillment of the technical equipment safety requirements.

(7) The authorised legal entity is obliged to publicize without any delay at its web site the list of issued

- a) authorizations pursuant to Paragraph 1, letter a) which shall include
  - 1. the name and the registered seat of the legal entity or, the name, surname and permanent address of the natural person who is the employer who issued the authorization,
  - 2. the type and scope of activities for which the authorization was issued,
  - 3. the date of issuance of the authorization,
- b) certificates and cards pursuant to Paragraph 1, letter c) which shall include
  - 1. the name, surname and permanent address of the natural person for which the certificate or card was issued,
  - 2. the activities for which the certificate or card was issued, including the scope of activities,
  - 3. date of issuance of the certificate or card.

(8) The National Labour Inspectorate publishes the list of authorised legal entities, including their names and registered offices and the list of revoked certificates.

(9) Paragraphs 1 through 6 also apply to the communal parts of buildings and facilities in blocks of flats, as well as to non-residential premises, except for flats and houses in personal ownership; the employers' tasks shall be fulfilled by the association of owners of flats and non-residential premises in the building, or by the superintendent of the communal parts of the building and facilities in the building, non-residential premises and conveniences co-owned by the owners of flats and non-residential premises.

## Article 15 Authorisation to Execute Activities

(1) The employer may only carry out professional inspections and professional tests and repairs of restricted technical equipment pursuant to the legal regulations for ensuring occupational safety and health protection, and filling pressure cannisters for the transport of gases, including the filling of tanks of gas-driven motor vehicles for another natural person or for another legal entity on the basis of the authorisation to execute such activities (the "authorisation").

(2) The authorisation to execute activities specified in paragraph 1 is issued by the authorised legal entity on the basis of a written application. The application, accompanied by documents demonstrating the fulfilment of conditions pursuant to paragraph 3 comprises the following data:

- a) name, surname, date of birth and permanent address of the natural person,
- b) when involving a legal entity, its name, registered office, identification number if already assigned, and the name and site of its organisational unit applying for the authorisation,
- c) type and scope of the activity which is the subject of the application.

(3) The authorisation shall be issued under the following conditions:

- a) a concluded labour contract between the employer and employee possessing the applicable document in proof of his/her professional capability pursuant to Article 16 to carry out activities according to paragraph 1,
- b) adequate methods and scope of assurance of executing the activities from the technical, technological, personnel and organisational viewpoints.

(4) The authorised legal entity shall issue the authorisation upon verifying the fulfilment of the conditions established in this Act, and legal regulations and other regulations designed to ensure safety and health protection at work.

(5) The authorisation is issued for an indefinite period of time. The authorisation shall include the following data:

- a) name and registered office of the authorised legal entity having issued the authorisation,
- b) reference number of the authorisation,
- c) name and registered office of the legal entity, or name, surname and permanent address of the natural person who is an employer to whom the authorisation is being issued,
- d) type and scope of the activity for which the authorisation is issued, and if necessary, any specific conditions of its execution,
- e) date of the issuance, imprint of the seal, name, position and signature of the authorised legal entity's representative.

(6) The employer to whom the authorization was issued is obliged to comply with the conditions specified in paragraph 3 and in paragraph 5, letter d) while executing the activities according to the authorisation.

(7) The competent labour inspectorate shall revoke the authorisation

- a) for any serious or repeated violation of legal regulations and other regulations in the field of ensuring safety and health protection at work,
- b) for non-compliance with conditions specified in paragraph 3 and in paragraph 5, letter d),
- c) when accordingly requested by the employer to whom the authorisation had been issued.

(8) the validity of the authorisation shall expire

- a) by the removal of the legal entity from the Commercial Register,
- b) by the expiration of the trade licence,
- c) by the assumption of the legal validity of the competent labour inspectorate's decision of revocation.

(9) Any natural person - entrepreneur who is not an employer may execute activities pursuant to paragraph 1 without authorisation, in the event that he/she is professionally capable of their execution; professional capability shall be demonstrated by the document specified in Article 16.

## Article 16

### Activity Execution Certificate and Activity Execution Permit

(1) A natural person may only operate assigned working equipment and execute assigned activities determined in legal regulations related to the field of safety and health protection at work while doing so on the basis of a valid activity execution certificate or activity execution permit (the "certificate or permit"), issued by an authorised legal entity or natural person, or by a legal entity holding a licence pursuant to Article 27, paragraph 3 ("a person licensed to educate and train"). The certificate or permit is issued on the basis of a written application wherein the natural person shall provide the data specified in separate regulation.

(2) Issuance of the certificate or permit to the natural person is contingent upon the fulfilment of the certain conditions; the candidate must:

- a) be at least 18 years of age, unless otherwise specified in legal regulations or other regulations in order to ensure occupational health and safety,

- b) have education and experience pursuant to separate legislation,
- c) demonstrate fitness pursuant to separate legislation,
- d) be professionally prepared to the extent specified by separate legislation,
- e) verify his/her professional knowledge.

(3) The certificate or permit is issued for an indefinite period of validity, and shall show mainly the following data:

- a) name and seat of the natural person or legal entity issuing the certificate or permit, along with the authorisation reference number,
- b) reference number of the certificate or permit,
- c) provisions of the generally binding legal regulation pursuant to which the certificate or permit is issued,
- d) activity, for which the certificate or permit is issued and, if necessary, the scope of activity,
- e) name, surname, date of birth and permanent residence address of the natural person to whom the certificate or permit is issued,
- f) date of the final exam,
- g) date and place of the issuance of the certificate or permit,
- h) imprint of the seal and signature of the natural person or representative of the legal entity issuing the certificate or permit.

(4) After five years, the natural person who is a certificate or permit holder is obliged to participate in professional re-training with a person licensed to educate and train. The person licensed to educate and train shall indicate on the certificate or permit the period wherein the natural person participated in the professional re-training.

(5) The natural person who is a certificate or permit holder shall, within his/her professional activities, adhere to legal regulations and other regulations designed to ensure safety and health protection at work.

(6) The competent labour inspectorate shall revoke the certificate or permit from the legal person who, within his/her professional activities, is found to have seriously or repeatedly acted in violation of legal regulations and other regulations in the field of ensuring safety and health protection at work. The natural person whose certificate or permit is withdrawn may re-apply for its issuance six months from its revocation at the earliest. The National Labour Inspectorate publishes a list of natural persons whose certificates or permits were revoked, with data specified in paragraph 3, letter d).

(7) The certificate or permit loses validity by its revocation pursuant to paragraph 6, or by the failure of the natural person holding the certificate or permit to participate in professional re-training.

(8) Paragraphs 1 through 7 also apply to the communal parts of buildings and facilities in blocks of flats, as well as non-residential premises, except for flats and houses in personal ownership; the employers' tasks shall be fulfilled by the association of owners of flats and non-residential premises in the building, or by the superintendent of the communal parts of the building or facilities in the building, non-residential premises and conveniences co-owned by the owners of flats and non-residential premises.

#### Article 17

#### Occupational accident, Other Accident, Occupational Diseases, Dangerous Events and Serious Industrial Accidents

(1) The employee shall notify the employer immediately upon the occurrence of

- a) any accident at work or accident while on duty <sup>20</sup> (the “occupational accident”) suffered by the employee, in the event that his/her state of health so allows,
- b) any accident other than a occupational accident or any death occurring at the employer’s workplace or premises that is not a result of a occupational accident,
- c) any dangerous event,
- d) any direct serious industrial accident of any threat thereof <sup>21</sup>.

(2) The obligation to notify the employer of the occurrence of an event pursuant to paragraph 1 also applies to the employee or natural person witnessing the occurrence of the aforementioned event. The employer shall, in its internal regulations, determine, who and by what methods it should be notified of the occurrence of an event pursuant to paragraph 1.

(3) An employer notified pursuant to paragraph 1, shall execute, immediately, the necessary measures to prevent any further threat to life and health. Until the arrival of the competent investigating authorities, the workplace situation, when involving events pursuant to paragraph 5, letter a), points three and four may not be changed, except for the execution of inevitable measures toward the protection of life and health, or the prevention of major economic damage. When changing the workplace situation as a result of the execution of measures preventing further potential threat to life and health or major economic damage, the employer must prepare the required documentation of the workplace situation for investigating the causes of the event.

(4) The employer is obliged to record any occupational accident resulting in more than three days of working incapacity of the employee, or the death of the employee as a result of the occupational accident (the “registered occupational accident”), and:

- a) determine the cause and all circumstances of its occurrence with the participation of the employee having suffered the injury if his/her state of health so allows, and with the participation of the competent employee safety representative; in the event of death or severe health impairment (“serious occupational accident”) the employer must invite an authorised safety engineer to participate in the investigation,
- b) prepare a report of the recorded occupational accident within four days from being notified of the occurrence of the recorded occupational accident,
- c) accept and execute the necessary measures in order to prevent the repeated occurrence of similar occupational accidents.

(5) Upon being notified, the employer shall, immediately, report the occurrence of:

- a) a registered occupational accident to:
  1. the employee representative including the competent employee safety representative,
  2. the competent unit of the police force<sup>22</sup>, in the event that the facts of the matter indicate the commission of a crime connected with the occupational accident,
  3. the competent Labour Inspectorate or the competent supervising authority, when involving a serious occupational accident,
- b) the direct threat of a serious industrial accident and the occurrence of a serious industrial accident to the competent Labour Inspectorate.

(6) In the event that an employee suffers an occupational accident at the workplace of another employer, this employer is obliged to report the occurrence of the occupational accident immediately

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<sup>20</sup> For example, the Labour Code, Act No 73/1998 Coll. as amended by later legislation, Act No 200/1998 Coll., as amended by later legislation.

<sup>21</sup> Act No 261/2002 Coll. on the prevention of serious industrial accidents and on amendments to certain Acts as amended by later legislation.

<sup>22</sup> Act No 171/1993 Coll.as amended by later legislation.

to the employer of the damaged employee. If the employee suffers a registered occupational accident at the workplace of another employer,

a) such other employer shall:

1. fulfil the obligation to notify pursuant to paragraph 5, letter a),
  2. determine the cause of the occurrence of the recorded occupational accident pursuant to paragraph 4, letter a),
  3. prepare the basic facts for the report of the recorded occupational accident pursuant to paragraph 4, letter b) and send them to the employee's employer
  4. accept and execute measures pursuant to paragraph 4, letter c),
- b) the employee's employer shall fulfil his duties pursuant to paragraph 4, letters b) and c), to paragraph 5, letter a), and to paragraphs 7, 8 and 12.

(7) the employer shall send:

- a) the report of the recorded occupational accident within eight days from acquiring knowledge of this occupational accident:
1. to the competent Labour Inspectorate or to the competent supervising authority,
  2. and deliver it to the employee having suffered the registered occupational accident, or to his/her survivors, in the event that the employee died as a result of the occupational accident,
- b) send a report on the investigation of the causes and circumstances of the serious occupational accident to the competent Labour Inspectorate or to the competent supervising authority on the adopted and implemented measures to prevent a similar occupational accident within 30 days from the day when it became aware of the occurrence of the serious occupational accident.

(8) The employer shall maintain records of:

- a) occupational accidents, showing therein the data required for preparing the recorded occupational accident report, should the consequences of the occupational accident become manifest at a later time,
- b) injuries other than occupational accidents and dangerous events, showing therein the cause of their occurrence and the accepted and executed measures to prevent the occurrence of similar injuries and events,
- c) recognised occupational diseases<sup>23</sup> and threats of occupational diseases, showing therein the cause of their occurrence and the accepted and executed measures to prevent the occurrence of the same or similar occupational diseases.

(9) The employer is also obliged to fulfil duties pursuant to paragraph 4, letters a) and c), and to paragraph 5, letter a), point one, in the event of a dangerous event, occupational accident, other accident, occupational disease or threat of occupational disease.

(10) The Health care provider<sup>23a</sup> shall notify immediately in writing the employer, the competent Labour Inspectorate and the competent supervising authority, upon their request, about whether a serious occupational accident pursuant to paragraph 4, letter a) has occurred.

(11) The state authority, insurance company<sup>24</sup>, Social Insurance Institution, physician or other health care employee, natural person or legal entity providing technical safety services and working safety service/occupational health service shall notify, immediately, the competent Labour

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<sup>23a</sup> Article 4 of Act No 578/2004 Coll. on Health Care Providers, Health Care Workers, Professional Organizations in Health Care Sector and on amendments and supplements to certain Acts as amended.

<sup>24</sup> Act No 95/2002 Coll. on the insurance business and on amendments to certain Acts as amended by later legislation.

Inspectorate and the competent supervising authority on the occurrence of a occupational accident, direct threat of a serious industrial accident and serious industrial accident that they acquired knowledge of in the course of their activities, when there is a reasonable suspicion that such an event was not announced in the sense of paragraph 5. Such notice shall comprise the essential facts of the person and employer concerned in the event.

(12) For the purposes of Paragraphs 5, 7, 10 and 11, the competent Labour Inspectorate or the competent supervising authority is the one within the territorial district of which the occupational accident, direct threat of a serious industrial accident or serious industrial accident occurred.

#### Article 18 Cooperation of Employers

(1) In the event that employees of several employers, or natural persons holding trade licences, fulfil duties at a common workplace and their safety or health may be threatened, the relevant contracts shall stipulate cooperation between the employers and the aforementioned persons in the fields of prevention and in the preparation and execution of measures to ensure safety and health protection at work, the coordination of activities and mutual information. The contract shall determine which employer and to what extent this employer is obliged to establish the conditions of safety and health protection at the common workplace.

(2) The employers whose employees fulfil duties at a common workplace are obliged to mutually provide information, mainly, about possible threats, preventive measures and first-aid measures, fighting fires, execution of rescue operations and evacuation of employees. Each employer shall provide this information to its employees and to its employee safety representatives.

(3) Employer and natural person - entrepreneur who is not employer engaged in assembly, repair, construction and other work performed for other natural persons and legal entities are obliged to reach an agreement with the ordering party with a view to securing and equipping the workplace in order to enable safe performance of work. Work may only be commenced when the workplace is properly secured and equipped.

(4) The investor, employer and natural person - entrepreneur who is not an employer, who provides for the performance of construction work shall, in addition to his/her duties established within this Act, fulfil the conditions for the provision of safety and health protection at work while preparing the design and realising work within the project established in the sense of separate legislation<sup>25</sup>.

(5) In the event that the design documentation of the project with technical arrangements and its amendments pursuant to Article 14, paragraph 1, letter d), prepared in compliance with Article 4 paragraph 1 is to be used for fulfilling the duties of an employer or a natural person - entrepreneur who is not an employer, the investor shall, within the building permit procedure, submit it to the authorised legal entity for approval. The authorised legal entity shall mail a copy of its professional statement, issued in connection with this matter, to the competent Labour Inspectorate or to the competent supervising authority immediately.

#### Article 19 Employee Safety Representative

(1) The employer shall appoint one or several employees as employee safety representatives based on the recommendation of the competent trade union body or employee council, or when neither of

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<sup>25</sup> For example, Act No 50/1976 Coll. on zoning and on the rules of construction (Building Act), as amended by later legislation; Regulation of the Government of the Slovak Republic No 396/2006 Coll.



these exists at the employer's company, then as elected by the employees. The employee may only be appointed or elected as an employee safety representative with his/her written consent.

(2) One employee safety representative of the employer, the code of which pursuant to the statistical classification of economic activities is included in Annex No. 1, may represent a maximum of 50 employees. In the case of other employers, one employee safety representative may represent more than 50 employees but not more than 100 employees.

(3) The employee safety representative is empowered to:

- a) control workplaces and verify the fulfilment of measures accepted to provide for safety and health protection at work,
- b) request information from the employer about facts influencing safety and health protection at work, and discuss these with the trade union organisation or employee council established at the employer's company and - upon agreement with the employer - with experts in the given field, always providing that no classified information protected under separate legislation<sup>26</sup> is disclosed,
- c) cooperate with the employer and submit proposals of measures toward increasing the level of safety and health protection at work,
- d) request that the employer remove identified shortcomings and, in the event of the employer's failure to remove shortcomings that it had been informed of, to initiate action with the competent Labour Inspectorate or supervising authority,
- e) participate in discussions organised by the employer, when related to safety and health protection at work, in investigations establishing the causes of working injuries, occupational diseases and other events specified in Article 17, in measurements and evaluations of factors of the working environment, in inspections executed by the competent Labour Inspectorate or supervising authority and request information from the employer about the results and conclusions of such inspections, measurements and evaluations and about the fulfilment of measures accepted within them,
- f) submit comments and proposals to the competent Labour Inspectorate or supervising authority during the execution of labour inspection or supervision at the employer's company.

(4) In the event that there is no employee safety representative appointed at the employer's company, then the powers specified in paragraph 3, letters b) through f) are exercised by the employees, and the employer fulfils his corresponding duties under this Act directly toward the employees, by methods providing for adequate participation of the employees in issues concerning safety and health protection at work.

(5) The employer is obliged to provide education and adequate time off with wage compensation to the employee safety representatives in the discharge of duties pursuant to paragraph 3, and to create the conditions required for the execution of their function.

(6) The employer is obliged to display a list of employee safety representatives specifying their respective workplace at usual and freely accessible places at his workplaces.

## Article 20

### The Commission for Safety and Health Protection at Work

(1) An employer who employs more than 100 employees must establish a commission for safety and health protection at work as his advisory body, comprising employee safety representatives and the employer's representatives, mainly professionals specialising in the given field; the employee safety representatives must represent more than one half of the members of the commission. The Commission for Safety and Health Protection at Work has to meet at least once a year.

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<sup>26</sup> Article 17 of the Commercial Code.

- (2) The commission for safety and health protection at work is empowered to:
- a) regularly evaluate the situation in the field of safety and health protection at work, the status and development of the frequency of working injuries, occupational diseases and other events specified in Article 17, and to evaluate other issues concerning safety and health protection at work, including the working environment and working conditions,
  - b) propose measures in the management, control and improvement of the situation in the field of safety and health protection at work,
  - c) provide statements on all issues connected to safety and health protection at work,
  - d) request information from the employer as required for the execution of its activities.

(3) The establishment of the commission for safety and health protection at work does not affect the powers of the employee safety representatives.

(4) In the event that the employer has no appointed employee safety representatives, the powers specified in paragraph 2 may be exercised by the employees.

## Article 21 Preventive and Protective Services

(1) Preventive and protective services, for the purposes of this Act, are professional services provided to the employer, that is obliged to ensure them for all employees, and in connection with the selection, organisation and execution of professional tasks in the field of safety and health protection at work, primarily concerning the prevention of risks including psycho-social risks, and with protection against such risks.

(2) The employer is obliged to appoint professionals employed by, or being in a similar labour relationship with him in numbers sufficient for the provision of preventive and protective services, defined as safety technical service (Article 22) and occupational health service (Article 26). The employer is not obliged to ensure occupational health service for employees carrying out the work classified in the first or second category.<sup>27</sup> The employer providing for preventive and protective services through his own professional employees must be appropriately equipped with the necessary technical and instrumental installations.

(3) If, after considering the size of its organisation, the number of employees, working conditions, the scope, character and structure of dangers and the risks evolving thereof, the employer lacks sufficient professional employees, it shall be obligated to contractually agree on the execution of preventive and protective services by contracting one or more natural persons - entrepreneurs or a legal entity, who are authorised to provide preventive and protective services.

(4) The employer is obligated to provide a professional employee and agree with the natural person - entrepreneur or the legal entity who are authorised to provide preventive and protection services, on sufficient time for discharging their professional tasks in establishing the necessary preventive and protective measures in the field of safety and health protection at work. While determining the sufficient time the employer must take into account the size of its organisation, number of employees, working conditions and the resulting scope, character and structure of risks thereof.

(5) The professional employee shall demonstrate his/her professional ability by presenting documentation confirming such ability.

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<sup>27</sup> Article 31 of Act No. 355/2007 Coll.

(6) The professional employee and natural person - entrepreneur and legal entity providing preventive and protective services to the employer are obliged to mutually coordinate their activities and to cooperate when necessary.

(7) The safety technical service and occupational health service shall cooperate with the employer's pertinent organisational units and employee safety representatives including the employee representatives. The establishment of the safety technical service and occupational health service, or the discharge of their duties by contracting suppliers for these purposes does not relieve the employer of its duties in the field of safety and health protection at work, or its responsibility for the assurance of safety and health protection at work.

(8) The natural person - entrepreneur or the legal entity may, as a contracted supplier, only provide safety technical service and occupational health service when holding a certificate authorising them to provide safety technical service issued by the National Labour Inspectorate, and to provide occupational health service issued by the Office for Public Health of the Slovak Republic ("Public Health Office"), respectively. In the absence of such certificate, the natural person - entrepreneur may only personally provide safety technical service when he/she is a safety technician or an authorised safety engineer.

(9) The National Labour Inspectorate or the Public Health Office shall issue the certificate pursuant to paragraph 8 on the basis of a written application, wherein the applicant shall specify, mainly, the type of intended activities, his/her name, site and identification number. The written application shall be accompanied by a proof of payment of the administrative fee, and with documents demonstrating that for the performance of providing safety technical service and occupational health service the applicant:

- a) has professional employees with a labour relationship concluded with them,
- b) has elaborated working procedures for the performance of individual professional activities and adequate organisational provisions enabling their performance,
- c) has adequate working premises,
- d) has adequate technical and instrumental installations,
- e) is not dependent in relation to the employer in the performance of professional activities.

(10) The National Labour Inspectorate or the Public Health Office shall issue the certificate pursuant to paragraph 8 upon verifying the fulfilment of conditions specified in paragraph 9. The certificate shall show the name, site and identification number of the natural person - entrepreneur or legal entity to whom the certificate is issued, and the type and reference number of the certificate. The certificate is issued for an indefinite period of time. The National Labour Inspectorate maintains records of the issued certificates, and publishes list of natural persons – entrepreneurs and legal persons who are holders of a certificate authorising them to provide safety technical service and which indicates their names and seats and identification numbers, if allocated.

(11) The natural person – entrepreneur or the legal person authorised to provide safety technical service or occupational health services are obliged to maintain impartiality, promote the employer's adherence to legal regulations and other regulations in order to ensure safety and health protection at work, and systematically fulfil the conditions specified in paragraph 9 and to allow the pertinent labour inspection authority to verify to the Public Health Office their fulfillment when performing safety technical services and the verification of their fulfillment when performing occupational health services.

(12) The National Labour Inspectorate shall revoke the authorisation to provide safety technical services, and the Public Health Office shall revoke the authorisation to provide occupational health services from the natural person – entrepreneur or legal person who, within their professional

activities, violates the conditions contained in paragraph 9, or who repeatedly or seriously violates the legal regulations in order to ensure safety and health protection at work.

(13) The natural person - entrepreneur or legal person for which the authorization to provide safety technical service or authorization for the provision of occupational health service was revoked pursuant to Paragraph 12, may repeatedly request the issuance of authorization for the provision of safety technical service or the provision of occupational health service not earlier than six months from the day when the decision on revoking this authorization entered into validity; this does not pertain to the revoking of authorization for the violation of the condition indicated in Paragraph 9, letter a).

## Article 22 Safety Technical Service

(1) The safety technical service provides advisory services to the employer in the field of professional, methodological, organisational, controlling, coordination and education tasks and other duties connected to the assurance of safety and health protection at work, mainly from aspects of the adequacy of the working premises and constructions, work processes and procedures, equipment and their technical, organisational and personal provisions. The safety technical service adequately fulfils the tasks specified in Article 26 and, with a view toward optimizing the conditions of work, influences the attitudes of employers, managing personnel and employees regarding safety and health protection at work.

(2) Safety technical service duties are discharged by the safety technician and the authorised safety engineer, and when necessary, by other professionals in the field of prevention and protection in specific fields of safety and health protection at work.

(3) Safety technical service duties are discharged by the safety technician and at the employer's company, the code of which according to the statistical classification of economic activities is incorporated in Annex No. 1, the authorised safety engineer independently executes these activities. The safety technician may only discharge professional duties at the employer's company, the code of which, according to the statistical classification of economic activities, is incorporated in Annex No. 1, under the supervision of an authorised safety engineer.

(4) When appointing one or more safety technicians or authorised safety engineers, the employer shall take into account the size of the organisation, number of employees, working conditions, variegated and demanding nature of the work processes, and the resulting range, nature and distribution of dangers and risks thereof. The number of safety technicians must guarantee the effective and efficient organisation and performance of professional tasks connected to the assurance of safety and health protection at work, primarily to prevent and protect against risks. The minimum number of safety technicians or authorised safety engineers, which is the employer obliged to determine according to the number of employees, is incorporated in Annex No. 1a; the condition of the number of employees per one safety technician or per one authorised safety engineer is equally valid in the event of the contractual provision of the performance securing of the safety technical service.

(5) The function of safety technician and authorised safety engineer may only be exceptionally joined with other professional activities oriented on the securing of life protection or health protection of employee, the prevention of serious industrial accidents, protection from fire and for the performance of technical inspections and technical tests of restricted technical equipment.

(6) An employer who is a natural person or a statutory body of the employer who is a legal entity may personally discharge the professional duties of a safety technician or an authorised safety engineer at his[her workplaces, providing that he/she is professionally qualified pursuant to paragraph 7 and that he/she:

- a) employs less than five employees, if its code, pursuant to the statistical classification of economic activities, is included in Annex No. 1,
- b) employs less than 19 employees, if its code, pursuant to the statistical classification of economic activities, is not included in Annex No. 1.

(7) An employer who is a natural person or a statutory body of the employer who is a legal entity is professionally qualified to personally discharge the professional duties of a safety technician or an authorised safety engineer at his workplaces, provided that he/she:

- a) has acquired professional education in the field of safety and health protection at work within secondary school or university studies, or
- b) has received at least 16 hours of professional training in the field of safety and health protection at work from a person licensed to educate and train, who is a legal entity.

(8) The safety technician and the authorised safety engineer executing professional activities at an employer's company is empowered to instruct that employer's senior employees to carry out inevitable measures designed to protect the safety and health of employees in the event of direct threats to life or health; such measures, the imposition of which must be notified immediately to the employer's statutory body by the safety technician or by the authorised safety engineer, shall remain in force until cancelled or changed by the employer's statutory body.

### Article 23 Safety Technician

(1) The following natural persons may be safety technicians:

- a) a person with completed secondary education or completed secondary technical education, who submits to professional preparation in the field of safety and health protection at work and, who upon successful completion of the pertinent test, acquires a safety technician's professional qualification certificate (the "safety technician's certificate") from a person licensed to educate and train, who is a legal entity, or
- b) a person who obtains professional education in the field of safety and health protection at work and a safety technician's certificate upon successful completion of the pertinent test within secondary school studies concluded with a final examination or within university studies at a licensed school (the "school") where the content and scope of study courses in the field of safety and health protection at work are defined in agreement with the National Labour Inspectorate, thereby acquiring the licence to educate and train safety technicians.

(2) The minimum content and scope of the professional preparation and professional education of the safety technician and the content of specific professional preparation of the employer pursuant to Article 22, paragraph 7, letter b) are laid down in separate legislation.

(3) A natural person submitting to the test must demonstrate professional knowledge, familiarity with, and ability to apply legal regulations and other regulations in the field of safety and health protection at work, and skills in the practical execution of safety and health protection requirements at work. The testing commission, established by a person who is a legal entity licensed to educate and train, shall have at least three members, at least one of whom must be an authorised safety engineer. A natural person who does not successfully complete the test may re-apply for testing upon the lapse of at least one month from the date of the unsuccessful test.

(4) The safety technician's certificate shall be issued within 15 days from the successful completion in the test before the commission, organised by the school or by the person licensed to educate and train, who is a legal entity. The school and the person licensed to educate and train, who is a legal entity, must maintain records of the issued safety technician's certificates.

- (5) The safety technician's certificate shall contain:
- a) the name of the school or the person - legal entity licensed to educate and train,
  - b) the number of the license to educate and train,
  - c) the reference number of the certificate,
  - d) the generally binding legal regulation under which the safety technician's certificate is issued,
  - e) the name, surname, date of birth and permanent address of the natural person to whom the safety technician's certificate is issued,
  - f) the study or professional preparation period,
  - g) the date of the test,
  - h) the date and place of the issuance of the safety technician's certificate,
  - i) the name, surname and signature of the chair of the testing commission,
  - j) the imprint of the seal of the school or person - legal entity licensed to educate and train, the name, surname and signature of the statutory representative of the school or person - legal entity licensed to educate and train.

(6) The safety technician's certificate is issued for an indefinite period. After five years, the safety technician must participate in professional re-training according to separate legislation, provided by a person – legal entity licensed to educate and train. The absence of the confirmation of participation in the professional re-training invalidates the safety technician's certificate.

(7) The safety technician shall notify in writing the school or legal entity having issued the safety technician's certificate on any change in the data specified in paragraph 5, letter e), and submit documentation thereof. Upon submitting the original safety technician's certificate, the school or the legal entity having issued the original safety technician's certificate shall, without charge, issue a new safety technician's certificate, showing the updated data.

(8) The safety technician whose safety technician's certificate is revoked may apply for re-testing no earlier than six months from the date of revocation.

#### Article 24 Authorised Safety Engineer

(1) Pursuant to Article 23, an authorised safety engineer is a safety technician, who having at least two years of professional experience of safety technician after the issuance of his/her certificate of safety technician has successfully completed the exam before a commission appointed by the National Labour Inspectorate.

(2) An authorised safety engineer is also a natural person to whom the National Labour Inspectorate shall issue an authorised safety engineer's certificate based on a written application containing the name, surname, date of birth, address of permanent residence and documents showing the fulfilment of conditions presented in paragraph 3 letters a) and d) and at least five years long discharging of professional activities in the field of occupational safety and health protection in state-law relationship or service relationship. The issuance of the authorised safety engineer's certificate must be applied for in writing within two years from the termination of his/her performance of the aforementioned professional activities.

(3) A candidate applying for the examination and issuance of the authorised safety engineer's certificate (the "applicant") must submit an application to the National Labour Inspectorate. This application must contain his/her name and surname, title, date of birth and permanent address and must be accompanied with the following:

- a) a document proving his/her completion of secondary school, secondary technical school or university education,
- b) the safety technician's certificate,
- c) a document proving his/her fulfilment of the condition of professional experience,
- d) the administrative fee.

(4) Pursuant to paragraph 1, professional experience shall be demonstrated by the employer's written confirmation of the performance of professional activities, including its length and the title of economic activities pursuant to the statistical classification of economic activities of the employer. The professional experience of the safety technician, whose duties are discharged on the basis of contracted performance thereof, shall be demonstrated by presenting the applicable contract for the performance of professional activities, showing the length of services performed for the individual customers with the allocation of the code and the title of economic activities pursuant to the statistical classification of economic activities of the customer using its service.

(5) The chair and members of the examining commission are appointed from among specialists in the field of safety and health protection at work. At least one appointed member of the commission must be an authorised safety engineer, and another member must be a labour inspector with at least three years of professional labour inspector's experience. The exam consists of written and a verbal components. The National Labour Inspectorate shall notify the applicant at least three weeks in advance of the date of the examination.

(6) During the professional exam, the applicant shall demonstrate knowledge of legal regulations and other regulations designed to ensure safety and health protection at work, and his/her ability to apply them, along with the knowledge of the requirements for the assurance of safe labour and health protection at work, as well as the ability to practically perform them; the range of these requirements is published by the usual methods by the National Labour Inspectorate.

(7) The National Labour Inspectorate is obliged to issue the authorised safety engineer's certificate to the applicant within 15 days from the successful examination or within 30 days after submission of the application pursuant to paragraph 2. The authorised safety engineer's certificate is issued for an indefinite period and contains:

- a) the name and site of the National Labour Inspectorate,
- b) the generally binding legal regulation under which the authorised safety engineer's certificate is issued,
- c) the reference number of the authorised safety engineer's certificate,
- d) the name, surname, date of birth and permanent address,
- e) the date of the exam – not applicable for the certificate pursuant to paragraph 2,
- f) the date and place of issuance of the authorised safety engineer's certificate,
- g) the name, surname and signature of the chair of the examining commission - not applicable for the certificate pursuant to paragraphs 2 and 12.
- h) the imprint of seal, name, surname, position and signature of the representative of the National Labour Inspectorate.

(8) The applicant who does not successfully complete the exam may apply for re-examination within six months from the unsuccessful completion of the exam on the condition of demonstrating, in his written application, additional professional practice lasting at least three months from the date of the failed exam.

(9) The National Labour Inspectorate shall suspend the proceedings for the issuance of the authorised safety engineer's certificate, if the applicant fails to be present for the examination or re-

examination without excuse, fails to request a re-examination pursuant to Paragraph 8 or does not pass the exam successfully.

(10) At least once every five years from the issuance of the authorised safety engineer's certificate, the authorised safety engineer must participate in professional re-training with a person – legal entity licensed to educate and train safety engineers pursuant to separate legislation.

(11) The authorised safety engineer whose authorised safety engineer's certificate is revoked may apply for a professional examination no earlier than six months from the date of the revocation of the certificate.

(12) In the event that the authorised safety engineer notifies the National Labour Inspectorate in writing of a change of his/her name, surname or permanent address, and supplied documentation thereon accompanied with the original authorised safety engineer's certificate, the National Labour Inspectorate shall issue a new authorised safety engineer's certificate without charge.

(13) The National Labour Inspectorate maintains records of the issued authorised safety engineer's certificates, and publishes their lists. The National Labour Inspectorate removes from the records of the issued authorised safety engineer's certificates, those certificates revoked pursuant to Article 25. Failure of the authorised safety engineer to participate in the professional re-training pursuant to paragraph 10 invalidates his/her authorised safety engineer's certificate.

#### Article 25

##### Revocation of Certificate and Restriction of Activities

(1) The competent labour inspectorate is obliged to revoke the safety technician's certificate, and the National Labour Inspectorate is obliged to withdraw the authorised safety engineer's certificate of that safety technician or authorised safety engineer who, while discharging his/her professional duties, seriously or repeatedly contravenes legal regulations or other regulations designed to ensure safety and health protection at work.

(2) The competent labour inspectorate is obliged to restrict the personal execution of professional tasks of the safety technician or authorised safety engineer to a natural person, who is an employer or the statutory body of the employer, that is the legal entity, if in the discharge of professional tasks of the safety technician or authorised safety engineer they seriously or repeatedly act in contradiction with legal regulations and other regulations in order to ensure occupational safety and health protection.

#### Article 26

##### Occupational Health Service

(1) The Occupational Health Service provides employers with professional counselling services in the field of health protection at work by discharging health supervision in which it especially

- a) cooperates in the detection of dangers and evaluates the health risks threatening the health of employees at work,
- b) evaluates working environment factors and the state of working conditions that might affect the health of employees,
- c) support of the adaptation of work to employees,
- d) provision of consultancy to employers and employees, primarily in the fields of:
  - 1. planning and organisation of work and rest, arrangement of workplaces and job sites,
  - 2. technologies and materials used in work with potentially harmful health effects,



3. Protection and positive influence of health, hygiene, physiology and the psychology of work, ergonomics, including individual protective equipment and collective protective equipment,
- e) participation in:
1. the elaboration of employee health protection and support programmes, the improvement of working conditions and the evaluation of new installations and technologies from health aspects,
  2. working rehabilitation measures,
  3. analyses of working incapacities, occupational diseases, work-related illnesses and health risks,
  4. organisation of the first-aid system in cases of threat to the life or health of employees,
  5. ensuring recondition stay.
- f) first-aid education of employees [Article 8, paragraph 1, letter a), point three],
- g) cooperation in the provision of information, training and education in the field of protection and the positive influence of health, hygiene, physiology and the psychology of work and ergonomics and
- h) carries out preventative medical examinations in relation to work for the purposes of assessing the working health capacity<sup>6aa</sup>.

(2) The tasks of the Occupational Health Service are executed by a team of professional healthcare workers qualified for the performance of the occupational health services.<sup>28)</sup>

#### Article 27 Education and Training

(1) Issues of safety and health protection at work and risk prevention methods are included in the curricula of schools that provide vocational preparation of students and trainees, as well as adult education, including re-training.

(2) The employer is obliged to ensure that the education and professional training programme pertaining to all employees includes safety and health protection at work and risk prevention.

(3) A natural person and a legal entity may only organise and provide education and training in the field of work protection within the scope of the individual activities specified in Annex No. 2 on the basis of a licence issued by the National Labour Inspectorate or by the competent supervising authority;<sup>29)</sup> no licence is required for a secondary school or university providing vocational preparation to students to perform work or for an employer to provide education and training in the field of work protection of its own employees and the managing employees pursuant to Annex No. 2 of group 01 point 01.1. The education and training licence for education and training in the field of work protection within the scope of the respective activities (the “education and training licence”) is issued on the basis of a written application.

(4) An applicant for the issuance of an education and training licence must be:

a) a natural person, who has elaborated a model education and training project, material and technical equipment for education and training and:

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<sup>28)</sup> Regulation of the Government of the Slovak Republic No 322/2006 Coll. on methods of further education of healthcare workers, system of specialization fields and system of certified working activities as amended by later legislation.

<sup>29)</sup> Act of the Slovak National Council No 51/1988 Coll. as amended by later legislation.

1. is professionally qualified in the education and training activity related to the licence that he/she has applied for, has at least three years of professional experience in this activity and holds a lecturing course certificate or pedagogical preparation certificate (“lecturing qualification”), or
  2. has one, or if necessary, several representatives professionally qualified in the education and training activity related to the licence that he/she has applied for (“professional representative”), and has one or several professionally qualified persons for the activity for which it applies to issue the license for education and training, with professional experience in this activity at least three years and lecturing qualifications (the “lecturer”) for the individual activities, in the event that she/he is not professionally qualified in the activity related to the education and training licence that he/she has applied for,
- b) a legal entity that has one or several appointed professional representatives and one or several appointed lecturers professionally qualified in the activity related to the education and training licence that the legal entity has applied for and has elaborated a model education and training project, material and technical equipment for education and training.

(5) For the purpose of issuance of the education and training licence:

- a) professional qualification in the activity that the applicant applied for education and training licence must be demonstrated by submitting the pertinent authorisation or certificate or another document,
- b) lecturing qualification is demonstrated by submitting the certificate issued by an accredited educational institution<sup>30</sup> or by another document.

(6) The professional representative is responsible for the professional execution of the activity related to the education and training licence being applied for. The professional representative must be an employee of the applicant for the issuance of the education and training licence, or a corporate agent or member of a legal entity, and may not execute the activity for another natural person or legal entity.

(7) The application for the education and training licence submitted by the natural person must contain:

- a) name, surname, date of birth and permanent address,
- b) personal data of the professional representative,
- c) personal data of the lecturer,
- d) the activity related to the education and training licence being applied for.

(8) The application for the education and training licence submitted by the legal entity must contain:

- a) name, registered office and legal form,
- b) personal data of the statutory body,
- c) personal data of the professional representative,
- d) personal data of the lecturer,
- e) the activity related to the education and training licence being applied for.

(9) The application of the natural person or legal entity must be accompanied by their respective applications containing:

- a) documents demonstrating their professional qualification, or the professional qualification of their professional representative,
- b) documents demonstrating their lecturing qualification, in the event that they are going to lecture,
- c) documents demonstrating the professional qualification and lecturing qualification of the lecturer,

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<sup>30</sup> Act No 386/1997 Coll. on further education and on the amendment of the Act No 387/1996 Coll. on employment, as amended by the Act No 70/1997 Coll., as amended by later legislation.

- d) a model education and training project, individually elaborated for each activity that the education and training licence was applied for, according to Annex No. 2,
- e) a statement on the material-technical provision of the education and training process which contains the list of material and technical equipment,
- f) a copy of the employment contract concluded with the professional representative,
- g) the administrative fee, individually payable for each requested activity.

(10) The model education and training project submitted for each requested education and training activity by the applicant for the education and training licence must contain the following:

- a) designation of the education and training activity in accordance with the activity related to the education and training licence being applied for,
- b) the education and training objective,
- c) the level of completed education required for candidates to be accepted for education and training,
- d) the pertinent forms of education and training,
- e) the teaching plan, showing the specified number of hours and the curricula of the theoretical and practical education and training components,
- f) the list of lecturers in the individual topics specified in the teaching plan and curriculum,
- g) the final verification method of the education and the training participant's knowledge in both the theoretical and in the practical parts of the education and training process.

(11) The National Labour Inspectorate shall issue the education and training licence to the applicant within 60 days from the application submission date.

(12) The licence to educate and train is issued for an indefinite period of time and contains the following:

- a) personal data of the natural person,
- b) trade name, registered office and legal form of the legal entity,
- c) the provision of the generally binding legal regulation, under which the licence to educate and train is issued,
- d) the reference number,
- e) the designation of the licensed activity pursuant to Annex No. 2,
- f) the date of the issuance of the education and training licence and the date of its validity,
- g) the imprint of the seal and signature of the National Labour Inspectorate representative.

(13) The person licensed to educate and train shall

- a) send to the National Labour Inspectorate in writing immediately any changes in data pursuant to paragraph 7 letter a) up to c) and pursuant to paragraph 8 letter a) up to d) and changes in other terms and conditions under which the education and training license were issued along with the submission of the pertinent documents,
  1. within 15 days from obtaining the trade licence, a copy of the trade licence, or a copy of the entry in the Commercial Register, showing the subject of activities according to the issued education and training licence, unless already attached to the application for the issuance of the education and training licence,
  2. written information immediately about any changes in the data pursuant to paragraph 7, letters a) through d) and paragraph 8, letters a) through d), and any changes in the conditions under which the education and training licence had been issued, along with the corresponding documents,
- b) comply with the conditions of provision of paragraph 4 by education and training,

- c) elaborate the education and training project for each education and training activity targeted to the education and training of employees and managing employees pursuant to Annex No. 2, group 01, the contents of which are adapted, in accordance with Article 7, paragraphs 1 and 4, to the character of the work of the group of employees or managing employees being subjected to education; a copy of the project must be submitted to the corresponding employer,
- d) open and maintain a book of records of education and training activities,
- e) perform education and training only with lecturers listed in the approved model education and training project, or with other lecturers registered according to letter a), point 2,
- f) issue certificates, authorisations or other documents upon successful verification of the participants' knowledge,
- g) maintain special records of the issued certificates and authorisations.

(14) The National Labour Inspectorate shall revoke the education and training licence in the event:

- a) of serious or repeated shortcomings in the execution of education and training,
- b) of serious or repeated cases of violations of legal regulations and other regulations designed to ensure safety and health protection at work while executing education and training,
- c) a person authorised for education and training who is a natural person,

1. due to the revocation of pertinent certification or authorisation no longer complies with the requirements for professional qualifications,

2. fails to pass the updating professional preparation,

- d) a person authorised for education and training has no professional substitution with the professional qualification.

(15) The natural person or legal person for whom the education and training license was revoked pursuant to Paragraph 14 may repeatedly apply for the issuance of the education and training license within the scope of the same activities not earlier than six month after the day when the decision on revoking the education and training license entered into validity; this does not pertain to revoking of the license pursuant to Paragraph 14, letter d).

(16) The validity of the education and training licence shall expire upon:

- a) the bankruptcy of the person licensed to educate and train, or the dismissal of the petition for bankruptcy due to the insufficiency of the petitioner's estate,
- b) the death or declaration of death of the natural person who is licensed to educate and train.

(17) The National Labour Inspectorate maintains records of and publishes the lists of the issued and revoked education and training licences.

## Article 28 Accreditation Commission

(1) The Accreditation Commission, established under separate legislation<sup>11)</sup>:

- a) evaluates the application for the issuance of:
  - 1. the certificate authorising the provision of safety technical service pursuant to Article 21,
  - 2. the authorised safety engineer's certificate pursuant to Article 24 paragraphs 1 and 3,
  - 3. the education and training licence pursuant to Article 27, and
- b) verifies, upon the initiative provided by the applicant, the refusal to issue the authorisation to execute activities pursuant to Article 15, and the certificate or permit pursuant to Article 16.

(2) The National Labour Inspectorate, having verified the initiative pursuant to paragraph 1, letter b) by the Accreditation Commission, issues its professional position which shall be binding for the process pursued by the pertinent authorised legal entity or person licensed to educate and train.

Article 29  
Controlling Activities of Bodies Representing Employees

Trade union organisations and other bodies representing employees control the employer's discharge of duties in the field of safety and health protection at work. They may establish their own control systems for this purpose.

Article 30  
Empowering Provisions

(1) The generally binding legal regulations issued by the Ministry of Labour, Social Affairs and Family of the Slovak Republic shall stipulate:

- a) the details of the assurance of safety and health protection at work, and the details of the professional qualification for the execution of specific working activities and the operation of specific technical installations,
- b) the details of the requirements and scope of education and training activities, the education and training project, the maintenance of prescribed documentation and the verification of the knowledge of the participants in the education and training activities,
- c) the technical equipment considered restricted technical equipment.

(2) The generally binding legal regulations, issued by the Ministry of Labour, Social Affairs and Family of the Slovak Republic in cooperation with the Statistical Office of the Slovak Republic shall establish the registered occupational accident report form, containing classification elements pursuant to separate legislation<sup>31</sup>.

(3) The generally binding legal regulation, issued by the Ministry of Public Health of the Slovak Republic shall establish:

- a) the details regarding the scope and content of the execution of the occupational health service, the composition of the team of experts executing it and the requirements for their professional competence,
- b) the method of notification, registration and recording of occupational diseases and threats thereof,
- c) details on the purpose, content and framework programmes of reconditioning stay.

**PART THREE**  
**TRANSFORMATION OF TECHNICAL INSPECTION**

Article 31  
Method of Establishment

(1) The technical inspection, established under recent regulations as a contributory organization for the verification of the fulfilment of safety requirements pertaining to restricted technical equipment and technical equipment shall be transformed to the Technical Inspection, joint stock company (the "joint stock company").

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<sup>31</sup> Article 19, paragraph 2 of the Act No 540/2001 Coll. on state statistics.

(2) The founder of the joint stock company established pursuant to paragraph 1 is the state; acting in its name is the responsibility of the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The Memorandum of Association of the joint stock company and its Articles of Association are subject to the approval by the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

(3) The foundation, establishment, position and legal relationships of the joint stock company are regulated by the Commercial Code, unless otherwise specified in this Act. Separate legislation<sup>32</sup> shall not be applied upon the foundation and incorporation of the joint stock company.

#### Article 32 Subject of Deposit

(1) The state property under the administration of the Technical Inspection, the state contributory organization, shall be used to establish the joint stock company.

(2) The object of the non-financial deposit in the joint stock company is the property of the state under the administration of the state spending unit, the Technical Inspection which, for the purposes of this Act, shall be deemed an enterprise pursuant to Article 5 and Article 59, paragraph 4 of the Commercial Code. The provisions on the transfer of liabilities and on the option to file a protest pursuant to Article 477, paragraph 3 and Article 478 of the Commercial Code shall not be applied.

#### Article 33 Determination of the Value of the Non-Financial Deposits

(1) The value of the non-financial deposit in the joint stock company shall be determined by expert appraisal, elaborated up to the date of the foundation of the joint stock company, as the general value of the deposited property.

(2) The value of the non-financial deposit in the joint stock company determined pursuant to paragraph 1 is the financial expression of the sum of the value of the contribution to its registered capital and of the value of the reserve fund created up to the date of its establishment.

#### Article 34 Transfer of Ownership Rights and the Rights and Duties Arising from Labour Relationships and Other Relationships

(1) The proposal to enter the joint stock company in the Commercial Register is not accompanied by a document on the payment of the non-financial deposit before the establishment of the joint stock company.

(2) The right of ownership to the non-financial deposit shall pass to the joint stock company on the date of its establishment. The founder is obliged to deliver, and the joint stock company is obliged to accept items included in the non-financial deposit up to the date of the establishment of the joint stock company.

(3) The delivery and acceptance of items included in the non-financial deposit shall be elaborated in the form of a protocol, signed by both parties; the provisions of the obligation to pay the value of

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<sup>32</sup> Act No 92/1991 Coll. on the conditions of transfer of state property to other persons, as amended by later legislation.

the non-financial deposit, the administration of the deposit, and the transfer of the rights of ownership pursuant to Article 59, paragraph 2, Article 60 and Article 483 of the Commercial Code shall not be applied.

(4) The rights and duties, including cases of unfinished activities and unsettled third-party claims arising out of legal relationships, as well as the rights and obligations derived from labour relationships toward employees shall pass to the joint stock company as of the date of its establishment.

#### Article 35 Subject of the Business

(1) The joint stock company verifies the fulfilment of technical equipment safety requirements under Article 14 of this Act.

(2) The joint stock company may also perform other activities under the conditions specified in the Commercial Code.

#### Article 36 Registered Capital, Reserve Fund and Shares

(1) The registered capital of the joint stock company upon its establishment is the value of the non-financial deposit, reduced by the reserve fund value; the provision on registered capital pursuant to Article 58, paragraph 1 of the Commercial Code shall not be applied.

(2) At the time of the establishment of the joint stock company its reserve fund shall represent 5 % of the value of the non-financial deposit, entered into the company's property.

(3) The shares of the joint stock company shall be registered shares, and shall have the form of stock certificates. Any change in their form or type is prohibited.

#### Article 37

The existence of the Technical Inspection spending unit shall terminate on the date of the establishment of the joint stock company.

### **PART FOUR COMMON, TRANSITIONAL AND CONCLUDING PROVISIONS**

#### Article 38

(1) When the employer, and natural person – entrepreneur who is not an employer fulfil the obligations laid down in this Act and other generally binding legal regulations designed to ensure safety and health protection at work by methods or procedures established in the Slovak Technical Standards, then such fulfilment shall be deemed as the fulfilment of the requirements of ensuring safety and health protection at work; such fulfilment may also be discharged by other, provably adequate methods.

(2) Employee safety representatives, employees of the employer carrying out preventive and protective services supplied on a contractual basis, and employees of the authorised legal entity are obligated to maintain in confidence facts that comprise business secrets pursuant to separate

legislation<sup>26)</sup> that became known to them while exercising their rights and discharging duties, unless otherwise specified in this Act or unless the person affected relieves them of this obligation.

(3) The words “Technical Inspection” shall be superseded by the words “authorised legal entity” in the appropriate form in all provisions of legal regulations toward the assurance of safety and health protection at work.

#### Article 38a

##### Relation to the General Regulation on Services on the Internal Market

The provisions of the general regulation on services on the internal market<sup>32a)</sup> shall be used for performance of activities pursuant to Articles 14, 15, 21 and 27, for the procedure of submitting the applications for the issuance of authorization and decision-making regarding the issuing of authorization pursuant to Articles 14, 15, 21 and 27 and the performance of supervision pursuant to the special regulation<sup>11)</sup>, if this Act or the special regulation<sup>11)</sup> does not stipulate otherwise.

#### Article 39

##### Transitional Provisions

(1) Until 31 December 2006, the Technical Inspection joint stock company remains the authorised legal entity for the verification of the fulfilment of the safety of technical equipment pursuant to Article 14.

(2) Until 31 December 2006, the conditions laid down in Article 14, paragraph 3 shall be deemed fulfilled by the Technical Inspection joint stock company.

(3) Unless a safety technician has participated in professional re-training pursuant to Article 23, paragraph 6, his/her safety technician’s certificate issued on or before 30 June 2006 shall lose its validity as of 31 December 2007.

(4) A natural person holding a safety technician’s certificate issued on or before 30 June 2006 may execute authorised safety engineer’s activities on the strength of the certificate issued by the National Labour Inspectorate even in the absence of the examination pursuant to Article 24, providing that up to 30 June 2006, he/she has been systematically discharging safety technician’s duties at the employer performing activities listed in Annex No. 1, and has passed professional re-training pursuant to Article 24, Paragraph 9 by 31 December 2007.

(5) The certificate and permit issued up to 30 June 2006 shall be deemed a certificate and permit issued pursuant to Article 16 in the event that the natural person - holder of the certificate or permit has participated in professional re-training pursuant to Article 16, paragraph 4; otherwise, the certificate or permit shall lose validity on 30 April 2008.

(6) Authorisations to execute professional inspections, professional tests and repairs of restricted technical equipment and the filling of pressure vessels for the transport of gases including the filling of tanks of gas-driven motor vehicles, issued in compliance with recent legislation up to 30 June 2006 shall lose validity on 31 December 2007 at the latest.

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<sup>32a)</sup> Articles 3 up to 8 and Articles 10 up to 16 of the Act No. 136/2010 Coll. on Services on the Internal Market and on amendments and supplements to certain Acts.

<sup>11)</sup> Act No 125/2006 Coll. on the Labour Inspection and on Amendment to Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on the Amendment of Certain Acts.

<sup>11)</sup> Act No 125/2006 Coll. on the Labour Inspection and on Amendment to Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on the Amendment of Certain Acts.



- (7) Education and training licences shall lose validity:
- a) On 31 August 2006, if issued in compliance with recent legislation up to 31 December 1996,
  - b) On 31 December 2006, if issued in compliance with recent legislation between 1 January 1997 and 31 December 1997,
  - c) On 30 April 2007, if issued in compliance with recent legislation between 1 January 1998 and 31 December 1998,
  - d) On 31 August 2007, if issued in compliance with recent legislation between 1 January 1999 and 31 December 2000,
  - e) On 31 December 2007, if issued in compliance with recent legislation between 1 January 2001 and 31 December 2002,
  - f) On 30 April 2008, if issued in compliance with recent legislation between 1 January 2003 and 30 June 2006.

(8) Licences for the education and training of professional workers in the field of safety at work, issued on or before 30 June 2006 shall lose validity on 31 August 2006.

(9) The authorisation to provide advisory services in the field of labour protection, issued in compliance with recent legislation shall lose validity on 1 July 2006.

#### Article 39a

It is possible to apply in writing for the issuance of the certification of authorised safety engineer pursuant to Article 39 Paragraph 4 at the National Labour Inspectorate not later than June 30, 2008.

#### Article 39b

Provisions regarding the Amendments which entered into effect as of 1 May 2010

- (1) The Occupational Health Service tasks performed by a physician with a specialization in the specialization fields pursuant to Articles 26 paragraph 3 may also be carried out by a physician with a specialization pursuant to the regulations which were effective up to 20 March 2002 in the specialization field
- a) hygiene and epidemiology or
  - b) occupational hygiene and occupational medicine with experience in the specialization of preventative occupational medicine and toxicology.

(2) Pursuant to Article 26, paragraph 3, from 1 May 2010 to 31 December 2011, a physician or public health assistant may also independently perform Occupational Health Service tasks pursuant to Article 26, paragraph 1 letters a) up to d), letter e) of the first point and letter g) with the employer who employs fewer than 50 employees who perform works classified in the first and second category or perform works classified in the second category.

#### Article 39c

Transitional provision regarding the Amendments which entered into effect as of 1 June 2010

Authorisation for Verification of the Fulfilment of Safety Requirements for Technical Equipment pursuant to Article 14, authorization to carry out professional inspections and professional tests and repairs of restricted technical equipment and the filling of pressure cannisters for the transport of gases, including the filling of tanks of gas-driven motor vehicles pursuant to Article 15, certificate for the performance of the safety technical services and occupational health services pursuant to Article

21 and educational and the training license in the field of occupational protection pursuant to Article 27 issued pursuant to the regulations that were valid up to 31 May 2010 are considered as authorizations or licenses issued for an indefinite period of time.

#### Article 39d

Transitional provisions regarding the Amendments effective as of January 2012

Pursuant to Article 24 Paragraph 3, an applicant who fails to pass the exam by 31 December 2011 successfully, may apply for a re-examination in writing at the National Labour Inspectorate not later than 30 June 2012; otherwise the National Labour Inspectorate shall suspend the proceedings for the issuance of an authorized safety engineer license.

#### Article 40

The legally binding acts of the European Union indicated in Annex No 3 are transposed through this Act.

#### Article 41

The following shall be abrogated:

1. Act No. 330/1996 Coll. on occupational safety and health protection as amended by Act No. 95/2000 Coll., by Act No. 158/2001 Coll., by Act No. 215/2004 Coll., and by Act No. 479/2005 Coll.,
2. Slovak Labour Safety Office and Slovak Mining Authority Decree No. 111/1975 (Digest) on records and reports of working injuries and on reporting industrial accidents and failures of technical installations, as amended by Slovak Labour Safety Office and Slovak Mining Authority Decree No. 483/1990 Coll.,
3. Slovak Labour Safety Office Decree No. 66/1989 (Digest) on the assurance of safety of technical installations in the field of nuclear power, as amended by Decree No. 31/1991 (Digest).

## TITLE II

Act No. 455/1991 (Digest) on trades (Trades Act) in the wording of Act No. 231/1992 (Digest), Act No. 6000/1992 (Digest), Act No. 132/1994 Coll., Act No. 200/1995 Coll., Act No. 216/1995 Coll., Act No. 233/1995 Coll., Act No. 123/1996 Coll., Act No. 164/1996 Coll., Act No. 222/1996 Coll., Act No. 289/1996 Coll., Act No. 290/1996 Coll., Act No. 288/1997 Coll., No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll., Act

No. 602/2003 Coll., Act No. 347/2004 Coll., Act No. 350/2004 Coll., Act No. 365/2004 Coll., Act No. 420/2004 Coll., Act No. 533/2004 Coll., Act No. 544/2004 Coll., Act No. 578/2004 Coll., Act No. 624/2004 Coll., Act No. 650/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 8/2005 Coll., Act No. 93/2005 Coll., Act No. 331/2005 Coll., Act No. 340/2005 Coll., Act No. 351/2005 Coll., Act No. 470/2005 Coll., Act No. 473/2005 Coll., Act No. 491/2005 Coll., Act No. 555/2005 Coll., Act No. 567/2005 Coll. shall be amendeded as follows below:

1. In Article 3, paragraph 1 letter d) Point 1 the following words are added at the end: “and healthcare workers in the occupational health service,<sup>2b)</sup>”.

The footnote to the reference 2b reads:

<sup>2b)</sup> Act No. 124/2006 Coll. on occupational safety and health protection and on changes and amendments to some Acts.”.

2. In Article 3, paragraph 2 is supplemented by letter zu) with the following wording: “zu) verification of the fulfilment of the technical equipment safety requirements.<sup>2b)</sup>”.

3. In Annex No. 2 – THE REGULATED TRADES IN GROUP 202 – Production of Machines and Equipment of General Character and for Certain Economic Sectors, Trade Licence No. 2 reads:

“2. Repairs, expert inspections and expert tests of restricted technical installations	1. licence	Article 15 paragraph 1 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts
	2. professional qualification certificate	Article 15 paragraph 9 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts”.

4. In Annex No. 2 – THE REGULATED TRADES IN GROUP 202 – Production of Machines and Equipment of General Character and for Certain Economic Sectors, Trade Licence No. 5 reads:

“5. Project design and construction of restricted technical equipment involving occupational electric power	certificate	Article 24 paragraph 1 of Ministry of Labour, Social Affairs and Family of the Slovak Republic Decree No. 718/2002 Coll. on the provision of safety and health protection and technical installations safety.”
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5. In Annex No. 2 – THE REGULATED TRADES IN GROUP 202 – Production of Machines and Equipment of General Character and for Certain Economic Sectors, Trade Licence No. 6 is omitted.

6. In Annex No. 2 – THE REGULATED TRADES IN GROUP 213 – Construction Industry, the Trade Licence is supplemented by No. 18b. which reads:

“18b. Execution of the safety coordinator’s activities	1. university education-construction or architectural or technical secondary education – construction and minimum of 3 years of professional experience or	Article 22 paragraph 3 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts Article 5 paragraph 1 of SR Government Order No. 510/2001 Coll. on minimum safety and health requirements for construction site

2. authorised safety  
engineer's certificate

in wording of SR Government Order  
No. 282/2004 Coll.”.

7. In Annex No. 2 – THE REGULATED TRADES IN GROUP 214 – Others, Trade Licence No. 22 reads:

“22. Labour Protection consulting, education and training *)	licence	Article 5 paragraph 7 of Act No. 51/1988 (Digest) on mining activities, explosives and on the state mining administration in the wording of later legislation *) only in the competency of the state mining administration supervision
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8. In Annex No. 2 – THE REGULATED TRADES IN GROUP 214 – Others, Trade Licence No. 22a is inserted after the No. 22, which reads:

“22a. Labour Protection education and training	licence	Article 27 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts”.
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9. In Annex No. 2 – THE REGULATED TRADES IN GROUP 214 – Others, Trade Licence No. 54 reads:

“54. Technical safety service	1. licence	Article 21 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts
	2. safety technician's certificate	Article 23 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts
	3. authorised safety engineer's certificate	Article 24 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts”.

10. In Annex No. 2 – THE REGULATED TRADES IN GROUP 214 – Others, Trade Licence No's. 54a, 54b, 54c are inserted after No. 54 and read:

“54a. Safety technician	safety technician's certificate	Article 23 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts
“54b. Authorised safety engineer	authorised safety engineer's certificate	Article 24 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts”.
“54c. Occupational health service	licence	Article 21 of Act No. 124/2006 Coll. on occupational safety and health protection and on changes and supplements to some Acts”.

### TITLE III

Act No. 145/1995 Coll. on administrative charges, as amended by Act No. 123/1996 Coll., by Act No. 224/1996 Coll., by Act No. 70/1997 Coll., by Act No. 1/1998 Coll., by Act No. 232/1999 Coll., by Act No. 3/2000 Coll., by Act No. 142/2000 Coll., by Act No. 211/2000 Coll., by Act No. 468/2000 Coll., by Act No. 553/2001 Coll., by Act No. 96/2002 Coll., by Act No. 118/2002 Coll., by Act No. 215/2002 Coll., by Act No. 237/2002 Coll., by Act No. 418/2002 Coll., by Act No. 457/2002 Coll., by Act No. 465/2002 Coll., by Act No. 477/2002 Coll., by Act No. 480/2002 Coll., by Act No. 190/2003 Coll., by Act No. 217/2003 Coll., by Act No. 245/2003 Coll., by Act No. 450/2003 Coll., by Act No. 469/2003 Coll., by Act No. 583/2003 Coll., by Act No. 5/2004 Coll., by Act No. 199/2004 Coll., by Act No. 204/2004 Coll., by Act No. 347/2004 Coll., by Act No. 382/2004 Coll., by Act No. 434/2004 Coll., by Act No. 533/2004 Coll., by Act No. 541/2004 Coll., by Act No. 572/2004 Coll., by Act No. 578/2004 Coll., by Act No. 581/2004 Coll., by Act No. 633/2004 Coll., by Act No. 653/2004 Coll., by Act No. 656/2004 Coll., by Act No. 725/2004 Coll., by Act No. 5/2005 Coll., by Act No. 8/2005 Coll., by Act No. 15/2005 Coll., by Act No. 93/2005 Coll., by Act No. 171/2005 Coll., by Act No. 308/2005 Coll., by Act No. 331/2005 Coll., by Act No. 341/2005 Coll., by Act No. 342/2005 Coll., by Act No. 473/2005 Coll., by Act No. 491/2005 Coll., by Act No. 538/2005 Coll., by Act No. 558/2005 Coll., by Act No. 572/2005 Coll., by Act No. 573/2005 Coll., by Act No. 610/2005 Coll., by Act No. 14/2006 Coll., by Act No. 15/2006 Coll. and by Act No. 24/2006 shall be amended as follows below:

1. In the Annex to Act No. 145/1995 Coll., in Part XIII – Safety of labour and technical installations, item 202 shall be worded as follows:

“Item 202

- a) Issuance of the certificate to a legal entity for the execution of safety technical service<sup>42)</sup>.. 5,000 Sk,
- b) Issuance of the certificate to a natural person – entrepreneur and entrepreneur in the field of the execution of safety technical service<sup>42)</sup> ..... 2,500 Sk,
- c) Issuance of the licence to educate and train in the field of labour protection<sup>42)</sup> to a legal entity  
.....5,000 Sk,
- d) Issuance of the licence to educate and train in the field of labour protection<sup>42)</sup> to a natural person who is an employer and an entrepreneur..... 2,500 Sk,
- e) Issuance of the certificate to an authorised safety engineer<sup>42)</sup> ..... 1,000 Sk,
- f) Issuance, to an employer, for the authorisation to assign light work to natural persons who have not completed 15 years of age according to the Labour Code<sup>42)</sup> ..... 500 Sk.”

2. In footnote 42) the quotation “Article 4, paragraph 1, letter i) and Article 6, letter d) of Act No 95/2000 Coll. on labour inspection and on amending and supplementing certain Acts” shall be superseded by the quotation “Act No. 125/2006 Coll. on labour inspection and on amending and supplementing Act No. 82/2005 Coll. on illicit work and on illegal employment, and on amending and supplementing certain Acts”.

#### TITLE IV

Act No. 311/2001 Coll. Labour Code, as amended by Act No. 165/2002 Coll., by Act No. 408/2002 Coll., by Act No. 413/2002 Coll., by Act No. 210/2003 Coll., by Act No. 461/2003 Coll., by Act No. 5/2004 Coll., by Act No. 365/2004 Coll., by Act No. 82/2005 Coll., by Act No. 131/2005 Coll., by Act No. 244/2005 Coll., and by Act No. 570/2005 Coll. shall be amended and supplemented as follows below:

1. In Article 11, paragraph 4, the word “only” shall be inserted after the word “attendance”.
2. In Article 11, paragraph 5 shall be worded as follows:

“(5) A natural person who has not completed the age of 15 years is allowed to perform light work by the competent labour inspectorate upon agreement with the competent state administration body in the public health care field. The permit shall specify the number of hours and the conditions in which light work may be performed. In the event of the failure to adhere to the permit conditions, the competent labour inspectorate shall revoke the permit.”
3. In Article 39, paragraph 2, the words “upon agreement with the competent labour inspectorate, the competent health protection body and employee representatives” shall be omitted.
4. In Article 41, paragraph 2 shall be worded as follows:

“(2) In the event that fitness for work, mental qualification for work or other preconditions for the performance of work are required by separate legislation, the employer may only conclude a contract of employment with a natural person who is fit or who is mentally qualified or meets other preconditions for the performance of that work.”
5. In Article 75, letter f) shall supplement paragraph 2 in the following wording:

“f) Data on the provision of a retirement bonus pursuant to Article 76, paragraph 6.”
6. In Article 76, paragraph 6 shall be worded as follows:

“(6) The employee is entitled to a retirement bonus in at least the sum of his/her average monthly income pursuant to Article 134 upon the first termination of employment after the occurrence of the claim for premature old-age pension, old-age pension and disability pension, providing that the his/her earning capacity is reduced by more than 70 %, and providing that he/she applied for the premature pension before or immediately upon the termination of his/her employment.”
7. The recent text of Article 150 designated paragraph 1 shall read:

“(2) Employees injured as a result of a violation of obligations derived from labour relationships may lodge a complaint at the competent labour inspection body.”
8. The recent text of Article 254 shall be designated paragraph 1, and shall be supplemented by paragraph 2 in the following wording:

“(2) All forms of the words “health protection bodies” in the entire text of the Act shall be superseded by the words “state administration bodies in the field of public health care”, and all forms of the words “employees with changed working capacity” in the entire text of the Act shall be superseded by the words “disabled employees”.

#### TITLE V

##### Entry into force

This Act shall enter into force on July 1, 2006.

Act No 309/2007 Coll. shall enter into force on September 1, 2007 except Title II, which shall enter into force on January 1, 2008 and Title V, which shall enter into force on the day of its publication.

Act No 140/2008 Coll. shall enter into force on May 1, 2008.

Act No 132/2010 Coll. shall enter into force on May 1, 2010.

Act No 136/2010 Coll. shall enter into force on June 1, 2010.

Act No 470/2011 Coll. shall enter into force on January 1, 2012.

**Ivan Gašparovič, s. m.**

**Pavol Hrušovský, s. m.**

**Mikuláš Dzurinda, s. m.**

**Iveta Radičová s. m.**

## LIST

### **of activities posing elevated risks potentially exposing employees to serious damage to health or connected with frequent damage to their health**

Activities posing elevated risks wherein the health of employees fulfilling their working duties may be seriously damaged or characterised by the frequent appearance of health damage are categorised, on the basis of the following statistical classification of economic activities<sup>33)</sup>, under this Act:

<b>Code pursuant to Statistical Classification of Economic Activities</b>		<b>Title</b>
<b>Division</b>	<b>Group</b>	
<b>01</b>		Cultivation of crops and animal husbandry, hunting and related services
<b>02</b>		Forestry and timber exploitation
<b>05</b>		Mining of coal and lignite
<b>06</b>		Mining of oil and natural gas
<b>07</b>		Mining of metal ores
<b>08</b>		Other mining and extraction
<b>09</b>		Auxiliary mining activities
<b>10</b>		Food production
<b>11</b>		Production of beverages
<b>12</b>		Production of tobacco products
<b>15</b>		Processing and production of leather and products made of leather
<b>16</b>		Processing and production of wood and cork products except furniture; production of products from straw and wickerwork
<b>17</b>		Production of paper and paper products
	<b>18.1</b>	Print and print- related services
<b>19</b>		Production of coke and refined mineral oil products
<b>20</b>		Production of chemicals and chemical products
<b>21</b>		Production of basic pharmaceutical products and pharmaceutical preparations
<b>22</b>		Production of rubber and plastic products
<b>23</b>		Production of other non-metallic mineral products
<b>24</b>		Production and processing of metals
<b>25</b>		Production of metal constructions except machines and equipment
<b>26</b>		Production of computer, electronic and optical products
<b>27</b>		Production of electrical equipment
<b>28</b>		Production of machines and equipment classified elsewhere
<b>29</b>		Production of motor vehicles, semi-trailers and trailers
<b>30</b>		Production of other means of transport
<b>31</b>		Production of furniture

<sup>33)</sup> Decree of the Statistical Office of the Slovak Republic No 306/2007 Coll., through which the Statistical Classification of Economic Activities is issued.



<b>32</b>		Other production
<b>35</b>		Supply of electric power, gas, steam and cold air
<b>36</b>		Water collection, treatment and supply
<b>41</b>		Construction of buildings
<b>42</b>		Engineering constructions
<b>43</b>		Specialised construction work
<b>49</b>		Ground transport and pipeline transport
<b>50</b>		Water transport
<b>52</b>		Storage and auxiliary activities in transportation
<b>53</b>		Postal services and courier services
<b>75</b>		Veterinary activities
<b>86</b>		Healthcare
<b>87</b>		Care in residential facilities (residential care)
<b>88</b>		Social work without accommodations

**Annex No 1a**  
**to the Act No 124/2006 Coll.**  
**as amended by the Act No 309/2007 Coll.**

**Minimum Number of Safety Technicians or Authorised Safety Engineers according to the  
Number of Employees**

A. Minimum number of authorised safety engineers or safety technicians in the case of an employer whose code, pursuant to the statistical classification of economic activities is included in Annex No. 1

<b>Number of Employees</b>	<b>Number of Authorised Safety Engineers or Safety Technicians</b>
up to 400 employees	not less than one authorised safety engineer
from 401 to 800 employees	not less than two authorised safety engineers
from 801 to 1,200 employees	not less than three authorised safety engineers or not less than two authorised safety engineers and one safety technician
over 1,200 employees	not less than three authorised safety engineers or not less than two authorised safety engineers and one safety technician and for each employee in excess of one thousand employees, not less than one another authorised safety engineer or safety technician so that at least two thirds of the overall number of authorised safety engineers and safety technicians are authorised safety engineers

B. Minimum number of safety technicians in case of an employer whose code, pursuant to the statistical classification of economic activities is not included in Annex No. 1

<b>Number of Employees</b>	<b>Number of Safety Technicians</b>
up to 600 employees	not less than one safety technician
from 601 to 1 200 employees	not less than two safety technicians
over 1,200 employees	not less than two safety technicians and for each employee in excess of one thousand employees not less than another safety technician

**TYPES OF EDUCATION AND TRAINING LICENCES  
IN THE FIELD OF LABOUR PROTECTION**

Pursuant to Article 27, paragraph 3, the competent labour inspectorate and the competent supervising authority issue education and training licences in the following scopes:

**Group 01 Safety and health protection at work and established working conditions**

Activities within this group include the education and training of:

- 01.1 Employees and managerial employees
- 01.2 Safety technicians
- 01.3 Employers who would personally carry out safety technician's and authorised safety engineer's activities

**Group 02 Safety and health protection at work with restricted technical installations involving increased pressure**

Activities within this group include the education and training of:

- 02.1 Technical inspectors
- 02.2 Operators
- 02.3 Repair personnel

**Group 03 Safety and health protection at work with restricted technical lifting installations**

Activities within this group include the education and training of:

- 03.1 Technical inspectors
- 03.2 Operators
- 03.3 Repair personnel
- 03.4 Load binders

**Group 04 Safety and health protection at work with restricted technical installations involving gas**

Activities within this group include the education and training of:

- 04.1 Technical inspectors
- 04.2 Operators
- 04.3 Repair personnel

**Group 05 Safety and health protection at work with restricted technical installations involving electric power**

Activities within this group include the education and training of:

- 05.1 Electrical engineers, independent electrical engineers and electrical engineers for the control of activities or operations
- 05.2 Technical inspectors

**Group 06 Safety and health protection at work while operating motor carts**

Activities within this group include the education and training of:

06.1 Persons for the operation of motor carts

**Group 07 Safety and health protection at work performed at elevated workplaces**

Activities within this group include the education and training of:

07.1 Employees working at elevated workplaces with the help of special mountain climbing and speleological equipment

07.2 Personnel erecting and dismantling scaffolding

**Group 08 Safety and health protection at work with construction machines and installations**

Activities within this group include the education and training of:

08.1 Operators of selected construction machines and installations

**Group 09 Safety and health protection at work with agricultural machines and equipment**

Activities within this group include the education and training of:

09.1 Operators of selected agricultural machines and equipment

**Group 10 Safety and health protection at work with forestry machines and equipment**

Activities within this group include the education and training of:

10.1 Operators of selected forestry machines and equipment

10.2 Hand-held chain saws used in felling of timber

10.3 Hand-held chain saws used in other activities

**LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION**

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 (OJ L 183, 29.6.1989).