



International Labour Organization



**Ministry of Labour, Social Protection and Family of the Republic of
Moldova**

National Occupational Safety and Health Profile

REPUBLIC OF MOLDOVA

Chisinau, 2011

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§ I. REGULATORY FRAMEWORK ON OCCUPATIONAL SAFETY AND HEALTH

International Instruments

1. Conventions:

- Universal Declaration of Human Rights of December 10, 1948 (*adhered by Parliament Decision nr.217-XII of July 28, 1990*);
- International Covenant on Economic, Social and Cultural Rights of December 16, 1966 (*ratified by Parliament Decision nr.217-XII of July 28, 1990*);
- Revised European Social Charter (*ratified by Law nr.484-XV of September 28, 2001*);
- International Labour Organization Convention No.81 Labour Inspection in Industry and Trade (*ratified by Parliament Decision nr.593-XIII of September 26, 1995*);
- International Labour Organization Convention No. 127 Maximum permissible weight to be carried by a single worker (*ratified by Parliament Decision nr.1330-XIII of September 26, 1997*);
- International Labour Organization Convention No. 129 Labour Inspection in Agriculture" (*ratified by Parliament Decision nr.1330-XIII of September 26, 1997*);
- International Labour Organization Convention 155 Occupational Safety and Health (*ratified by Parliament Decision nr.755-XIV of December 24, 1999*);
- International Labour Organization Convention No. 182 The Worst Forms of Child Labour and Immediate Action for their Elimination" (*ratified by Law 849-XV of February 14, 2002*).
- International Labour Organization Convention No.184 Safety and Health in Agriculture" (*ratified by Law nr.1058-XV of May 16, 2002*);
- International Labour Organization Convention 119 Guarding of Machinery (*ratified by Law nr.1404-XV of October 24, 2002*);
- International Labour Organization Convention No.152 Occupational Safety and Health in Dock Work (*ratified by Law nr.339-XVI of November 17, 2006*);
- International Labour Organization Convention No.187 Occupational Safety and Health (*ratified by Law No. 72- XVIII of November 26, 2009*);

2. Bilateral agreements:

- Decent Work Country Programme for 2008-2011, signed with the International Labour Organization (*launched on December 10, 2008*).

National legislation

1. Laws and codes:

- Constitution of the Republic of Moldova of July 29, 1994;
- Law on occupational safety and health No. 186-XVI of July 10, 2008;
- Law on Labour Inspection No.140-XV of May 10, 2001;
- Trade Unions Law No. 1129-XIV of June 7, 2000;
- Employers' Law No.976-XIV of May 11, 2000;
- Law on the organization and operation of national committee for consultations and collective bargaining and the committees for consultation and collective bargaining at branch and regional level No. 245-XVI of July 21, 2006;
- Law on insurance against work accidents and occupational diseases 756-XIV of December 24, 1999;
- Law on state public health surveillance No.10-XVI of February 3, 2009;
- Law on health care No. 411-XIII of March 28, 1995
- Labour Code of the Republic of Moldova nr.154-XV of March 28, 2003;
- Code of Contraventions of the Republic of Moldova nr.218-XVI of October 24, 2008;
- Criminal Code of the Republic of Moldova nr.985-XV of April 18, 2002.

2. Government Decisions:

- Government Decision nr.562 of September 7, 1993 on approving the classification of industries, professions and works performed in hard and harmful conditions proscribed for persons under 18;
- Government Decision nr.624 of October 6, 1993 on approval of the classification of industries, professions and works performed in harmful working conditions, proscribed for women and the norms of maximum weight lifting and manual transportation for women;
- Government Decision No.513 of August 11, 1993 on approval of the Regulations on enterprises, organizations and institutions' payment of the unique compensation for the employee's loss of work capacity or death caused by a work accident or an occupational disease;
- Government Decision No. 285 of May 23, 1996 on approval of the authorization of buildings and related facilities;
- Government Decision No.1481 of December 27, 2001 on the reform of the State Inspectorate for Labour Protection, subordinated to the Ministry of Labour and Social Protection;
- Government Decision No.1101 of October 17, 2001 on the approval of the Regulations on the establishment of disability compensation for work accidents and occupational diseases;
- Government Decision No.1335 of February 10, 2002 on the approval of Regulations on the assessment of working conditions at the work place and on the application of the branch work lists for which compensation can be set for work performed in adverse conditions;

- Government Decision No.1487 of December 3, 2004 on approving the List of works and jobs with difficult and very difficult working conditions, very harmful and hazardous working conditions for which the employees are entitled to compensation;
- Government Decision No.1223 of November 9, 2004 on the approval of the classification of professions and functions with dangerous working conditions, under which the employees are entitled to additional annual paid holiday and reduced working time (medical workers);
- Government Decision No.1361 of December 22, 2005 on approval of the Regulations on the investigation of work accidents;
- Government Decision No.886 of August 6, 2006 on the approval of the national Health Care Policy;
- Government Decision No.95 of February 5, 2009 on the approval of some normative acts for the implementation of the Law on Occupational Safety and Health No.186-XVI of July 10, 2008, by which the following acts were approved:
 - a) Regulations on how to organize the activities for the protection of workers at work and prevention of occupational risks;
 - b) Framework Regulation of the organization and operation of the Committee on Safety and Health at Work.
- Government Decision No.353 of May 5, 2010 on the approval of minimum requirements of occupational safety and health at the work place.

3. Department norms:

- Regulation for the development and implementation of labor protection measures approved by the Ordinance of the Minister of Labour and Social Order No.40 of August 16, 2001;
- Regulation for organizing the training in labour protection of staff of enterprises, institutions, organizations, approved by the Ordinance of the Minister of Labour and Social Protection No. 49 of October 1, 2001;
- Regulation for the development of labor safety instructions, approved by the Ordinance of the Minister of Labour and Social Order no.54 of November 8, 2001;
- Framework Regulation for the organization and operation of safety committees, approved by the Ordinances of the Minister of Labour and Social Protection No. 18 of April 1, 2004;
- Regulation on organization of hygiene training of certain categories of employees, approved by decision of the Chief State Sanitary Physician No. 9 of June 1, 2007;
- Sanitary Regulation and Norms regarding the regulation on the exposure of population to radiation from natural sources, approved by the Decision of the Chief Sanitary Physician No.217 of July 30, 2001;
- Chief State Sanitary Physician Decision no.35 of January 19, 1998 on the ratification of the normative-sanitary documents that regulate the sanitary and hygienic requirements and standards related to the units with ionizing radiation sources Nr.01-8/35;

- Chief State Sanitary Physician Decision of September 6, 1996 on ratification of interstate sanitary-hygienic norms and requirements No. 9-29-95; Methods for measuring the physical factors No.9-29 1-95 No 9.29.12.95 and the List of substances, products, production processes, social and natural factors with carcinogenic action on humans; GD 1.1.029-95 of the State Committee for Sanitary and Epidemiological Surveillance of the Russian Federation (Moscow, 1995);
- Ordinance of the Minister of Health No.132 of January 17, 1996 on compulsory medical examinations on employment and the regular examinations of employees who are exposed to harmful and unfavorable factors.

4. Collective agreements:

- Collective agreement (national level) nr.2 of July 9, 2004 on working and resting time;
- Collective agreement (national level) nr.8 of July 12, 2007 on the elimination of the worst forms of child labour”.

5. Codes of Conduct:

- Code of conduct for employers on the elimination of the worst forms of child labor in agriculture and food industry, adopted by the National Federation of Employers in Agriculture and Food Industry on 12.19.2007.

Legal documents to be developed and adopted

1. According to the National Plan for harmonization of legislation for 2010:

- Government Decision on the minimum health and safety requirements for manual handling of loads at risk, in particular, back injury to workers.
- Government Decision on the minimum health and safety requirements for use of work equipment by workers at the workplace.
- Government Decision on the minimum health and safety requirements for use of individual protective equipment at work by workers.
- Government Decision on the minimum safety requirements for use of display screen equipment.
- Government Decision on the protection of workers at risk in explosive environments.
- Government Decision on the protection of workers against risks from noise.
- Government Decision on the protection of workers from the risks of exposure to vibration.
- Government Decision on the protection of workers from the risks of exposure to electromagnetic fields.
- Government Decision on approval of Sanitary Regulations on undertaking investigations with radiopharmaceutical products.

- Government Decision on approval of the Sanitary Regulations on the maximum-allowable concentrations of toxic substances in the air at the work area (occupational environment).

2. According to the National Plan for harmonization of legislation for 2010:

- Government Decision on the minimum safety and health requirements at temporary or mobile sites.
- Government Decision on the protection of workers against risks related to exposure to biological agents at the work place.
- Government Decision on the protection of workers from risks related to exposure to asbestos at the work place.
- Government decision to amend Government Decision No. 395 of April 1, 2003 on regulation of inspections.

3. According to the future Moldova-EU Association Agreement:

- It is expected to transpose into the national legislation around 30 EU Directives related to labor relations, safety and health.

FINDINGS:

Moldova has a comprehensive regulatory framework on safety and health. However:

- a) the Law on occupational safety and health No. 186-XVI of July 10, 2008 is not completely implemented;
- b) the Labour Code, as well as other normative acts are not brought in line with the Law on occupational safety and health No. 186-XVI of July 10, 2008.

§ II. INSTITUTIONAL FRAMEWORK ON OCCUPATIONAL SAFETY AND HEALTH

1. MINISTRY OF LABOUR, SOCIAL PROTECTION AND FAMILY

1. The role and the responsibilities of the institution in the area of occupational safety and health (under the Labor Code, the Law on occupational safety and health No. 186-XVI of July 10, 2008 and the Regulation on organization and operation of the Ministry of Labour, Social Protection and Family, approved by Government Decision No.691 of November 17, 2009).

Ministry of Labour, Social Protection and Family is the central body of public administration, empowered to develop, promote and ensure the implementation of state policy in the following areas: labor relations, wages, **occupational safety and health**, human resource development and employment, labor migration, demography, social partnership, social insurance, social assistance, social protection of persons with disabilities, family protection and child rights and ensure equality between women and men, prevention of gender-based violence and family violence, prevention of human trafficking, reception and distribution of humanitarian aid provided to Moldova (*item 2 of the Regulation on organization and operation of the Ministry of Labour, Social Protection and Family*).

Ministry of Labour, Social Protection and Family has the mission to ensure the accomplishment of the constitutional prerogatives of the Government on development, promotion and implementation of the state policy in the areas listed above, pursuing the final objective of ensuring a decent standard of living to the population, as well as peace and social security (*item 4 of the Regulation on organization and operation of the Ministry of Labour, Social Protection and Family*).

The Ministry has the following responsibilities in the area of occupational safety and health:

Under the Labour Code

- coordinates the activity on labour protection in the Republic of Moldova (*art.223 of the Labour Code*);
- issues norms on labour protection, after consultations with the workers and employers' organizations (*art.224 of the Labour Code*);
- establishes the method of employees training on labour protection and hygiene, after the consultation with the respective worker's organizations (*art.239 (2)*);
- approves the variety of individual and work protective equipment and categories of employees to be provided with it (*art.240 par.(2)*).

According to the Law on occupational safety and health No.186-XVI of June 10, 2008 (ar.7 par.(2))

- organizes the drafting of regulations on occupational safety and health, after consultation with employers and workers' organizations, submits the drafts to Government for approval;
- ensures the monitoring of Law on occupational safety and health enforcement;
- organizes the development of Framework instructions on occupational safety and health for certain occupations or for carrying out certain complex works;
- approves the draft framework guidelines on occupational safety and health;
- ensures annual publication of the information on measures taken for the implementation of the state policy on occupational safety and health, on work accidents and occupational diseases;
- maintains links with international information network on occupational safety and health;
- represents the state, in international relations, in the area of occupational safety and health.

According to the Regulations on organization and operation of the Ministry of Labour, Social Protection and Family (pct.6)

- develops and promotes legal acts drafts on occupational safety and health;
- submits proposals for improving the relevant legislation and adjusting it to the international and community standards;
- ensures methodological guiding for legislation enforcement in the given field;
- submits proposals for ratification or denunciation of ILO Conventions;
- develops the initial and periodic reports on the ILO Conventions, ratified by the Republic of Moldova and submits them independently to the International Labour Office;
- develops the reports on the implementation of the revised European Social Charter and submits them independently to Charter's Secretariat;
- monitors and ensures compliance with the provisions of labour legislation and law on occupational safety and health in the branches of national economy through the Labour Inspection;
- receives, collects and analyzes the information on compliance with labour legislation, including provisions on working conditions and pay and based on this information makes the respective forecasts and recommendations;
- examines the complaints against the measures imposed by the Labour Inspection;
- performs public awareness activities on promotion and implementation of the state policy in the relevant field, and promotes the legislation in the respective area through seminars, training courses, roundtables etc;
- examines the complaints and appeals received from citizens, economic entities, public authorities and takes the necessary measures and provides explanations as needed;
- approves law drafts related to its functional areas, submitted by the public authorities;

- issues, within the powers conferred by law, instructions and methodical guidelines and other departmental documents.

2. Staff:

According to item 2 of Government Decision nr.691 of November 17, 2009 the staff-limit of the central office of the Ministry of Labour, Social Protection and Family is 108 persons.

3. Subdivisions responsible for occupational safety and health:

- The Directorate of labour relations and social partnership (5 persons, the Directorate does not have specialists equipped with knowledge or special training in occupational safety and health).

2. MINISTRY OF HEALTH

1. The role and the responsibilities of the institution in the area of occupational safety and health (under the Labor Code, Law on state public health surveillance No.10-XVI of February 3, 2009, Regulations on the organization and operation of the Ministry of Health, approved by Government Decision nr.777 of November 27, 2009):

Ministry of Health is the central public administration body in the field of health (item 2 of the Regulation on organization and operation of the Ministry of Health).

The Ministry of Health's mission is to maintain and continuously improve the health of the population by ensuring equitable access to quality and cost-effective health care services, by supporting and promoting interventions for prevention, protection and health promotion (*section 4 of the Regulation on organization and operation of the Ministry of Health*).

The Ministry has the following responsibilities in the area of occupational safety and health:

According to the Labour Code

- issues work hygiene norms, after consulting employers and workers' organizations (*Art. 224*);
- provides assistance to employers in the selection of staff for medical service (*Art. 235 par. (4)*);
- approves the list of categories of employees subject to medical examination on employment and periodic medical examinations (*Article. 238 par.(2)*);

According to Law on state public health surveillance

- is responsible for evaluating and communicating risks to human health (*Art. 14. (2)*);
- develops Regulations governing sanitary health standards which establish the criteria for human security and safety of the environment and of occupational

- factors, products and services, establishes the requirements for ensuring favorable life conditions and health norms (*Art. 6 par. (2)*);
- ensures the state public health supervision (*Art. 10*).

According to the Regulations on the organization and operation of the Ministry of Health

- assesses health risks in relation to the determinants of health: social factors, economic, behavior, biological and environmental determinants;
- ensures, through its subordinate institutions, the identification, assessment and communication of health risks, ensures the management of these risks, prevention and minimization of the impact of identified risks on public health;
- conducts, under the law, the activity of state public health surveillance service;
- approves the list of occupations and harmful production factors and works for which the medical examinations on employment and periodic examinations are undertaken;
- provides laboratory support in investigating biological, chemical, physical and radiological factors that impact public health;

2. Staff:

According to item. 2. of Government Decision No.777 of November 27, 2009, the staff-limit of the central office of the Ministry of Health is 85 persons.

3. LABOUR INSPECTION

1.The role and responsibilities of the institution in the area of occupational safety and health (under the Labor Code, Law on Labour Inspection No.140-XV of May 10, 2001 and the Regulations on Labour Inspection, approved by Government Decision No.1481 of November 27, 2001):

Labour Inspectorate is the central public administration body subordinated to the Ministry of Labour, Social Protection and Family that exercises the state control over the compliance with the laws and other normative acts in the field of labour within enterprises, institutions and organizations, regardless of the type of property and legal form of organization, individuals who engage workers, as well as within the central and local public authorities.

Labour Inspectorate objectives are:

- a) to ensure the enforcement of the provisions of laws and other normative acts on working conditions and protection of employees;
- b) to disseminate information about the most effective means of compliance with the labour legislation;

c) to inform the Ministry of Labour, Social Protection and Family on labour law enforcement deficiencies.

In achieving its objectives, the **Labour Inspectorate has the following functions:**

- a) to monitor the compliance with labour legislation, law on occupational safety and health;
- b) to issue, in the manner and under the conditions established by law, authorizations on the introduction into manufacturing of prototypes of technical equipment and individual and work protective equipment;
- c) to investigate, as established by Government, work accidents;
- d) to coordinate the preparation, training and information of workers on labor relations, safety and health;
- e) to perform other duties prescribed by law.

2. Staff:

According to item.3 of Government Decision No.1481 of December 27, 2001, the staff-limit of the Labour Inspectorate is 96 persons (15 persons – the central office and 81 persons – the staff of the regional labour inspectorates).

3. Structure of the institution:

- Leadership – 2 persons
- Department for monitoring and enforcement of labour legislation and labour protection norms – 7 persons.
- Department for inspection technology, logistics and accounting – 6 persons
- Regional labor inspectorates (*10 decentralized inspectorates in the districts, 2 municipalities (Balti and Chisinau), and Gagauzia*).

4. STATE PUBLIC HEALTH SURVAILLANCE SERVICE

1. The role and the responsibilities of the institution in the area of occupational safety and health (under the Labor Code and the Regulations on state public health surveillance, approved by Government Decision No.384 of May 12, 2010):

State Public Health Surveillance Service is the competent authority to exercise state surveillance of public health.

The service has the following responsibilities in the area of occupational safety and health:

According to the Labour Code

- State Public Health Surveillance Service performs the state supervision over the compliance with sanitary-hygienic and sanitary-epidemic norms in all

undertakings, according to the requirements and procedure established by law (Art.384).

According to the Regulations of the State Public Health Surveillance Service

- exercise the state public health surveillance throughout the country;
- organizes health education in accident prevention issues, particularly road accidents, at home and at work, training and monitoring of the population, including employees, in order to provide the first aid;
- organizes health education of staff of enterprises, state and private institutions, rural associations in order to prevent occupational diseases, preserving full work capacity and stimulating the personal initiative related to the participation in health promotion measures;
- directs the activities of hygienic training by developing the legal framework for hygienic training, training programs and methodological materials for certain categories of staff, as well as establishing the categories of workers for taking the training on hygiene;
- assesses health risks caused by occupational environment factors;
- collects data systematically and evaluates the influence of noxious factors, leading to injuries (morbidity, disability, mortality);
- develops recommendations to prevent injuries;
- supervises and monitors the implementation of measures to prevent injuries;
- performs sanitary regulation of chemical, physical, biological, neuro-emotional factors, professional stress, ergonomic and radioactive factors injurious to the work environment and adverse health effects;
- identifies and evaluates the occupational risk factors and the work environment impact on workers' health;
- monitors the technological processes that may affect workers' health, including industrial equipment, tools, chemicals, raw material used in the production process.
- exercises the surveillance over occupational health (morbidity, temporary work incapacity, vocational morbidity, the results of medical examinations and regular employment, injuries and poisoning, disability);
- supervises and monitors the health status of workers in relation to occupational environment, records, reports and analyzes the occupational injuries and occupational diseases under the health legislation in force;
- determines the harmful and unfavorable production activities in the execution of which the compulsory medical examination is required, both on employment and the regular ones, as well as recommends measures for improving the working conditions and transfer of employee to another job;
- exercises the state control on the organization and performance of the periodic medical examinations of workers, exposed to harmful factors and unfavorable work environment;
- carries out instrumental and laboratory investigations to estimate the physical (electromagnetic irradiation, magnetic, electrical and electrostatic fields, infrared and ultraviolet irradiation, laser, noise, infrasound, ultrasound, vibration, lighting, microclimate) chemical and biological factors in the work environment.

2. Staff:

According to Annex No.2 to Government Decision No.384 of May 12, 2010, the number of personnel of the State Public health Surveillance Service is 3199,25 persons.

3. Structure of the institution (item.8 Regulations of the State Public Health Surveillance Service):

State Public Health Surveillance Service is structured as follows:

- level one - Ministry of Health, represented by chief state sanitary physician of the Republic of Moldova - Deputy Minister of Health and relevant departments of the Ministry;
- level two - National Center for Public Health, public health performance centers and territorial public health centers.

5. NATIONAL COMMISSION FOR CONSULTATION AND COLLECTIVE BARGAINING

1. The role and responsibilities of the institution in the area of occupational safety and health (under the Law on the organization and operation of the national Commission for consultations and collective bargaining, of the national commissions for consultation and collective bargaining at the branch level and regional level No. 245-XVI of July 21, 2006 and the Regulations of the National Commission for consultation and collective bargaining, approved by its Decision No.3 of November 3, 2006):

The National Commission for consultation and collective bargaining is an autonomous tripartite body of social partnership of public interest, established to achieve the purposes set out in Article 4 of the Law no.245-XVI of July 21, 2006 and set the bases for the regulation of social and economic relations, as well as the labour relations in the country.

The objectives of the National Commission are the following:

- a) tripartite consultations among social partners on issues related to labour (including safety and health) and socio-economic problems of national, branch and regional levels, promotion of social partnership at all levels;
- b) maintaining cohesion, social peace and stability in the Republic of Moldova;
- c) supporting civil society participation in promoting national policies.

The **National Commission** has the following responsibilities:

- harmonizes Government's interests, those of employers and trade unions in the process of developing the regulatory basis of labor relations and socio-economic relations;
- carries out collective negotiations, develops and promotes collective agreements at national level, contributes to their conclusion and monitors their implementation, proposes measures to ensure their implementation;
- detects at the national level the reasons for conflict situations and social tensions in labor relations, organizes the preparation and expertise of proposals designed to prevent such situations and tensions;
- participates in the examination and approval of draft legislation related to labor and social-economic issues.
- examines and submits to Government proposals on the reports submitted to the International Labour Organization and on the ratification or denunciation of conventions;
- oversees the accomplishment of the commitments assumed by the Republic of Moldova by ratifying ILO Conventions No. 98 on the application of principles of the right to organize and collective bargaining No.144 on tripartite consultations on the enforcement of international labor norms ;
- studies the international experience, participates in the organization of actions focused on labor relations and social partnership;
- participates, through representatives, to conferences, seminars, meetings, and organizes actions on issues within its competence;
- analyzes and mitigates the conflicts between the social partners at national, branch and regional levels.

2. Membership of the National Commission

The National Commission for consultation and collective bargaining is composed of 18 members and 12 suppliant members, appointed by the social partners (Government, employers and trade unions), as follows:

- * 6 members and 4 suppliant members – by Government;
- * 6 members and 4 suppliant members –by the employers' confederations at the national level;
- * 6 members and 4 suppliant members –by the trade unions' confederation at the national level.

3. Internal subdivision with responsibilities in the area of occupational safety and health of children:

- Permanent specialized Council on health and safety at work, the nominal composition of which was approved by the National Commission Decision No.20 of November 23, 2007.

6. NATIONAL CONFEDERATION OF TRADE UNIONS OF MOLODVA

1. The role and responsibilities of the institution in the area of occupational safety and health (under the Law on trade unions No.1129-XIV of July 7, 2000 and the Statute of the National Confederation of trade Unions from Moldova):

The National confederation of trade unions from Moldova is a national intersectoral trade union center which includes on a voluntary principle the national-sectoral trade unions.

As an **objective** of the National Confederation of Trade Unions of Moldova in the area of occupational safety and health we can mention the national representation and protection of social, economic, professional, collective and individual labor union members' rights and interests.

The **functions** of the National Confederation of Trade Unions of Moldova in the field of occupational safety and health are the following:

- participation in development of programs, laws and other normative acts aimed at regulating labour, economic and social rights and professional interests of union members;
- negotiation and conclusion of collective agreements at the national level;
- exercising the control over compliance with labor laws and other normative acts containing norms of labour law, collective conventions and collective labour agreements;
- establishment of an organized system to support legislative initiatives to align the national legislation to the international labor standards and mandatory compliance with the general conditions that any legislative or regulatory act has to meet - to safeguard the rights, freedoms, legitimate interests of employees, gender and social justice;
- informing the international bodies in case of infringement of trade union and employees rights or failure of the authorities to fulfill their commitments under relevant international instruments to which Moldova is a signatory or party.

2. Internal subdivision responsible for occupational safety and health:

- Department of labour protection.

7. NATIONAL CONFEDERATION OF EMPLOYERS FROM THE REPUBLIC OF MOLDOVA

1. The role and responsibilities of the institution in the area of occupational safety and health (under the Law on employers No.976-XIV of May 11, 2000 and the Statute of the National Confederation of Employers from the Republic of Moldova):

The National Confederation of Employers from the Republic of Moldova is a non governmental, non commercial, independent and apolitical employers' organization, built on the principle of free consent of the members, who maintain their independence and right to work in accordance with their own statute.

One of the **goals** of the National Confederation of Employers from the Republic of Moldova is to ensure occupational safety and health.

The **objectives** of the National Confederation of Employers from the Republic of Moldova in the area of occupational safety and health can be the following:

- participation in the development and approval of draft laws and regulations concerning safety and health;
- participation in the National Commission for consultation and collective bargaining in negotiating collective agreements at the national level.

2. Internal subdivisions responsible for occupational safety and health of children:

The external service responsible for occupational safety and health provides the following services:

- risk assessment of accidents and occupational disease by identifying hazards and risk assessment for each component of work, including the groups susceptible to particular risk;
- conducting the general introductory training, assessing the knowledge on occupational safety and health of different personnel categories, as well as filling in the individual training files;
- carrying out job trainings for managers of the organization on occupational safety and health activities at the enterprise;
- drafting instructions for supplementing and / or enforcing the occupational safety and health regulations at work, taking into account the specificities and activities of the enterprise / company, as well as those of the job / work place;
- participating in drawing up the prevention and protection plan, which comprises technical, medical, organizational, and other measures based on risk assessment;
- establishing the duties and responsibilities on occupational safety, according to the functions performed, which are reflected in the incumbent job description and approved by the employer;
- developing the training topics for all training phases;

- filling in the standard forms for exposure to occupational hazards, in order to undertake the medical examination, both on employment and the periodic one, based on the job description and the technological description of the activity;
- communicating and investigating minor work accidents;
- undertaking the inspection of work places and developing the protocols describing the deficiencies and determining the measures to be taken;
- determining the areas that are to be marked out due to occupational safety and health reasons;
- identifying the individual protective equipment necessary for the enterprise workstations and determining the needs to endow the workers with individual protective equipment;
- providing consultations and solutions to various issues raised by enterprises.

8. STATE ENTERPRISE „LABOUR RELATIONS TRAINING CENTER”

1. The role and the responsibilities of the institution in the area of occupational safety and health (under the Statute, approved by Ordinance of Minister of Labour, Social Protection and Family):

S.E. „Labour Relations Training Center” is subordinated to the Minister of Labour, Social Protection and Family and has the following responsibilities in the area of occupational safety and health (*which constitute its main types of activity*):

- carries out the training of labor inspectors and staff in enterprises, institutions and organizations in the field of labor relations and occupational safety and health;
- provides to other companies, institutions and organizations services related to protection and prevention of occupational risks on a contract basis;
- undertakes different technical tests and analysis;
- organizes conferences, seminars, meetings, roundtables with a view of exchanging information and experience in the field of labor relations, as well as occupational safety and health ;
- publishes teaching materials in the field of labor relations and occupational safety and health.

2. Staff:

The number of staff of the State Enterprise „Labour Relations Training Center” is 4 persons.

9. INFORMATION CENTRE ON OCCUPATIONAL SAFETY AND HEALTH

In the Republic of Moldova there is no information center on occupational safety and health. Also, there is no connection with the network of information centers on occupational safety and health of the International Labour Office and the European Agency for Safety and Health at Work.

10. STRUCTURES CREATED AT THE LEVEL OF UNDERTAKING

Protection and Prevention Service

In accordance with Article 11 of Law No. 186 on occupational safety and health-XVI of July 10, 2008, the employer shall designate one or more workers to handle the protection and prevention of occupational risks in the undertaking.

The designated workers shall not be disadvantaged because of their activity related to protecting from and preventing occupational risks.

The designated workers must have enough time to be able to fulfill their obligations under the Law on occupational safety and health.

In the case, when the undertaking doesn't have sufficient resources to organize protection and prevention activities, due to lack of specialized personnel, the employer is obliged to resort to external protection and prevention services.

Where the employer resorts to external protection and prevention services, he/she will inform the contracted service on the factors or suspected factors as having effect on workers' safety and health and will provide access to the following information:

- a) occupational hazards and the protective measures and activities undertaken both at the level of the enterprise and the individual workstation and / or function;
- b) designated workers perform such activities as provision of first-aid, fire fighting and evacuation of workers, training on use of equipment available for them.

The designated workers shall be responsible, in particular, for health and safety at work and complementary functions.

In all cases:

a) the designated workers must have completed a training in occupational safety and health and have the necessary means at their disposal.

b) the external protection and prevention services should have the necessary capacities, personal and professional means;

c) the designated workers and the external protection and prevention services should be sufficient in number in order to ensure the organization of protective and preventive measures, taking into account the size of the enterprise and / or the hazards to which workers are exposed and their distribution within the enterprise.

Protection against and prevention of occupational risks, which make the subject of this article is the responsibility of one or more designated workers by one or more separate services, regardless of the fact if they are from inside or outside the enterprise.

The designated worker (workers) and / or service (s) of protection and prevention must work together.

In the case of enterprises, where there is no danger of injury or occupational disease, the head of the enterprise may assume the duties of the designated worker, if he has completed training courses in occupational safety and health.

Committee for Safety and Health at Work

In accordance with Article 16 of Law No. 186 on occupational safety and health-XVI of July 10, 2008, a Committee on Safety and Health at Work is established at the level of enterprise, which ensures the collaboration between the employer and the workers in order to identify measures for ensuring workers safety and health at work.

The Committee on Safety and Health at Work is established based on the parity principle, of representatives of the employer and those of workers.

The initiator of establishing a Committee on Health and Safety at Work can be any of the parties.

According to item.26 of the Framework Regulation on the organization and operation of the Committee on Safety and Health at Work, approved by Government Decision nr.95 of February 5, 2009, the Committee has the following functions:

- examines and makes proposals with regard to the protection and prevention plan;
- monitors the implementation of the protection and prevention plan, including allocation of funds necessary to carry out the activities envisaged in the plan;
- examines the issues concerning the introduction of new technologies, selection of work equipment, taking into account any impact on safety and health, and also makes suggestions to remedy the deficiencies, if identified;
- examines the issues concerning the choice, purchase, maintenance and use of work equipment, as well as the collective and individual protective equipment;
- evaluates the performance of external protection and prevention service;
- provides suggestions on how to arrange the workplace, taking into account the presence of women and men and other specific risk groups;
- examines the requests related to working conditions, submitted by the workers and the way the designated workers perform their assigned duties;

- supervises the enforcement of the legal provisions on occupational safety and health, application of the measures imposed by the labor inspector, and the way equality between women and men is respected with regard to their safety and health at work;
- examines workers' proposals on the prevention of occupational risks and on improving the working conditions, and suggests to introduce them into the prevention and protection plan;
- analyzes the causes of work accidents and proposes measures for their prevention;
- carries out its own inspections on the application of instructions on health and safety at work and compiles written reports on these inspections;
- examines the written report, submitted at least once a year to the Committee by the head of the enterprise on occupational safety and health situation at the enterprise, the actions undertaken in the reporting period and the measures included in the protection and prevention plan, which are to be carried out in the coming year.

According to paragraph 27 of the same Regulations, the committee members are entitled to:

- have access to all workplaces / workstations;
- request and receive from the employer information on the safety and health status;
- debate in committee meetings the reports submitted by the employer on occupational safety and health situation;
- make proposals to be included in the protection and prevention plan;
- require employers to impose disciplinary sanctions on employees who violate the provisions of occupational safety and health law;
- propose to encourage the staff to participate in activities focused on occupational safety and health;
- inform the regional labour inspectorate and the respective workers' organization about the violations of the occupational safety and health law and regulations, committed by the employer or other person in charge.

Medical Service

According to Article 235 of the Labor Code, the medical service shall be established at enterprises with 300 or more employees. At enterprises where the number of employees is less than 300, the employer and the workers' representatives shall agree through collective bargaining on the creation of a medical service.

The medical service pursues the purpose of:

- a) organizing and carrying out, in the manner established by the legislation, the medical examination of employees on employment, as well as during the action of the individual labour contract;
- b) supervising the enforcement of labour hygiene norms.

According to its responsibilities, the medical service can propose to the employer, based on a corresponding medical certificate, to change, by transfer or detachment, the employee's workplace or work specificity due to his health condition.

The personnel of the medical service shall be formed of persons with medical education, selected by the employer at the proposal of the related public authority in the field of health protection.

Enterprises which have less than 300 employees and which do not have a medical service can apply to the services of the medical institutions in the established manner.

FINDINGS:

The Republic of Moldova has a well-structured institutional framework in the field of occupational safety and health.

However:

a) The Ministry of Labour, Social Protection and Family doesn't have skilled personnel, equipped with specific knowledge in the area of occupational safety and health;

b) The Labour Inspection doesn't have either a division charged with responsibilities in the area of occupational safety and health and has nor skilled personnel, equipped with specific knowledge in the field of safety and health at work;

c) in the Republic of Moldova there is no separate state institution responsible for health at work, which could provide qualitative services in the field;

d) in the Republic of Moldova there are no information centers on occupational safety and health. Also, there is no connection with the network of information centers on occupational safety and health of the International Labour Office and the European Agency for Safety and Health at Work.

e) the material and technical basis and the number of staff of the S.E. "Labour Relations Training Center" is very limited.

§ III. THE STATE POLICY IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH

Law on occupational safety and health No.186-XVI of July 10, 2008

The state policy on occupational safety and health is developed and reviewed in consultation with the employers and trade unions, taking account of the international norms in this field and technical progress (*Art.4*).

The state policy on occupational safety and health includes the following areas of action, to the extent they affect safety and health and the working environment (*Art 5*):

a) designing, testing, selection, replacement, installation, development, use and maintenance of the material work components (workplaces, working environment, tools, machines and materials, substances and chemical agents, physical and biological processes);

b) the links that exist between the components of work materials and the persons performing or supervising the work and the adaptation of machinery, materials, working time, labour organization and work processes to the physical and mental capacities of workers;

c) training, including periodic training, qualification and motivation of workers involved, with one title or another, to achieve the sufficient levels of safety and health at work;

d) communication and cooperation on occupational safety and health at all levels, from the level of the working group, enterprise level up to the national level.

The Government approves the minimum safety and health at work requirements for the protection of workers in certain complex activities, the use of work equipment and individual protective equipment (*Art. 6*).

The Ministry of Labour, Social Protection and Family is the central public administration body, who coordinates safety and health at work (*Art. 7*).

The Labour Inspection exercises the control over the enforcement of the Law on occupational safety and health No.186-XVI of July 10, 2008 by employers, as well as other normative acts on safety and health at work (*Art.8*).

Labour Code

(1) The main directions of the state policy in the field of labour protection are (art.222):

- a) granting priority to employee life and health;
- b) issuance and application of normative documents on labour protection;
- c) coordination of activities in the field of labour and environment protection;
- d) state supervision and control over the enforcement of the normative acts in the field of labour protection;
- e) supporting the public control over the observance of the rights and interests of employees in the field of labor;
- f) investigation and record-keeping of the work-related accidents and occupational diseases;
- g) defending the lawful interests of employees who suffered as result of work-related accidents and occupational diseases, as well as of the members of their families, by compulsory social insurance against work-related accidents and occupational diseases;
- h) determining the compensation for working in difficult, harmful or dangerous conditions, that can not be eliminated in the current technical level of production and work organization;
- i) propagation of advanced experience in the field of labour protection;
- j) participation of public authorities in the implementation of labour protection measures;
- k) training and retraining of specialists in the field of labour protection;
- l) organizing the state statistical record-keeping of working conditions, work-related accidents, occupational diseases and their material consequences;
- m) ensuring the operation of a unique information system on labour protection;
- n) international cooperation in the field of labour protection;
- o) contributing to the creation of safe working conditions, development and use of safe techniques and technologies at the production of individual and collective protection means for workers;
- p) ensure the provision of employees with equipment of individual and collective protection, with rooms and sanitary facilities, curative-prophylactic means on the employer's account.

Implementation of the main directions of the state policy in the field of labour protection is ensured through coordinated actions of central and local public authorities, employers' associations, trade unions, employers and workers' representatives.

The Ministry of Labour, Social Protection and Family exercises the coordination of labor protection in the Republic of Moldova (*Art. 223*).

The Ministry of Labour, Social Protection and Family and the Ministry of Health issue labor protection and hygiene norms, binding for enterprises, following the consultations with the employers and trade unions organizations, under the Law on Government normative acts and of other authorities of central and local government (*Art 224*).

Policy papers

In Moldova, there is lack of policy papers on occupational safety and health. As for the National Health Policy, approved by Government Decision nr.886 of August 6, 2006, it has only some links with the safety and health at work. Thus, item 68 the National Health Policy provides for strengthening the legal framework on occupational safety and health, in particular with regard to adjusting it to the European legislation in this area.

FINDINGS:

The legislation in force in the Republic of Moldova stipulates that the central specialized body of public administration is responsible for developing the state policy in the field of occupational safety and health, provides the method of the elaboration, the spheres and the main directions of this policy. However, at present in the Republic of Moldova there is no policy paper in the area of occupational safety and health.

§ IV. OCCUPATIONAL SAFETY AND HEALTH INSPECTION

In accordance with article 8 of Law No. 186 on occupational safety and health-XVI of July 10, 2008, the Labour Inspectorate exercises the control over the enforcement of this law and other normative acts on occupational safety and health by employers. The inspection activities are conducted under the provisions of the Law No.140-XV of May 10, 2001 on Labour Inspection.

According to article 1 of the Law No.140-XV of May 10, 2001 on Labour Inspection, the Labour Inspectorate is the central public administration body, subordinated to the Ministry of Labour, Social Protection and Family and exercises the state control over compliance with legislation and other normative acts in the field of labour at enterprises, institutions and organizations regardless of the type of property and legal form of organization, individuals who engage workers, and within the central and local public administration authorities.

The number of staff and the organizational chart of Labour Inspectorate can be found in Annex 1 to this report.

Under Article 8 of the Law No.140-XV of May 10, 2001 on Labour Inspection, the labor inspector, while exercising his function, upon presentation of credentials is entitled:

- to enter freely at any time of day or night, without informing the employer, in the enterprise, the work place and in the production area;
- to request and receive from the employer the documents and the information necessary for the inspection;
- request and receive, within its competence, statements from employers and employees;
- to require the immediate elimination or in a certain period of time the identified deviations from the legal provisions of other normative acts on working conditions and protection of employees in exercising their duties;
- to require the withdrawal by the competent public authorities the activity authorization (license) of the employer for intentional violations of labour laws and occupational safety and health norms, identified after repeated checks.

In addition to those mentioned above, the labor inspector charged with occupational safety and health responsibilities is entitled:

- to dispose to cease the operation (including sealing) of workshops, halls, sections, and other subdivisions of an enterprise, to cease the use of buildings, structures and machinery, and stop work and technological processes, only in an imminent threat of injury;
- to propose the cancellation of authorization on the introduction into manufacturing of prototypes of technical equipment and individual protective equipment if it is identified that, by changing the conditions that made the basis of

their issue, there is no compliance to provisions of normative acts on health and safety at work.

The Law No.304-XVI of December 25, 2008 (*in force since April 30, 2010*), introduced a number of changes and modifications to Law No.140-XV of May 10, 2001 on Labour Inspection regarding the manner, conditions and the procedure for exercising the state control over the enforcement of laws and other normative acts in the field of labour and occupational safety and health.

Based on the introduced amendments, the state control over the enforcement of laws and other normative acts in the field of labor and occupational safety and health aims to:

- verify the way the employer (the person acting on his behalf) respects the labour legislation and the law on occupational safety and health;
- provide advisory and methodological support to the employer (the person acting on his behalf) to identify effective ways of implementing the legislation and to prevent violations and their elimination;
- sanction constant infringements.

State control over the enforcement of the labour law and other normative acts in the field of labour and the law on occupational safety and health is achieved through:

- a) inspection, which aims at inspecting the overall labor compliance and occupational safety and health;
- b) thematic inspection, which aims to verify compliance with labour law, occupational safety and health law in certain periods of time or in certain industries, as well as verification of compliance with some aspects of the labour law, occupational safety and health law;
- c) unannounced inspection visit is carried out:
 - for the examination of petitions, complaints, alleging of violations of labour law, occupational safety and health;
 - for the efficient settlement of some cases of apparent violations of labour law, occupational safety and health law;
 - for the investigation of work accidents.

The inspection visit can be performed repeatedly after the time limit set by the labour inspector for the elimination of violations, enforcement and compliance with the legal prescriptions expires. The repeated inspection visit can be undertaken whenever necessary to ensure compliance with labour legislation and occupational safety and health norms.

The inspection and the thematic inspection visit are carried out in compliance with the annual Labor Inspection Programme, approved by the State Inspector General after coordination with the Ministry of Labour, Social Protection and Family.

The inspection and thematic inspection visits can be made at the request of the employer (the person acting on his behalf) the employee or trade union organization.

The State control over the enforcement of the legislation and other normative acts in the field of labour and occupational safety and health shall be carried out under the ordinance of inspection issued by:

- State Labour Inspector General;
- Deputy Labour Inspector General;
- Chief inspector of the regional Labour Inspectorate;
- Deputy chief inspector of the regional Labour Inspectorate.

The unannounced inspection visit can be conducted on the initiative of the labour inspector without the inspection ordinance, provided that the inspector informs immediately one of the people listed above.

The labor inspector informs the employer (the person acting on his behalf) about its presence before the inspection visit. Exceptions are cases where the inspector is informed by complaints submitted in writing (including electronic format) by employees, social partners, institutions and organizations concerned, which shows that the employer:

- violates the labour legislation and the occupational safety and health law;
- does not eliminate violations of occupational safety and health identified in the previous inspections;
- does not inform about the work accidents that took place at the enterprise.

The duration of an inspection visit should not exceed 3 working days. When necessity, the Labour Inspector General, or his deputy, may extend this period. The State control over compliance with legislation and other normative acts in the field of labour and occupational health and safety norms is completed by developing the minutes over the inspection visit, which is approved by the State Labour Inspector General. In the minutes, the labour inspector shall describe briefly the identified infringement, states the provisions of other laws and regulations that have been violated and disposes immediate compliance the legal provisions or, where necessary, within a reasonable period of time.

If during the inspection visit no violations are being identified, the labor inspector shall record in the inspection minutes the information on the compliance with the legislation and other normative acts in the field of labour and occupational safety and health law.

If the labour inspector finds that the use of buildings, structures and machinery, the technological progress and working processes present an imminent danger of injury, the labor inspector disposes, through a prescription written in line with the form and the model approved by the State Inspector General, to cease the

operation, to evacuate the staff from the work place at risk and eliminate the identified hazards. The prescription shall include brief information on the essence of the infringement, its imminent danger of injury, the legal provisions and other normative acts which have been violated and which lead to the respective risk/hazard. The prescription is signed by the inspector and the employer (the person acting on his behalf).

If the labour inspector disposes to stop the use of buildings, structures, technical equipment and technological processes which constitute an imminent threat of injury, the inspector records this in the inspection visit minutes. A copy of the prescription is attached to the inspection minutes.

In the case when the elimination of the danger needs time, the labor inspector seals devices for the connection to power supply, control panels, moving parts or other parts of buildings, installations, technical equipment with imminent danger of injury. The seal is applied in such a way as to prevent reuniting into operation, leaving access only for removing the danger. The labour inspector indicates in the prescription the application of the seal, its number and location and informs his supervisor and the employer (the person acting on his behalf) about it.

The labour inspector disposes in the prescription, to be informed in writing, of the elimination of the violations posing risks of injury.

In order to accomplish its objectives the Labour Inspection carries out actions to prevent irregularities in the field of occupational safety and health and compliance with legal provisions.

In this context, surveillance over the compliance with laws and other normative acts in the field of labour and occupational safety and health, the Labour Inspectorate and its regional subdivisions carried out more than 6,000 annual inspection visits to enterprises with more than 340,000 employees, of which over 50% are women. The total number of inspection visits around 55% percent focus on enforcing the legal framework related to occupational safety and health

Of the total number of inspection visits 70% are background checks, 20% - unannounced, 8% - thematic inspection visits, 2% - repeated inspections.

The distribution of the number of inspections by field of activity are as follows:

- 28% - enterprises in the field of commerce;
- 19% - collective, individual and social service activities;
- 17% - undertakings in agriculture;
- by 7% - enterprises from the manufacturing industry, construction and education;
- 4% - enterprises from transportation branch;
- by 3% - public administration and health care units;
- by 1 % - undertakings from the extracting industry, energy, hotels, financial institutions and other activities.

Inspection visits are always completed by elaborating the minutes of the inspection visit, where the labour inspectors register annually about 34,000 different health and safety deficiencies and violations of labour law. Also in the minutes the labor inspectors prescribe the necessary measures to be taken in order to ensure compliance with the legal provisions on safety and health at work.

It should be noted that labor inspectors do not have an electronic data processing system, which reduces the degree of the efficiency of inspection activities, and decreases the opportunity to comply with the legislation and the effectiveness of preventive measures recommended by the labour inspectors.

The most frequently encountered health and safety deficiencies and deviations from the relevant legal provisions are:

- lack of protection and prevention strategies;
- employment of people without any training and in particular, training in occupational safety and health;
- work performed under conditions of high risk;
- use of outdated and dangerous technologies;
- lack of protective equipment;
- inappropriate location of work processes;
- use of improvised protective devices;
- failure to carry out the attestation of the work place.

The efforts made by labor inspectors during the inspection activities in monitoring the enforcement of the legal framework and occupational safety and health at work contribute to establishing a trend of apparent compliance of employers to the legal provisions from the field, fact that leads to improving safety and health at work.

The inspection visits and the measures disposed by the labor inspectors certify that employers take steps and measures to ensure workers' safety and health. These measures are included in the annual prevention plans and refer to:

- modification of equipment and work processes with high risk of injury;
- replacement of equipment with less hazardous or non-hazardous equipment;
 - equipping machinery with guards;
 - provision of exhaust systems for hazardous the working environment;
 - training of employees on safety and health;
 - providing employees with individual protective equipment and work equipment, etc.

About 65% percent of businesses visited by labour inspectors have such prevention plans.

In order to raise the interest in ensuring occupational safety and health, the Labour Inspectorate informs, the population, through various media about the

legislation in the area and the means of compliance. The information processes includes the central and local media, various radio and television stations. To this end the leadership of the Labour Inspection frequently participates in radio and TV programs focused on promoting application of the legislation on occupational health and safety.

For many years now, the Labour Inspectorate organizes, performs and participates in various meetings with the representatives of local authorities and business representatives. At these meetings various situations are debated pertaining to legislation enforcement and occupational safety and health norms, pursuing the purpose of ensuring safe working conditions and preventing work accidents.

In order to ensure that the requirements of occupational safety and health are being respected the Labor Inspection collaborates with the National Confederation of Employers from the Republic of Moldova, the National Confederation of Trade Unions from Moldova and other interested institutions.

Under the Cooperative Agreement with the National Confederation of Trade Unions of Moldova and Cooperation Agreement with the National Confederation of Employers of the Republic of Moldova, the collaborators of the Labour Inspection participate in various activities organized with a view of raising awareness and promoting security and health at work.

Special attention is paid and action is taken in order to ensure and achieve a continuous process of training of labor inspectors. In this context, various seminars and instructive trainings were organized for the labor inspectors. They were organized and conducted with the participation of specialists from the central office of the Labour Inspectorate, foreign experts, including the ILO support.

Indicators of the Labour Inspection activity are reflected in Annex 2 to this report.

FINDINGS:

Labour Inspection in its activities applies all legal mechanisms to help increase safety and health at work.

However, Labour Inspection:

- a) doesn't have enough staff;
- b) does not have an automated data processing system, fact that affects both the efficiency of the activities, as well as its institutional capacity.

§ V. OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Statistics on occupational safety and health is an integral part of national statistics and is regulated by the Law on Official Statistics No. 412-XV of December 9, 2004.

Statistical data on occupational safety and health are collected from enterprises annually, according to methods set by the National Bureau of Statistics, on a regional representative sample and activity domains.

Statistical data are collected based on a statistical report form-OSH, which is approved by the National Bureau of Statistics. The form covers the following:

- name, legal address, field of economic activity of the enterprise;
- number of staff;
- costs for carrying out occupational safety and health measures;
- number of injured at work;
- desegregation of accidents per circumstances and causes;
- working conditions;

According to statistics, the number of enterprises which make the statistical report on "Safety and Health at Work" is more than 5500, with a staff of more than 20 employees.

Number of enterprises and the number of employees in the existing records in the years 2006 - 2009 are reflected in Annex 3 to this report.

According to statistics, only about 4 % of the total number of employees works in poor working conditions that do not meet the occupational safety and health requirements. The most frequent poor working conditions are:

- increased noise levels;
- high vibration level;
- lighting deviations from the norms;
- a high concentration of gas, dust and other impurities from the work environment, that exceed the allowable limits;
- temperatures deviating from the acceptable values;
- increased air humidity;
- physical effort.

According to statistics, in order to prevent work accidents and ensure safe working conditions, all the employers annually spend an overall amount exceeding 18 million lei.

The Number of staff employed in working conditions that do not meet the norms of occupational safety and health in the years 2006-2009 is reflected in Annex 4 to this Report

FINDINGS:

In the Republic of Moldova there is legal coverage for occupational safety and health statistics. This is done based on a standardized OSH-form. Statistical data collection is done on samples of enterprises with a staff of more than 20 employees. However, the enterprises that have less than 20 employees are left out of the data collection process, fact that hampers the possibility to have an adequate and clear picture of the situation on occupational safety and health as a whole.

The OSH form does not include information and indicators on:

- number of enterprises engaged in occupational safety and health in an organized manner;
- number of persons designated to carry out occupational safety and health;
- number and categories of personnel trained in safety and health.

§ VI. WORK ACCIDENTS AND OCCUPATIONAL DISEASES

According to art.222 of the Labour Code, among the main directions of state policy in the field of health and safety at work are the investigation and record of work accidents and occupational diseases.

According to art.225 u) of the Labour and art.13 p) of Law No. 186-XVI on occupational safety and health of July 10, 2008, the employer is obliged to ensure communication, investigation, record keeping and reporting of work accidents and occupational diseases produced at the enterprise, to develop and implement measures for their prevention.

Investigation of work accidents is carried out in accordance with the Regulation on the investigation of work accidents, approved by Government Decision No.1361 of 22 December 2005.

In accordance with item 3 of that Regulation, a work accident is the event that caused a violent injury to employee's body (injury, psychological distress, shock, burn, frostbite, asphyxiation, acute poisoning, injuries caused by insects and animals, natural disasters, etc..) due to a risk factor (trait, state, process, phenomenon, behavior) from the work system (executing work tasks, means of production, working environment) and which lead to temporary or permanent loss of working capacity or to employee's death:

- a) while carrying out the task or duties;

b) before or after finishing work, when the employee moves from the entrance of the enterprise, institution, organization to the workplace and vice versa, changes the individual clothing, individual and collective protective equipment and vice versa, takes or hands over the workplace and the means of production;

c) during breaks, when the employee is within the enterprise or at the workplace and while visiting the sanitary-hygienic premises or other auxiliary premises;

d) when traveling from home to work and vice versa, with transportation provided by the enterprise, as established, and during boarding or disembarking from the means of transport;

e) while moving from the enterprise where the employee is employed to a workplace situated outside the enterprise or to another enterprise and vice versa, to complete a task or his/her job duties, during the time set for this and on the route of travel, irrespective of the means of transport or travel;

f) while participating in cultural events, sports or other activities organized by the enterprise, based on order or instruction issued by the employer;

g) in the case when the employee on his own initiative acts in order to prevent or remove a hazard or to rescue another person from danger in the circumstances specified in subparagraphs a), b), c), d) and f) of this paragraph;

h) during the production training or professional internship under a contract signed between the employer and educational institution, between the employer and the students.

This Regulation obliges the employer to immediately notify the Labour Inspectorate about the work accidents and to ensure their investigation. This regulation also stipulates that temporary disability accidents can be investigated by the employer, while serious occupational accidents and fatalities are investigated by the labor inspectors. Under these Regulations the employer is obliged to report annually all work accidents to the statistics body.

Although, specific preventive measures are being undertaken, due to safety deficiencies, annually around 550 persons get injured in work accidents (according to statistical data).

Work accidents dynamics for the years 2006-2009 and 2010 is presented in Annex 5 to this report.

Work accidents involve some financial and material losses. The number of work accidents for the years 2006-2009 determine an index of frequency between 0.88 to 1.07 (*the number of accidents per 1000 employees*) and an average index for the duration of temporary work incapacity due to work injuries between 22.19 to 32.6 (*the number of days-man of temporary work incapacity per injured person*).

Material losses, the frequency index and the index of average length of temporary work incapacity are reflected in Annex 6 to this report.

The highest percentage of work accidents between the years 2006-2009 is in manufacturing which affected 668 persons, followed by in energy, gas and water sectors with 168 injured and then agricultural and construction sectors with 167 injured each.

Between 2006-2010 the labour inspectors investigated 189 fatal work accidents.

The distribution of accidents produced in 2006 - 2010 by type of activity shows that the largest share of work accidents occur in construction - 38 fatalities, followed by agriculture and forestry with 36 fatal accidents and deaths, after which comes manufacturing with 15 fatal accidents and then energy, gas and water sectors with 15 fatalities.

Statistics show that the most frequent workplace accidents occur in circumstances pertaining to:

- fall from a height and from the same level;
- grip, hitting or crushing of machinery, tools, transport units, different objects;
- fall, collapse or projection of objects.

The accidents are most often caused by:

- work execution - from 50% to 80% of cases of accidents;
- work load - from 6% to 38% of cases of accidents;
- production means - from 6% to 12% of cases of accidents;
- working environment – from 5% to 6% of cases of accidents.

The causes and circumstances that lead to occupational accidents are linked to deficiencies of knowledge and skills to organize the work processes, to determine, formulate and perform tasks in hazardous working conditions.

Distribution of accidents per circumstances and causes for 2006-2009 is shown in Annex 7 to this report.

The analysis of occupational morbidity conducted by the Ministry of Health shows that in the years 2000-2009 in the Republic of Moldova 296 cases of occupational disease were registered with 335 people affected. Thus, occupational morbidity index was on average 2.4 per 100 thousand employees.

Of all occupational diseases reported in this period:

- 36,1% - were caused by vibration;
- 22,1% - were caused by toxic chemical action;
- 13,7% - were caused by the action of pathogens;
- 11,3% - were caused by the action agrochemicals;

- 7,8% - were caused by the action of dust;
- 3,3% - were caused by the action of noise;
- 5,7% - were caused by the action of other factors.

The occupational morbidity per profession in the reporting period is as follows:

- mechanical workers – 38,5%;
- workers of industrial enterprises – 18,8%;
- health workers – 17,0%;
- agrochemical workers – 5,4%;
- other jobs – in total 20,3%.

Of particular importance in the emergence of chronic occupational diseases has the duration of work in harmful and unfavorable conditions. It was discovered that the greater the seniority, the higher the incidence of occupational diseases and vice versa. The share of those affected, who have a working experience of more than 25 years is 39.1%, from 20 to 25 years - 21.5% from 15 to 20 years - 15.8% and up to 15 years - 23.6%.

The causes that have contributed directly or indirectly to the formation of professional morbidity indices are:

- lack of heating systems in the production and auxiliary sections during the cold season;
- unfavorable microclimatic parameters;
- cold air currents;
- lack of or ineffective operation of ventilation systems;
- presence of toxic chemicals in the air, physical and biological factors, which often exceeds the maximum permissible levels;
- imperfect work places;
- non-observance of labor and leisure regimes and health and safety requirements at work.

The above mentioned facts confirm the existence of a correlation between the real status of working conditions in the majority enterprises, the impact of risk factors of various nature- chemical, physical, biological, psycho-emotional, production environment on the body of employees; insufficient provision of employees with special protective equipment and individual protective means; in many cases lack of hot meals, medical assistance at the workplace and the increased level of morbidity with temporary work incapacity of employees from the main branches of the national economy.

FINDINGS:

Although, employers take measures to prevent work accidents and occupational diseases, there are certain shortcomings in occupational safety and health, which lead to these events.

§ VII. RECOMMENDATIONS

1. To bring the provisions of the Labour Code and other normative acts in line with the provisions of the Law on occupational safety and health 186-XVI of July 10, 2008.
2. To develop and submit for adoption the normative acts envisaged in the National Plan for legislation harmonization for 2010 and the National Plan for legislation harmonization for 2011.
3. To transfer into the national legislation the EU Directives on health and safety at work, envisaged in the future Moldova-EU Association Agreement.
4. To strengthen the capacities of the Ministry of Labour, Social Protection and Family in the field of occupational safety and health it is important to consider the establishment of a separate internal subdivision with distinct functions and responsibilities in the respective field (*3-5 persons with special knowledge in the field of health and safety at work*).
5. To increase the number of staff and strengthen the capacities of Labour Inspectorate, establish within the Labour Inspectorate a separate internal subdivision responsible for occupational safety and health (*3-5 persons, personnel with expertise in occupational safety and health*).
6. To equip the Labour Inspectorate with an electronic data processing systems and maintenance programs. To develop a computerized record keeping system of inspected enterprises, deviations from legal norms and health and safety deficiencies identified during the inspection visits, the measures that have been taken by the labour inspectors in order to redress the situation and the results obtained following the implementation of the respective measures.
7. To develop, adapt and implement training and retraining programs for staff of the Labour Inspectorate.
8. To direct the inspections activities to the areas with the highest risk for injury or illness, including:
 - a) manufacturing industry;
 - b) construction sites;
 - c) agricultural activities;

- d) energy;
- e) telecommunications.

9. To endow the technical material basis, to build the capacity and increase the number of staff of the S.E. "Labour Relation Training Center".

10. To develop and approve a national program or a strategy on occupational safety and health and ultimately an Action Plan for its implementation.

11. To consider the possibility of ratifying by the Republic of Moldova ILO Convention nr.161 on Occupational Safety and Health.

12. To consider the possibility of creating a separate state institution responsible for occupational safety and health, able to provide qualitative services in the field of reference.

13. To consider the possibility of creating an information center on health and safety at work, that will have links with the network of information centers on health and safety at work of the International Labour Office and the European Agency for Safety and Health at Work.

14. To improve the method of statistical data collecting and its inclusion in the data collection processes and enterprises engaging up to 20 employees.

15. To supplement the Statistical OHS Form with chapters that would allow data collection on:

- number of enterprises carrying out activities in the area of health and safety at work in an organized manner;
- number of persons designated to carry out occupational safety and health activities;
- number and categories of personnel trained in occupational safety and health.

16. To tighten the administrative penalties for failure to ensure safe working conditions to employees.

17. To improve the legal framework related to insurance against work accidents and occupational diseases, in order to establish social insurance rates proportional to the risk of injury and illness in the enterprise.

18. To promote through various mass-media, the provisions of the legislation on occupational safety and health and ways for compliance.

19. To raise public awareness on the dangers posed by deficiencies related to health and safety at the workplace, by risks of accidents and occupational diseases at the workplace, as well as about the direct and indirect losses arising as a consequence of work accidents and occupational diseases.

20. To make 28 April the official World Day for Safety and Health at Work in the Republic of Moldova the (*this day is marked as the International Day to commemorate employees injured or killed at work*).

21. To introduce a national prevention culture and to encourage observance of safety and health of workers through:

- a) increased awareness, knowledge and understanding of the concept of risk and hazard, starting from the basic education and continuing throughout the active life;
- b) development of prevention practices and risks control at all levels.