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“Towards safe, healthy and declared work in Ukraine”

OSH

MSP Order No. 1804, of 29.11.2018

**“On approval of the Minimum Safety and Health Protection
Requirements for the Use by Workers of Personal Protective
Equipment at the Workstation”**

**EU-ILO project technical recommendations
on its better alignment with International and European Labour
Standards and best practices**

August, 2021

CONTENTS

EXECUTIVE SUMMARY 3

I. MAIN POSITIVE ASPECTS 5

II. KEY ASPECTS TO IMPROVE 6

III. DETAILED RECOMMENDATIONS 11

REFERENCES..... 79

EXECUTIVE SUMMARY

The Ministry of Social Policy (MSP) Order No. 1804, of 29.11.2018, “On approval of the Minimum Safety and Health Protection Requirements for the Use by Workers of Personal Protective Equipment at the workstation”, is aimed at aligning national legislation with the Council Directive 89/656/EEC, of 30 November 1989, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (3rd individual Directive) as foreseen in Article 424 and Annex¹ XL to Chapter 21 of the [Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part](#) (AA).

The present technical advice and recommendations, to the MSP Order No. 1804, are provided within the scope of the EU-ILO Project “[Towards safe, healthy and declared work in Ukraine](#)”, under the activities 1.1.1 and 1.1.2.

They were prepared, on behalf of the ILO, by Manuel Joaquim Ferreira Maduro Roxo, Senior Labour Inspector, former Deputy Inspector-general of the Portuguese Authority for Working Conditions, University teacher of OSH and author of several books on OSH.

They are intended to promote a better alignment of MSP Order No. 1804 with the main applicable international² and European³ labour standards and best practices.

They build on the previous EU-ILO Project “[Enhancing the Labour Administration Capacity to Improve Working Conditions and Tackle Undeclared Work](#)” contributions. Specially in what concerns the analysis and recommendations contained in the supported “[National Occupational Safety and Health Profile Ukraine - 2018](#)”, the proposed “[Guidelines and Recommendations to the Concept on the Reform of the National System for Occupational Risk Prevention and Promotion of OSH](#)”, the “[Brief notes on the main aspects of the alignment between Ukrainian national legislation and selected EU directives](#)” and the “[White Paper on EU Directives and Reform of OSH and Labour Relations’ Legislation](#)” and the “[Roadmap for alignment of the Ukrainian legislation on working conditions with the EU legal framework](#)”.

They also follow five sets of technical recommendations of the EU-ILO Project (provided in [October](#) and [November](#) of 2020 and in [February](#), [June](#) and [July](#) of 2021), regarding the alignment of the ME draft Law “On Occupational Safety and Health of Workers” (aimed at transposing the

¹ See pp. L 161/157 and L 161/1983, of the Official Journal of the European Union, of 29.5.2014.

² In particular, with the ILO [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#); [Occupational Safety and Health Convention, 1981 \(No. 155\)](#); the [Occupational Health Services Convention, 1985 \(No. 161\)](#); the [Labour Inspection Convention, 1947 \(No. 81\)](#); and [Labour Inspection \(Agriculture\) Convention, 1969 \(No. 129\)](#).

³ Most especially with EU 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, the Council [Directive 89/656/EEC](#), of 30 November 1989, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace and the [Regulation \(EU\) 2016/425](#) of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC.

EU OSH Framework Directive 89/391/EEC to the national legal framework) with the relevant International and European Labour Standards and best practices.

The present technical recommendations should not be seen as official comments of the ILO or as a replacement of the positions of its supervisory bodies.

Moreover, the expert technical opinions expressed therein neither reflect the official opinion of the European Union nor its responsibility can be attributed to the European Union.

The first section highlights the main positive aspects of the MSP Order No. 1804, of 29.11.2018, “On approval of the Minimum Safety and Health Protection Requirements for the Use by Workers of Personal Protective Equipment at the Workstation”. The key aspects that need further improvement are summarized in section II. Section III, identifies and details the needed amendments and proposes a more adequate wording for the concerned provisions along with the applicable rationale.

It is our expectation that these technical recommendations may contribute to improve national legislation, aligning it better with the relevant International and European labour standards and best practices, and effectively promote safer and healthier working conditions in Ukraine.

Kyiv, 6 August 2021

EU-ILO Project
“Towards safe, healthy and declared work in Ukraine”
ILO Office for Central and Eastern Europe

I. MAIN POSITIVE ASPECTS

Looking at the provisions of the MSP Order No. 1804 under analysis, in light of the main applicable International and European Labour Standards and best practices, it is possible to identify some positive aspects.

The latter include, among others, the following:

1. The development of a modern legal regulation, aligning national legislation with the applicable International and European labour standards and best practices in the area of safety and health requirements for the use by workers of personal protective equipment (PPE) at the workplace.
2. The specification of the employers' obligations on the use of PPE in safety and health good conditions (e.g., the principle of exceptionality and subsidiarity in the use of PPE regarding preventive measures of a collective or organizational nature, the criteria of their adaptation to work, to risk and to the worker, the assessment of occupational risks to be protected against by the use of PPE, the provision of information, instructions and training to workers, and ensure their consultation and participation).
3. The establishment of the minimum requirements and rules to be applied in the selection and provision of personal protective equipment (PPE).
4. The provision of more demanding prescriptions than the PPE directive itself, especially on the supervision and maintenance. In several EU member states, there are recommendations on the process and its management, through the provision of checklists⁴, instead of prescribing what the user has to do and when.
5. The Ukrainian legislation will be coordinated, simplified, and extended to new sectors, which will contribute to the improvement of its practical implementation.
6. It is linked to a more goal-oriented and organizational preventive approach performance, as requested by the EU Council Directive 89/391/EEC, of 12 June 1989, the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Health Services Convention, 1985 (No. 161).

⁴ European Commission. (2017). Evaluation of the Practical Implementation of the EU Occupational Safety and Health (OSH) Directives in EU Member States: [Report by Directive: Directive 89/656/EEC](#) on the Minimum Health and Safety requirements for the use by workers of personal protective equipment at the workplace.

II. KEY ASPECTS TO IMPROVE

When analyzing the MSP Order No. 1804, some aspects need to be further addressed and improved, in order to be better aligned with the aforesaid international and European labour standards and best practices.

They comprise, *inter alia*, the following:

1. This legal act should be a CMU Decree (instead of a Ministry Order). The Directive is a text with general application in all EU countries and, therefore, its implementation should adopt a legally equivalent instrument. The choice of a higher hierarchical legislative act is adopted by all EU member states, as evidenced by the assessment carried out in 2004 by the European Commission.⁵ The legal instrument must have the necessary legal power to ensure its effective implementation, overcoming contrary provisions of existing legal acts, as well as to ensure its sustainability, perennality that are needed to the certainty and security of legal system, as previously recommended⁶. It is also about the consistency of the reform of OSH legislation in its internal relations, as well as with pre-existing acts, using the hierarchy of laws in a more appropriate way.
2. The legal act systematics, structure and clarity should be improved, in order to simplify it and to facilitate its understanding and alignment with the EU Directive 89/656/EEC, of 30 November 1989. Some examples:
 - a. All paragraphs of the Articles of the Decree, as well as all the Sections of the Annexes should be dully and hierarchically numbered, in order to facilitate the understanding of the legal provisions and their cross-reference within the text and, most especially, to facilitate its overall understanding and effective application.
 - b. The definitions, legal provisions, as well as the terminology used, must improve the consistency with the Draft Law “On Occupational Safety and Health of Workers”, aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, of 12 June 1989, concerning the introduction of measures to encourage improvements in the safety and health of workers at work.

⁵ See, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the practical implementation of the provisions of the Health and Safety at Work Directives 89/391 (Framework), 89/654 (Workplaces), 89/655 (Work Equipment), 89/656 (Personal Protective Equipment), 90/269 (Manual Handling of Loads) and 90/270 (Display Screen Equipment), Brussels, 05.02.2004, [COM\(2004\) 62 final](#)

⁶ See, for example, the recommendation “To provide that the legal acts transposing the EU OSH legal framework have a reinforced nature in relation to other legislation”, as laid down on point 4) of section “2 - Legislative measures” of “Part IV – Recommendations”, in the in p. 48 of the “[White Paper on EU Directives and Reform of OSH and Labour Relations’ Legislation](#)”, to avoid the risk of “Option for hierarchically lower legal sources” associated with the “Strategic measures” of “Assume a legislative intervention program”, as identified in the “Part V - Roadmap” table in the 53 of the same document.

- c. It is also advisable to foresee, in the legal act structure, the regulation of the legal competencies for promoting and enforcing the compliance with its legal provisions, as well as foreseeing the sanctions for its non-compliance.
 - d. It is also recommended, under the proposed “Final and transitional provisions”, to provide for the date of entry into force of this legal act, the indication of the legislation repealed with its entry into force, the adjustment of its annexes where appropriate, and the implementation of the measures necessary to conform the legal framework with its provisions, in order to ensure its effective application.
3. Some terms used throughout this legal act should be changed, in order to improve clarity, simplicity and terminology consistency and to better align them with International and European Labour Standards and best practices.
- a. Terms such as “economic entities” or “enterprise” should be replaced, throughout the text, by the more adequate term “employer”, not only because this legal act is part of labour legislation (thus regulating the rights and obligations of employers and workers, within employment relationships, and not as market or economic operators), but also to ensure the necessary consistency with the term “employer” already defined in the proposed fourth part of Article 21 of the Code of Labour Laws, as amended by the ME Draft Law “On amending the Code of Labour Laws of Ukraine concerning the definition of the concept of employment relationship and the indicators of its existence” and as also defined in the subparagraph 30) of paragraph 1 of Article 1 of the ME Draft Law “On Occupational Safety and Health of Workers”, aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, of 12 June 1989, concerning the introduction of measures to encourage improvements in the safety and health of workers at work.
 - b. In the frequently used expression “health protection” (for example, in the case of the expression “Minimum Safety and Health Protection Requirements”), the word “protection” should be deleted, because:
 - i. The use of Personal Protective Equipment is not just for the protection of the health of the workers, but also to secure their safety and to prevent their exposure to occupational risks which were not eliminated (or sufficiently reduced) by other upstream preventive and protective measures; and
 - ii. To better align with Council Directive 89/656/EEC, of 30 November 1989, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace.
 - c. The term “labour protection”, frequently used across the MSP Order No. 1804, respective Minimum Requirements and Annexes, should be replaced by the term “safety and health”, because the former reflects a retrograde approach to Occupational Safety and Health, mainly focused on a reactive, protective, corrective and compensatory approach, instead of a modern preventive approach,

based on prevention and on risk management (i.e., risk assessment and control). In fact, while an approach based on protection is mainly aimed at minimizing the consequences of a damaging event that already took place, the approach based on prevention - which is the one foreseen by the EU OSH legal framework, in particular by the EU OSH Framework Directive 89/391/EEC, is mainly aimed at preventing the occurrence of the damaging event from the outset.

- d. Other aspect that needs to be addressed is the confusion between the term "workplaces" and "workstations". It is important to clarify that the term "Workplaces" is wider than the term "workstation". A workplace can contain one or more workstations. "Workplace" can be defined as "the place intended to house workstations on the premises of the undertaking and / or establishment and any other place within the area of the undertaking and /or establishment to which the worker has access in the course of his employment" (as foreseen in Article 2 of Council Directive 89/654/EEC, of 30 November 1989, on the minimum safety and health requirements for the workplace). It can also be defined as "all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer" (as foreseen in Article 3(c) of ILO Convention No. 155). Workstation, on the other hand, means the specific and individual place/station/spot which, in principle, is assigned to just one person to work.
4. The title of the MSP Order No. 1804, of 29.11.2018 ("On approval of the Minimum Safety and Health Protection Requirements for the Use by Workers of Personal Protective Equipment at the Workstation") should be replaced by "Minimum Safety and Health Requirements for the Use by Workers of Personal Protective Equipment at the Workplace", throughout the text of the Order, Minimum Requirements and Annexes 1 to 4, for the following reasons:
 - a. The use of Personal Protective Equipment is not just for the protection of the health of the workers, but also to secure their safety and to prevent their exposure to occupational risks which were not eliminated or sufficiently reduced by other upstream preventive and protective measures;
 - b. The Personal Protective Equipment is to be provided not just to workers at workstations, but also to workers at other locations of the workplace which are not necessarily workstations (such as accesses to workstations, production areas, dangerous areas, circulation paths, stairs, scaffolds, silos, confined spaces, construction sites, platforms, work equipment, warehouses, storage places, parking lots, traffic routes and, in general, at workplaces) within which workers might be exposed to occupational risks not eliminated or sufficiently reduced by other preventive and/or protective measures.
 - c. To better align with Council Directive 89/656/EEC, of 30 November 1989, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace.

5. It should be specified, as recommended, that the provisions of the Law of Ukraine “On Occupational Safety and Health of Workers” (which transposes the EU OSH Framework Directive 89/391/EEC) also applies to the minimum requirements for the provision of PPE, without prejudice to more stringent and/or specific provisions laid down in this present Decree, in order to better align with Article 1(4) of Directive 92/58/EEC and ensure an increased protection to the safety and health of the workers, avoiding legislative gaps and the need to repeat all the provisions of the legal act transposing the EU framework Directive in each legal act transposing each individual Directive.
6. Omission of the definition of the state authority that has the legal competence to promote, control and enforce compliance with its legal provisions. In EU member states, the most common, is that enforcement of the Use of PPE Directive is the responsibility of the general authority for labour inspection, supported by the definition of criminal or administrative sanctions.⁷ It is, therefore, recommended to provide that the central executive authority that implements the State policy on state control of compliance with the labour legislation have legal competencies to ensure the promotion, control and enforcement of the legal provisions of this Decree, ensuring a better alignment of this legal act with:
 - a. Article 9(1) of ILO Occupational Safety and Health Convention, 1981 (No. 155), according to which "the enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection";
 - b. Article 3(1) of the ILO Labour Inspection Convention, 1947 (No. 81) and Article 6(1) of the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), which define the main functions of the system of labour inspection; and
 - c. Article 4(2) of EU Directive 89/391/EEC, according to which the States "shall ensure adequate controls and supervision".
7. Absence of legal provisions aimed at sanctioning the violation of the provisions of this legal act. It is, therefore, recommended to provide for adequate and dissuasive penalties for the violation of the provisions of this legal act, in order to ensure their compliance and to better align it with the applicable international and European labour standards. In particular, with the following:
 - a. Article 9(2) of ILO Convention 155, according to which "The enforcement system shall provide for adequate penalties for violations of the laws and regulations"; and
 - b. Article 18 of ILO C081 and Article 24 of ILO C129, according to which "adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".

⁷ European Commission. (2017). Evaluation of the Practical Implementation of the EU Occupational Safety and Health (OSH) Directives in EU Member States: [Report by Directive: Directive 89/656/EEC](#) on the Minimum Health and Safety requirements for the use by workers of personal protective equipment at the workplace.

8. Omission of the final and transitional provisions, regarding the entrance into force of the Decree, as well as providing for the adequate adjustment of the Annexes where and when necessary to adapt them to national and international standards and to technical progress and for the need to ensure the conformity of other national legislation legal and procedures with this Decree. The recommended provisions should therefore be inserted, also ensuring a better alignment of the legal act with Article 9 of the Directive 89/656/EEC.
9. The annexes contained in the MSP Order No. 1804, of 29.11.2018, are structured without considering the amendment operated by the Commission Directive 2019/1832 of 24 October 2019 amending Annexes I, II and III to Council Directive 89/656/EEC, as regards purely technical adjustments. These amendments were aimed at ensuring consistency with the risk classification laid down in Regulation (EU) 2016/425 and to align them with terminologies used and types of personal protective equipment referred to in the same regulation, containing provisions on safety and health regarding their design and manufacture. Besides the substantial amendment of the titles and content of the annexes, it was also necessary change the references to the articles of the text of the Decree, as well as to reorganize, reorder and renumber them. As a result, we recommend the use of the revised Annexes I to IV, as amended and presented in final part of “Section III. Detailed Recommendations” of this report, immediately after the brief comments to the Annexes 1 to 4 of the MSP Order, made in the table with the detailed recommendations concerning it.

The more detailed recommendations, concerning the main aspects referred to above, as well as many others, along with their respective rationale, are presented in the next section.

III. DETAILED RECOMMENDATIONS

MSP Order No. 1804 provision's wording	Recommended wording	Rationale
<p>APPROVED</p> <p>Order of the Ministry of Social Policy of Ukraine No. 1804 of 29 November 2018</p>	<p>APPROVED</p> <p>Decree of the Cabinet of Ministers of Ukraine No. ___ of _____ 202X</p>	<p>Should be changed, as recommended, in order to ensure that the EU Council Directive 89/656/EEC, of 30 November 1989, on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace, is transposed through a CMU Decree (Постанова Кабінету Міністрів України) and not through a Ministry Order, thus securing the necessary legal power (to be effective and to overcome eventual contradictory provisions contained in existing legal acts), as well as guaranteeing its sustainability and legal stability over time and offer guarantees of security and certainty in the legal order.</p>
<p>Minimum Safety and Health Protection Requirements for the Use by Workers of Personal Protective Equipment at the Workstation</p>	<p>Minimum Safety and Health Requirements for the Use by Workers of Personal Protective Equipment at the <u>Workplace</u></p>	<p>It has to be amended, as recommended, because the use, in the title, of the term “workstation” (instead of “workplace”) is wrong and not aligned with Directive 89/656/EEC. The PPE’s are to be used at the workplace, which might include, besides workstations, other locations of the workplace which are not necessarily workstations (such as accesses to workstations, production areas, dangerous areas, circulation paths, stairs, scaffolds, silos, confined spaces, construction sites, platforms, work equipment, warehouses, storage places, parking lots, traffic routes and, in general, at workplaces) within which workers might be exposed to occupational risks not eliminated or sufficiently reduced by</p>

MSP Order No. 1804 provision's wording	Recommended wording	Rationale
		<p>other preventive and/or protective measures. This error, moreover, reflects a clear confusion between the term "workplaces" and the term "workstations". The term "Workplaces" is wider than workstation. A workplace can contain one or more workstations. "Workplace" can be defined as "the place intended to house workstations on the premises of the undertaking and / or establishment and any other place within the area of the undertaking and /or establishment to which the worker has access in the course of his employment" (as foreseen in Article 2 of Council Directive 89/654/EEC, of 30 November 1989, on the minimum safety and health requirements for the workplace). It can also be defined as "all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer" (as foreseen in Article 3(c) of ILO Convention No. 155). Workstation, on the other hand, means the specific and individual place/station/spot which, in principle, is assigned to just one person to work.</p> <p>It should also be amended, in order to delete the word "Protection", because the use of Personal Protective Equipment is not just for the protection of the health of the workers, but also to secure their safety and to prevent their exposure to occupational risks which were not eliminated or sufficiently reduced by other upstream preventive and protective measures.</p>

I. General provisions	Section I - General provisions	Should be inserted to better align with EU Directive 89/656/EEC and also to improve legal act systematics, structure and clarity.
	Article 1 - Object and scope of application	The referencing of the text to sections, articles and, when necessary, their subdivision into numbers and paragraphs is consistent with the hierarchical level of a decree and the correspondent organization of legal expression.
<p>1 - These Minimum Requirements lay down general requirements for personal protective equipment (hereinafter referred to as “PPE”) used by workers at work.</p> <p>3. These Minimum Requirements have been developed on the basis of the Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workstation (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).</p>	<p>1. This Decree lays down the minimum safety and health requirements for the use by workers of personal protective equipment (hereinafter referred to as “PPE”) at the <u>workplace</u> and implements the provisions of the Council Directive 89/656/EEC, of 30 November 1989 (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC).</p>	<p>Should be changed, as recommended, to better align with EU Directive 89/565/EEC, and with the nature this legal act (which should be a CMU Decree).</p> <p>In addition the term “workstation” should be replaced by “workplace”. As mentioned above, this error reflects a clear confusion between the term "workplaces" and the term "workstations". The term “Workplaces” is wider than “workstation”, as explained earlier. A workplace can contain one or more workstations. Workstation, on the other hand, means the specific and individual place/station/spot which, in principle, is assigned to just one person to work.</p> <p>The number 1 and 3 of “I. General Provisions” have the similar content that can be placed in the same legal provision.</p>
2. These Minimum Requirements are applicable to economic entities of whatever ownership form and legal organizational form that use PPE in their activities.	2. The provisions of this Decree apply to all employers, including self-employed, of all sectors of activity, both public and private, regardless of their ownership or legal organizational forms.	To better align with Article 2(1) of the Law of Ukraine “On Occupational Safety and Health of Workers” (which transposes the EU OSH Framework Directive 89/391/EEC) and also to better align with Article 2(1) of EU OSH framework Directive 89/391/EEC.

	<p>3. The provisions of the Law of Ukraine “On Occupational Safety and Health of Workers” - which transposes to internal juridical order the 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 -, shall apply in full to the whole area referred to in paragraph 1, without prejudice to more stringent and/or specific provisions in this Decree.</p>	<p>This paragraph should be inserted, in order to better align with Article 1(2) of Directive 89/656/EEC, ensuring that the provisions of the Law of Ukraine “On Occupational Safety and Health of Workers” (which transposes the EU OSH Framework Directive 89/391/EEC) also applies to the minimum requirements for the use of PPE by workers at the workplace, without prejudice to more stringent and/or specific provisions laid down in this present Decree. It assures consistency with the legal acts in the same branch of the system of norms.</p>
(I. General provisions)	Article 2 - Definitions	
<p>(I. General provisions) 4. The terms herein shall be used in the following meanings: PPE - all equipment designed to be worn and used by the worker to individually protect him against one or more hazards likely to endanger his safety and health at work, and any addition, accessory or replaceable component designed to meet this objective; employer — the owner of an enterprise, institution or organization, or a body authorized thereby, of whatever ownership form, activity and economic management, and the natural person using hired labour; worker — a person working in an enterprise, organization or institution and performing duties or functions according to an employment agreement (contract);</p>	<p>1. For the purposes of this decree the terms herein shall be used in the following meanings: 1) Personal protective equipment (hereinafter referred to as “PPE”), all equipment designed to be worn and used by the worker to individually protect him against one or more hazards likely to endanger his safety and health at work, and any addition, accessory or replaceable component designed to meet this objective; 2) Stand-by personal protective equipment item (standby PPE item), special clothes, special footwear or other PPE for collective (impersonal) use, such as insulating gloves or overshoes at electric installations, a waterproof jacket or overcoat at outside posts, assigned to certain workplaces or issued to workers only for the period of performing those jobs for which the PPE is required, and transferred by one shift to another.</p>	<p>The terms “employer” and “worker” have the same meaning and content as expressed in the Law of Ukraine “On Occupational Safety and Health of Workers” transposing EU Directive 89/391/EEC. A “new” provision that repeats what the cross-reference provision did is useless. It is a question of avoiding legislative “pollution” and possible future interpretative problems arising from any difference in wording. The term “economic entities” must not be used in this diploma so it does not need to be clarified as it does not support its interpretation. It should be clear and uniform that the subject of the preventive obligation is the employer and not the economic entity. In fact, there is “economic entities” which are not “employers” (e.g., a self-employed worker without employees); and “employers” which are not “economic entities” (e.g., an association, a public service, etc.).</p>

<p>economic entities — participants of economic relations that undertake economic activities by exercising their economic competence (a set of</p>		
<p>economic rights and responsibilities), have separate property, and are liable for their obligations within the scope of that property, except for cases provided for by legislation; stand-by personal protective equipment item (standby PPE item) – special clothes, special footwear or other PPE for collective (impersonal) use, such as insulating gloves or overshoes at electric installations, a waterproof jacket or overcoat at outside posts, assigned to certain workstations or issued to workers only for the period of performing those jobs for which the PPE is required, and transferred by one shift to another.</p>		<p>The term “employer” is already defined in the subparagraph 31) of paragraph 1 of Article 1 of the ME Draft Law “On Occupational Safety and Health of Workers”, aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, of 12 June 1989, concerning the introduction of measures to encourage improvements in the safety and health of workers at work.</p> <p>In addition, the term “workstation” should be replaced by “workplace”. As mentioned above, this error reflects a clear confusion between the term "workplaces" and the term "workstations". The term “Workplaces” is wider than “workstation”, as explained earlier. A workplace can contain one or more workstations. Workstation, on the other hand, means the specific and individual place/station/spot which, in principle, is assigned to just one person to work.</p>
<p>The term “PPE” herein is not used for: special working clothes and uniforms not designed to protect the safety and health of the worker;</p>	<p>2. The term “PPE” herein is not used for: 1) Special working clothes and uniforms not designed to protect the safety and health of the worker;</p>	<p>Introduced renumbering of paragraphs, for clarity and better exposure of the legal act text.</p>

<p>special protective equipment used by emergency and rescue services for emergency and accident response; PPE designed to be worn and used by personnel of the Armed Forces of Ukraine, the National Police of Ukraine and other law-enforcement bodies; road (motor) transport; sports equipment; self-defence or deterrent equipment; portable (handheld) devices for detecting and signalling risks and nuisances.</p>	<p>2) Special protective equipment used by emergency and rescue services for emergency and accident response; 3) PPE designed to be worn and used by personnel of the Armed Forces of Ukraine, the National Police of Ukraine and other law-enforcement bodies; 4) PPE used in road (motor) transport; 5) Sports equipment; 6) Self-defence or deterrent equipment; 7) Portable (handheld) devices for detecting and signaling risks and nuisances.</p>	
<p>Other terms used herein are provided in the Economic Code of Ukraine, the Laws of Ukraine “On Labour Protection” and “On Technical Regulations and Conformity Assessment”, and the Technical Regulation of Personal Protective Equipment approved by the Cabinet of Ministers of Ukraine Resolution No. 761 of 27 August 2008 (hereinafter referred to as the “PPE Technical Regulation”).</p>	<p>Recommended to delete this sentence, for the reasons indicated in the adjacent cell</p>	<p>It makes no sense to invoke the Technical Regulation of Personal Protective Equipment approved by the Cabinet of Ministers of Ukraine Resolution No. 761 of 27 August 2008. For systematic reasons and in accordance with the rules of succession of the law in time, this legal act has no reason to survive.</p> <p>The Technical Regulation of Personal Protective Equipment approved by the Cabinet of Ministers of Ukraine Resolution No. 761 of 27 August 2008 (hereinafter referred to as the “PPE Technical Regulation”) regulates the same object of this legal diploma, so its maintenance in the legal order does not make sense, as it poses interpretative problems that affect legal certainty and security.</p> <p>Should be changed, as recommended, not only to better align with EU Directive 89/656/EEC, but also because this legal act (as it also happens with the Directive that is being transposed) is much more than just a technical regulation, as it also</p>

		<p>regulates, inter alia, several employers' obligations (e.g., providing safety and health dispositions; inform, instruct and consult workers and their representatives and ensure their participation).</p> <p>The consistency and clarity of the legal framework gains with the elimination of unnecessary references or that are contained in other diplomas in the same branch of the norms system To ensure principles of legal certainty and security, it should be expressly revoked. Its maintenance in the legal order aggravates the present situation of an OSH legal framework that is too extensive, legally complex and difficult to apprehend by the addressees and enforcers of the law.</p>
	Section II - Employer obligations	To improve legal act systematics, structure and clarity.
(I. General provisions)	Article 3 - General principle	
5. PPE shall be used when the risks for life and health of workers cannot be avoided or sufficiently limited by technical means of collective protection or by measures, methods or procedures of work organization.	1. PPE shall be used when the risks for life, safety and health of workers cannot be avoided or sufficiently limited by technical means of collective protection or by measures, methods or procedures of work organization.	The summoning of principles that lead to preventive action deserves to be highlighted in an article of its own, inserted in a section aimed at prescribing the employer's obligations. Also to better align with EU Directive 89/656/EEC systematics, terminology and the relevance of preventive principles aligned by the EU Directive 89/391/EEC.
6. PPE shall be used only for the purposes specified according to the operating instructions that must be understandable to the workers.	2. PPE shall be used only for the purposes specified according to the operating instructions that must be understandable to the workers.	
II. Employer's general obligations	Article 4 - General provisions	To improve legal act systematics, structure and clarity.
1. To secure protection of the safety and health of workers, the employer shall be required to ensure, at his own expense, the procurement, completion, issuance and maintenance (assurance of operability and proper hygienic	1. To secure the safety and health of workers, the employer shall be required to ensure, at his own expense, the procurement, completion, issuance and maintenance of the necessary PPE	Simplification of wording indicating the purpose of maintenance

<p>conditions) of PPE subject to the requirements in Section I(4) hereof.</p>	<p>and to assure their operability and proper hygienic conditions.</p>	
<p>2. This PPE must comply with the requirements of the PPE Technical Regulation in terms of safety and with standards concerning design and manufacture.</p> <p>The PPE chosen must: be appropriate for the degree of the existing risks to the life and health of workers, without leading to any increased risk; correspond to existing conditions at the workstation ; fit the user correctly after any necessary adjustment.</p>	<p>2. PPE must comply with standards concerning design and manufacture, have a positive opinion from conformity assessment bodies, a certificate of conformity or a declaration of conformity, and be used in accordance with the manufacturer's instructions.</p> <p>3. The PPE chosen must:</p> <p>1) Be appropriate for the degree of the existing risks to the life, safety and health of workers, without leading to any increased risk; 2) Correspond to existing conditions at the workplace; 3) Take account of ergonomic requirements and the workers state of health; 4) Fit the user correctly after any necessary adjustment.</p> <p>4. At works with harmful or hazardous working conditions, as well as at works connected with contamination or performed in adverse weather conditions, the workers shall be provided, free of charge, with special clothes, special footwear and other suitable PPE.</p>	<p>Renumbering according to the rule of one prescription for each paragraph.</p> <p>The wording regarding the compliance with the essential requirements for placing PPE on the market was inserted here, in accordance with the wording initially proposed in paragraph 1 of section “III. Other provisions” of the MSP Order No. 1804.</p> <p>In addition the term “workstation” should be replaced by “workplace”. As mentioned above, this error reflects a clear confusion between the term "workplaces" and the term "workstations". The term “Workplaces” is wider than “workstation”, as explained earlier. A workplace can contain one or more workstations. Workstation, on the other hand, means the specific and individual place/station/spot which, in principle, is assigned to just one person to work.</p> <p>It is also necessary to add a reference to ergonomic requirements and the workers state of health, which is in the directive and has importance (see article 4 (1c) of the Directive 89/656/EEC).</p> <p>There are PPE whose use requires good physical aptitude</p> <p>All PPEs should be provided free of charge (and not just in case of work with harmful or hazardous working conditions, connected with</p>

		contamination, or performed in adverse weather conditions), as foreseen in Article 4(6) of EU Directive 89/656/EEC and in the conjugation of Article 6(5) with Article 9(1)(a) of EU Directive 89/391/EEC.
3. At works with harmful or hazardous working conditions as well as at works connected with contamination or performed in adverse weather conditions, the workers shall be provided, free of charge , with special clothes, special footwear and other PPE at the established rates that shall be for the employer a compulsory minimum of free of charge PPE provision, specifying the PPE's protective properties and period of use.	Prescription that moves to (above) article 4. with the wording proposed there.	The principle of free PPE for workers is already established in the article 4(1) of this Decree, in accordance with article 4(6) of EU Directive 89/656/EEC. The properties and periods of use may result from the instructions provided by the manufacturer for each PPE.
4. The workers whose professions and positions (professional job titles) are specified in the Rates of Free of Charge Provision of Special Clothes, Special Footwear and Other PPE, as approved by the Order of the State Committee of Ukraine for Industrial Safety, Labour Protection and Mining Supervision No. 62 of 16 April 2009 and registered with the Ministry of Justice of Ukraine on 12 May 2009 under No. 424/16440 (hereinafter referred to as the "PPE Free of Charge Provision Rates"), and the workers of general (cross-industry) professions of various industries shall be provided with PPE regardless of the enterprise's economic activity type, unless such professions and positions (professional job titles) are specified in the respective PPE Free of Charge Provision Rates subject to specific working conditions.	Recommended to be deleted, for the reasons indicated in the adjacent cell	The choice of PPE according to the level of risk to be protected, results from the risk assessment provided for in Article 5 of Directive 89/656/EEC, (transposed below, through Article 5 of this Decree). Therefore, this prescriptive provision is useless and creates confusion. The principle that the provision of PPE is free of charge to de worker (i.e., it is an expense of the employer) - prescribed in Article 4(1) of this Decree in accordance with article 4(6) of EU Directive 89/656/EEC and with the conjugation of Article 6(5) with Article 9(1)(a) of EU Directive 89/391/EEC -, is not compatible with the setting of rates, namely by professions and positions. The only possible exception is when the use of PPE is not exclusive to the workplace, as foreseen in the second sentence of Article 4(6) of EU Directive 89/656/EEC.

		Therefore, the Order of the State Committee of Ukraine for Industrial Safety, Labour Protection and Mining Supervision No. 62 of 16 April 2009 and registered with the Ministry of Justice of Ukraine on 12 May 2009 under No. 424/16440 related to Free-of-Charge Provision of Special Clothes, Special Footwear and Other PPE is not useful. It must be revoked.
5. Where the presence of more than one risk to life and health of workers makes it necessary for the workers to wear simultaneously more than one PPE item, such equipment must be compatible and effective against the existing risk or risks.	5. Where the presence of more than one risk to life, safety and health of workers makes it necessary for the workers to wear simultaneously more than one PPE item, such equipment must be compatible and effective against the existing risk or risks.	Reordering of this point in the systematic sequence of this article. After referencing the features of the PPE, the reference to particular users, should follow.
(2nd sentence of paragraph 3) The workers engaged in one-time works connected with elimination of consequences of accidents, natural calamities, etc., which are not provided for by an employment agreement, must be provided with necessary PPE.	6. The workers engaged in one-time works connected with elimination of consequences of accidents, natural calamities, etc., which are not provided for by an employment agreement, must be provided with necessary PPE.	Assignment of a paragraph number, for better identification, according to the rule of one paragraph for each legal prescription.
	7. PPE shall be issued to the pupils studying at educational institutions of whatever attendance mode for the period of their work practice (job training) at an employer, to the instructors as well as to the workers who temporarily or concurrently perform works in the professions and positions for which PPE is envisaged, for the period of such works.	In order to improve the Decree clarity and systematics, it is proposed to insert here, as “new” paragraph 7 of this article, the text of paragraph 11 of section “II. Employers’ general obligations” of the MSP Order No. 1804. As the previous paragraph, it is a reference to a particular group of PPE users. According to Article 3 of EU OSH framework Directive 89/391/EEC, “trainees and apprentices” should also be covered by the employer’s preventive obligations.

	Article 5 - Assessment of PPE	
<p>6. Before choosing PPE (over and above those prescribed by the PPE Free-of-Charge Provision Rates), the employer is required to assess whether the PPE he intends to use satisfies the requirements of Section 4(2) and (5).</p> <p>This assessment shall involve: an analysis and assessment of risks to life and health of workers which cannot be avoided by other means; the definition of the characteristics which PPE must have for effective protection of life and health of workers against the risks already identified, taking into account any risks which this PPE itself may create; comparison of the characteristics of the PPE available at the economic entity with the characteristics defined during the assessment. The PPE assessment provided for in paragraph 6 of this section shall be reviewed if any changes are made to any of its elements.</p>	<p>1. Before choosing PPE, the employer is required to assess whether the PPE he intends to use satisfies the requirements of the Article 4.</p> <p>2. This assessment shall involve: 1) An analysis and assessment of risks to life, safety and health of workers which cannot be avoided by other means; 2) The definition of the characteristics which PPE must have for effective protection of life, safety and health of workers against the risks already identified, taking into account any risks which this PPE itself may create; 3) A comparison of the characteristics of the PPE available by the employer with the characteristics defined during the assessment.</p>	<p>To improve legal act systematics, structure and clarity.</p> <p>Paragraph subdivision according to rule of one paragraph for each prescription</p> <p>Thematic referencing and numbering rearrangement.</p> <p>Terminology adjustment (not only “life and health” but safety as well)</p>
<p>7. The PPE assessment provided for in paragraph 6 of this section shall be reviewed if any changes are made to any of its elements.</p>	<p>3. The PPE assessment provided for in paragraph 1 shall be reviewed if any changes are made to any of its elements, and takes accounts of any significant changes brought by technological developments.</p>	<p>The need to insert the recommended last part of paragraph 3 results from 2 aspects:</p> <ol style="list-style-type: none"> 1. The prescription of article 9 of the Directive 89/656/EEC (the annexes are indicative); 2. The prevention principle “adapting to technical progress”, foreseen in article 6 of the Directive 89/391/EEC, which is mandatory.
<p>8. The employer shall issue PPE for the period for which it is worn, determined subject to the level of the risk to life and health of workers, the</p>	<p>4. The employer shall provide the PPE for the necessary period within which it should be worn, determined on the basis of the nature and</p>	<p>Subdivision of paragraph 8 into two new paragraphs (4 and 5) for clarity, according to the rule of one paragraph for each prescription.</p>

<p>frequency of exposure to the risk, the characteristics of the workstation of each worker and the performance of the PPE itself. The period for which the PPE is worn shall be counted from the day of its actual issuance, and may not exceed its useful life specified in the manufacturer's documentation (operating instructions, certificates, etc.).</p>	<p>level of the risk to life, safety and health of workers, the conditions of the workplace, the frequency of exposure to the risk, the characteristics of the workstation of each worker and the performance of the PPE itself.</p> <p>5. The period for which the PPE is worn shall be counted from the day of its actual issuance, and may not exceed its useful life specified in the manufacturer's documentation, namely, operating instructions or certificates.</p>	<p>Also to improve the clarity of the provisions.</p>
	<p>6. Without prejudice of paragraphs 1 to 4 of this Article, the employer shall choose PPE on the basis of the nature of the activities to be carried out with account of the PPE classification according to national standards.</p>	<p>Transferred from the paragraph 11 of section "III. Other Provisions" of the MSP Order, for systematic reasons. The assessment is intended determine the need to provide a PPE and its characteristics, so this is a reference to take into account.</p>
	<p>7. In order to support the risk assessment and determine the need to provide a PPE and its characteristics according to the provisions of this Directive, the employer shall use the "Indicative list of risks in relation to the body parts to be protected by PPE, for performance of risk assessment and determination of the need for PPE and its characteristics", as provided in Annex I hereto.</p>	<p>In addition, and to improve clarity and facilitate its understanding and use, paragraph 11 of section "III. Other Provisions" of the MSP Order was subdivided into this three recommended paragraphs (6 to 8), ensuring one paragraph for each legal prescription.</p>
	<p>8. In order to support the selection of the most adequate PPE, the employer shall use:</p> <p>1) The "Indicative list of types of PPE with regard to the risks they provide protection against", as provided in Annex II hereto;</p> <p>2) The "Indicative list of activities and sectors of activity which may require the provision of PPE", as provided in Annex III hereto.</p>	<p>Their wording, moreover, was revised, in order to improve clarity and to better align them with the Directive 89/656/EEC.</p> <p>The references to the Annexes was also amended and updated, to reflect the better organization and structure of the annexes and of all the text of the Decree.</p>

	9. The employer must not admit workers to work without the necessary PPE, or if PPE is in contaminated condition, bad order, or in case the time limit of the PPE periodic tests, to be carried out according to their operating instructions, has expired.	Transferred from the paragraph 12 of section “III. Other Provisions” of the MSP Order for systematic reasons. The assessment is intended to choose PPE and make decisions, so this is a reference to take into account.
	Article 6 - Use of PPE	
9. PPE is intended for personal (individual) use. If certain circumstances require one PPE item to be used by several workers, the employer shall take measures prior to each use of the PPE item to prevent emergence of any health or hygiene problem for the users, namely: to restore PPE serviceability (according to the procedures for repair and replacement of PPE components as per their operating instructions); to ensure a proper hygienic condition (according to the procedures for cleaning (chemical cleaning), laundering, dust elimination, degasification, deactivation, and disinfection as per their operating instructions).	1. PPE is intended for individual use. 2. If certain circumstances require one PPE item to be used by several workers, the employer shall take measures prior to each use of the PPE item to prevent emergence of any health or hygiene problem for the users, namely: 1) To restore PPE serviceability, according to the procedures for repair and replacement of PPE components as per their operating instructions; 2) To ensure a proper hygienic condition, according to the procedures for cleaning, chemical cleaning, laundering, dust elimination, degasification, deactivation, and disinfection as per their operating instructions.	To improve legal act systematics, structure and clarity. Thematic referencing to the use of PPE and numbering rearrangement and terminology adjustment. Paragraph subdivision in order to improve clarity and establish a one paragraph for each prescription.
The period of use limit for such PPE, depending on the degree of their wear, shall be set by the employer as agreed upon with the enterprise’s trade union organization (the person authorized by wage workers for labour protection matters if no trade union was established at the enterprise), which must be provided for in the collective contract and may not be longer than the period of use of the respective PPE issued solely for individual use.	3. The period of use limit for PPE used by several workers , depending on the degree of their wear, shall be set by the employer as agreed upon with the enterprise’s trade union organization, the person authorized by wage workers for occupational safety and health labour protection matters if no trade union was established at the enterprise, which must be provided for in the collective contract and may not be longer than the period of use of the respective PPE issued solely for individual use.	Use of updated terminology; occupational safety and health.

<p>10. The stand-by PPE must be kept in a room intended for storage, in a proper hygienic condition. The stand-by PPE shall be issued under the responsibility of job supervisors or shift managers.</p>	<p>4. The stand-by PPE shall be kept in a room intended for storage, in a proper hygienic condition and be issued under the responsibility of job supervisors or shift managers.</p>	<p>To renumber the paragraph.</p>
<p>The period of use of stand-by PPE shall be established by the employer on a case-by-case basis, as agreed upon with the enterprise's trade union organization (the person authorized by wage workers for labour protection matters if no trade union was established at the enterprise), depending on the nature of work and working conditions of workers.</p>	<p>5. The period of use of stand-by PPE shall be established by the employer on a case-by-case basis, as agreed upon with the enterprise's trade union organization, the person authorized by wage workers for occupational safety and health labour protection matters if no trade union was established at the enterprise, depending on the nature of work and working conditions of workers.</p>	<p>To number the paragraph, for clarity and to facilitate understanding. Also to update the terminology used to "occupational safety and health".</p>
<p>The period of use of the stand-by PPE must not be shorter than the period of use of the respective PPE issued for individual use according to the PPE Free-of-Charge Provision Rates.</p>	<p>6. The period of use of the stand-by PPE must not be shorter than the period of use of the respective PPE issued for individual use. according to the PPE Free-of-Charge Provision Rates.</p>	<p>To number the paragraph, for clarity and to facilitate understanding. Also because, as explained above, there is no need of (and it is also misleading) referring to the PPE Free-of-Charge Provision Rates.</p>
<p>11. According to these Minimum Requirements and the PPE Free of Charge Provision Rates, necessary PPE shall be issued to the pupils studying at educational institutions of whatever attendance mode for the period of their work practice (job training) at an enterprise, to the instructors as well as to the workers who temporarily or concurrently perform works in the professions and positions for which PPE is envisaged, for the period of such works.</p>	<p>Recommended to be deleted, for the reasons indicated in the adjacent cell.</p>	<p>See above why the reference to the PPE Free-of-Charge Provision Rates should not be included. The reference to "the pupils studying at educational institutions" was already inserted above, as paragraph 7 of Article 4, where the field of preventive obligations of the employer is referenced. Therefore, the same prescriptions that apply to workers shall apply to them as well. Therefore this paragraph should be deleted</p>
<p>12. If such PPE items as body belt, insulating overshoes and gloves, insulating rubber blanket, protective goggles and face shields, respirator, breathing apparatus, protective helmet, inner</p>	<p>Recommended to be deleted, for the reasons indicated in the adjacent cell.</p>	<p>See above why the reference to the PPE Free-of-Charge Provision Rates should not be included.</p>

<p>helmet, mosquito nets, head protector, shoulder protectors, elbow protectors, self-rescuers, ear defenders, earplugs or helmets, light filters, anti-vibration gloves, and other PPE, are not mentioned in the PPE Free-of Charge Provision Rates but provided for by other regulatory legal acts on labour protection (labour protection rules, instructions, etc.), they must be issued to workers depending on the nature of work and working conditions for the period for which they is used (worn), up to wear-out, but no for longer than the period of use limit specified in the certificate (declaration) of conformity provided by the PPE manufacturer.</p>		<p>All the PPE referred in this paragraph are subject to the global discipline of this decree. Therefore, its separate reference makes no sense and makes it unclear which legislation is applicable.</p>
<p>13. Before issuing PPE, the employer shall inform the worker of the risks to his life and health against which the use of the PPE protects him. Besides, the employer shall ensure regular training of workers on the rules for PPE use and demonstration of its correct use.</p>	<p>These paragraphs should be moved to an autonomous article.</p>	<p>To improve legal act systematics, structure and clarity, these provisions should be moved to an autonomous Article (Article 8) below.</p> <p>In addition, and as explained above, the expression “at workstation” should be replaced by “at the workplace” or, in this case, it can also be replaced by the expression “at work”.</p> <p>Finally, the term “labour protection”, frequently used across the MSP Order No. 1804, respective Minimum Requirements and Annexes, should be replaced by the term “safety and health”, because the former reflects a retrograde approach to Occupational Safety and Health, mainly focused on a reactive, protective, corrective and compensatory approach, instead of a modern preventive approach, based on prevention and on risk management (i.e., risk assessment and</p>
<p>14. The employer shall inform in good time the workers, the primary trade union organization at the enterprise, or the person authorized by wage workers for labour protection matters if no trade union was established at the enterprise, of all measures to be taken with regard to the health and safety of workers when PPE is used at workstations.</p>		

		control). In fact, while an approach based on protection is mainly aimed at minimizing the consequences of a damaging event that already took place, the approach based on prevention - which is the one foreseen by the EU OSH legal framework, in particular by the EU OSH Framework Directive 89/391/EEC, is mainly aimed at preventing the occurrence of the damaging event from the outset.
15. The employers shall carry out consultations with the workers, the primary trade union organization at the enterprise, and/or the person authorized by wage workers for labour protection matters if no trade union was established at the enterprise, as well as enable them to participate in discussion of all the matters related to their health and safety when PPE is issued at workstations .	This paragraph should be moved to an autonomous article.	To improve legal act systematics, structure and clarity, this provision should be moved to an autonomous Article (Article 9) below. In addition, and as explained above, the expression “at workstation” should be replaced by “at the workplace” or, in this case, it can also be replaced by the expression “at work”. On the other hand, the term “labour protection” should also be replaced by the term “safety and health”, for the reasons already explained above.
III. Other provisions		
1. PPE must be purchased from economic entities that manufacture and/or sell products according to the legislation in force, provided that the PPE to be purchased comply with the essential safety and health protection requirements, have a positive opinion from conformity assessment bodies, a certificate of conformity or a declaration of conformity, and meet the requirements of the PPE Technical Regulation.	Recommended to be deleted, for the reasons indicated in the adjacent cell.	The prescription of this paragraph was transferred above, to the proposed Article 4(2) of this Decree, to improve the sense of paragraph 2 of Article 4 and the Decree systematics and structure. It is therefore repetitive and useless to maintain it here and, thus, should be deleted.

<p>2. When determining the demand for PPE, the employer must provide for special clothes and special footwear separately for men and for women, specifying the PPE name and taking account of the PPE models, purpose in terms of protective properties, size and height, and, for protective helmets and body belts, typical sizes.</p>	<p>7. When determining the demand for PPE, the employer must provide for special clothes and special footwear separately for men and for women, specifying the PPE name and taking account of the PPE models, purpose in terms of protective properties, size and height, and, for protective helmets and body belts, typical sizes.</p>	<p>Renumbering and insertion in the “Article 6. Use of PPE”, for systematic improvement.</p>
<p>3. In some cases, taking production specifics into consideration, the employer may, as agreed upon with the enterprise’s trade union organization (the person authorized by wage workers for labour protection matters if there is no trade union), replace: an overall with a suit and vice versa; a suit with a semi-overall and a shirt (blouse), or with a pinafore and a blouse; a woolen suit with a suit with fire-resistant or acid-resistant impregnation, a tarpaulin suit with a rubber boots and vice versa, shoes (ankle boots) with boots and vice versa, felt boots with boots and vice versa.</p> <p>If some types of special clothes and special footwear are replaced with other types, their protective properties and working conditions for the user must not deteriorate.</p>	<p>This paragraph should be transferred to the article concerning consultation and participation.</p>	<p>To improve legal act systematics, structure and clarity, this paragraph should be transferred below, as new paragraph 2 of Article 9, concerning consultation and participation.</p> <p>In addition, the term “labour protection” should be replaced by the term “safety and health”, for the reasons better explained above.</p>
<p>4. The employer shall ensure acceptance and inspection of the PPE received by the enterprise, for their compliance with requirements of the regulatory documents and results of the assessment undertaken according to Section II(6) hereof. For that purpose, a commission shall be established consisting of representatives of the enterprise management and trade union organization (the person authorized by wage</p>	<p>This paragraph should be transferred to the article concerning consultation and participation.</p>	<p>To improve legal act systematics, structure and clarity, this provision should be transferred below, as new paragraph 3 of Article 9, concerning consultation and participation.</p> <p>Once more, and for the reasons already explained above, the term “labour protection”, should be replaced by the term “safety and health”.</p>

workers for labour protection matters if no trade union was established at the enterprise).		
<p>5. If the PPE fails to comply with requirements of the regulatory documents and results of the assessment undertaken according to Section II(6) hereof, the employer shall take measures in due course for return or replacement of any substandard PPE according to requirements of the legislation in force and to the agreement concluded with the supplier.</p>	<p>Recommended to be deleted, for the reasons indicated in the adjacent cell.</p>	<p>This prescription is already contained in the next paragraph, so it is repetitive, and therefore useless.</p> <p>The employer's commercial relations with its suppliers are not the object of this decree: the employer's obligations towards its workers cannot be affected by the course of its commercial relations.</p>
<p>III. Other provisions</p> <p>6. The PPE purchased shall be owned by the employer, accounted for as implements, and subject to mandatory return by workers in case of:</p> <ul style="list-style-type: none"> dismissal from the enterprise; transfer to another job or workstation at the same enterprise; change of job type; introduction of new technologies; introduction of new, or replacement of existing, instruments of labour, and in other cases when the use of the PPE provided is not necessary; expiry of its period of use in place of the new PPE received. <p>The employer may provide workers with two sets of special clothes for two periods of use (wear) depending on the working conditions and the PPE serviceability.</p>	<p>8. The PPE is purchased shall be owned by the employer, accounted for as implements, and subject to mandatory return by workers in case of:</p> <ol style="list-style-type: none"> 1) Dismissal from the employer; 2) Change of job type; 3) Introduction of new technologies; 4) Introduction of new, or replacement of existing, instruments of labour; 5) The PPE fails to comply with requirements of the regulatory documents; 6) In other cases when the use of the PPE provided is not necessary; 7) Expiry of its period of use in place of the new PPE received. <p>9. The employer may provide workers with two sets of special clothes for two periods of use depending on the working conditions and the PPE serviceability.</p>	<p>For clarity purposes, by renumbering the paragraph and subparagraphs and ensuring no more than one prescription per paragraph or subparagraph.</p> <p>The term “enterprise” should be replaced by the “employer”, as already mentioned above. In fact, an employer may be a self-employed worker with employees, a public service or an association, for example, which are not enterprises.</p>

	Article 7 - Supervision and maintenance	To improve legal act systematics, structure and clarity.
<p>III. Other provisions</p> <p>7. In case of premature wear-out of PPE through no worker's fault, the employer must replace it at his own expense. If a worker purchases special clothes and/or other PPE at his own expense, the employer must compensate for all the expenses on terms provided for in the collective contract.</p>	<p>1. In case of premature wear-out of PPE not due to worker's fault, the employer must replace it at his own expense. If a worker purchases special clothes and/or other PPE at his own expense, the employer must compensate for all the expenses on terms provided for in the collective contract.</p>	To improve clarity, through a better thematic referencing (to the supervision and maintenance of PPE), the paragraph is renumbered.
<p>8. The employer must organize at the enterprise proper recording and control of PPE issuance to workers as per schedule.</p>	<p>2. The employer must organize at the enterprise proper recording and control of PPE issuance to workers as per schedule.</p>	Renumbering.
<p>9. PPE issuance to workers and PPE return by workers shall be recorded in a personal record card of special clothes, special footwear and other PPE, the format of which is provided in Annex 1 hereto.</p> <p>The PPE period of use in calendar days shall be counted from the day of their actual issuance according to the PPE Free-of-Charge Provision Rates, and may not be longer than the PPE useful life</p>	<p>3. PPE issuance to workers and PPE return by workers shall be recorded in a personal record card of special clothes, special footwear and other PPE, which indicative format is provided for in Annex IV hereto.</p> <p>4. The PPE period of use in calendar days shall be counted from the day of their actual issuance, and may not be longer than the PPE useful life.</p>	<p>It should be changed, in order to:</p> <ol style="list-style-type: none"> 1. Avoid the enumeration "of special clothes, special footwear and other PPE" but refer, instead, to "PPE", which include a much wider scope of personal protective equipment. 2. Also highlight that the provided template should be indicative: other additional content and ways of presentation should be admissible. 3. Update the reference to the corresponding annex, which was renumbered to IV, in order to better organize the structure of the Decree. 4. To ensure the numbering of all paragraphs (and its renumbering), when necessary.
<p>10. The workers combining professions or working concurrently, must be issued, in addition to the PPE provided for their primary profession, PPE for working in a combined</p>	<p>5. The workers combining professions or working concurrently, must be issued, in addition to the PPE provided for their primary profession, PPE for working in a combined profession or concurrently, with account of their useful life.</p>	Renumbering.

<p>profession or concurrently, with account of their useful life.</p>		
<p>11. The employer shall choose PPE in terms of the nature of works with account of the PPE classification according to the national standards in force in Ukraine. To simplify selection of such PPE, the employer may use: the indicative list of hazards for which additional PPE is used, as provided in Annex 2 hereto; the indicative list of works that require use of relevant PPE, as provided in Annex 3 hereto. Based on results of the measures taken, a risk survey table for substantiation of PPE choice and use shall be compiled, according to the format provided in Annex 4 hereto.</p>	<p>These paragraphs should be deleted as they were amended and transferred to Article 5 above.</p>	<p>These paragraphs were amended and transferred to “Article 5. Assessment of PPE”, for clarity and systematic reasons.</p>
<p>12. The employer must not admit workers to work without necessary PPE, or if PPE is in contaminated condition or bad order, or in case the time limit of the PPE periodic tests, to be carried out according to their operating instructions, has expired.</p>		
<p>13. Workers must inform the employer on any defects concerning the intended PPE use.</p>	<p>6. The employer makes available and supervises a data collection system, so that workers can inform on any defects concerning the intended PPE use.</p>	<p>For the worker to be able to fulfill a duty, it is necessary that there be administrative devices that allow its fulfillment. The fulfillment of this duty is determined by the employer and is subject to disciplinary responsibility that does not need to be defined in this decree.</p>
<p>14. The employer must ensure, according to the operating instruction, periodic tests and evaluation trials of PPE as well as timely replacement of its components, units or other parts if its protective properties deteriorated or</p>	<p>7. The employer must ensure, according to the operating instruction: 1) Periodic tests and evaluation trials of PPE; 2) Timely replacement of its components, units or other parts if its protective properties</p>	<p>Renumbering.</p>

<p>if it was not in use for a certain period. After the test, a mark (decal, stamp) concerning the next test date shall be put on the PPE.</p>	<p>deteriorated or if it was not in use for a certain period; 3) After the test, a mark (decal, stamp) concerning the next test date shall be put on the PPE.</p>	
<p>15. PPE supervision and maintenance at economic entities shall be provided by the trained staff aware of the PPE operating instruction requirements, or by a specialized organization. Information on supervision and maintenance shall be provided to every worker using the PPE when it is issued and when regular briefings on labour protection are delivered.</p>	<p>8. PPE supervision and maintenance shall be provided by the trained staff aware of the PPE operating instruction requirements, or by a specialized organization. The second sentence should be deleted from here, amended and transferred to Article 8.</p>	<p>Renumbering For systematic and terminology reasons, the second sentence of this paragraph should be deleted from here, amended and transferred to paragraph 3 of “Article 8. Information and training for workers”.</p>
<p>16. In case of an operational necessity, drying rooms for special clothes and special footwear, dust elimination chambers for special clothes, and units for degasification, deactivation, disinfection and decontamination of special footwear and other PPE shall be arranged at the enterprise.</p>	<p>9. In case of an operational necessity, drying rooms for special clothes and special footwear, dust elimination chambers for special clothes, and units for degasification, deactivation, disinfection and decontamination of special footwear and other PPE shall be arranged. at the enterprise.</p>	<p>Renumbering. The term “at the enterprise” may limit the possible options to satisfy the purposes of the paragraph, because employers may not be enterprises but, for example, associations, public services or self-employed workers with employees.</p>
<p>17. PPE cleaning (chemical cleaning), laundering, dust elimination, degasification, deactivation, disinfection, decontamination, repair, component replacement, and inspection of operating and protective properties shall be undertaken by the employer outside working hours (at the weekends) or during inter-shift breaks. If this requirement is not met, the employer must issue the worker several PPE sets (the established period of use of such PPE shall be extended accordingly).</p>	<p>10. PPE chemical cleaning, laundering, dust elimination, degasification, deactivation, disinfection, decontamination, repair, component replacement, and inspection of operating and protective properties shall be undertaken by the employer outside working hours or during inter-shift breaks. If this requirement is not met, the employer must issue the worker several PPE sets (the established period of use of such PPE shall be extended accordingly).</p>	<p>Renumbering.</p>

<p>18. The procedures mentioned in Section III(16) for maintenance of the PPE of the workers employed on works with substances harmful to health (lead, its alloys and compounds, mercury, leaded petrol, radioactive substances, etc.) shall be performed according to the PPE operating instruction and to the opinions, notices and resolutions of officials of the institutions and establishments that exercise state sanitary and epidemiological supervision.</p>	<p>11. The procedures for maintenance of the PPE of the workers employed on works with substances harmful to health, namely lead, its alloys and compounds, mercury, leaded petrol, radioactive substances shall be performed according to the PPE operating instruction and to the opinions, notices and resolutions of officials of the institutions and establishments that exercise state sanitary and epidemiological supervision.</p>	<p>For clarity and to renumber the paragraph.</p>
<p>19. Compulsory chemical cleaning shall be used for all the heat-insulated special clothes as well as the special clothes with protective impregnation unless otherwise specified in their operating instructions. If the employer did not organize timely chemical cleaning or laundering of special clothes, he must issue replacement PPE.</p>	<p>12.</p>	<p>Renumbering</p>
<p>20. In case of a worker’s contagious disease, the special clothes, special footwear and other PPE the worker used and the premises where they were kept shall be subject to disinfection.</p>	<p>13.</p>	
<p>21. The PPE issued to workers, including special clothes of the workers employed on works with substances harmful to health (lead, its alloys and compounds, mercury, leaded petrol, radioactive substances, etc.), must be kept in specially equipped premises that comply with DBN B.2.2-28-2010 “Administrative and household buildings” and with requirements of regulatory legal acts on labour protection and occupational hygiene.</p>	<p>14. The PPE issued to workers, including special clothes of the workers employed on works with substances harmful to health (lead, its alloys and compounds, mercury, leaded petrol, radioactive substances, etc.), must be kept in specially equipped premises that comply with DBN B.2.2-28-2010 “Administrative and household buildings” and with requirements of regulatory legal acts on occupational safety and health.</p>	<p>Renumbering. The compliance with DBN B.2.2-28-2010 “Administrative and household buildings” should not be in the text because that falls within the scope of the OSH regulation. The facilities required may not be of an administrative nature to satisfy the purposes of the standard. In this way, a more open prescription facilitates compliance by micro and small companies.</p>

		<p>The legal order as a whole is normally part of the interpretation of legal texts. Therefore, it is unnecessary.</p> <p>In addition, the terms “labour protection” and “occupational hygiene” should be replaced by the aggregate and more appropriate term “safety and health”, which reflects and is more aligned with the EU OSH Directives 89/391/EEC and 89/656/EEC and its foreseen more holistic and preventive approach which includes safety and health (whereas hygiene is included within health).</p>
22. The second-hand warm special clothes and special footwear, accepted for storage, shall be disinfected, thoroughly cleaned from contamination and dust, dried and repaired. They need to be periodically inspected during storage.	15.	Renumbering.
23. If workers work outside their enterprise, institution or organization, or on secondment where the above-mentioned PPE storage procedure may not be used because of the working conditions (timber harvesting, geological prospecting work, etc.), the PPE may be kept by workers outside working hours, which must be stipulated in the collective contract or in the enterprise’s internal work regulations.	16.	
	Section III - Information, training and participation	To improve legal act systematics, structure and clarity.
	Article 8 - Information and training for workers	
(II) Employer’s General Obligations	1. Before issuing PPE, the employer shall inform the worker of the risks to his life, safety and	The recommended paragraphs 1 and 2 of this Article were transferred from, respectively, paragraphs 13 (first sentence) and 14 of section

<p>13. Before issuing PPE, the employer shall inform the worker of the risks to his life and health against which the use of the PPE protects him.</p> <p>Besides, the employer shall ensure regular training of workers on the rules for PPE use and demonstration of its correct use.</p>	<p>health against which the use of the PPE protects him.</p>	<p>“II. Employer’s General Obligations” of the MSP Order.</p> <p>The second sentence of paragraph 13 of section “II. Employer’s General Obligations” of the MSP Order was transferred to paragraph 4 of this Article (see below).</p> <p>Paragraphs 13 (first sentence) and 14 of section “II. Employer’s General Obligations” of the MSP Order were amended, as recommended:</p>
<p>14. The employer shall inform in good time the workers, the primary trade union organization at the enterprise, or the person authorized by wage workers for labour protection matters if no trade union was established at the enterprise, of all measures to be taken with regard to the safety and health of workers when PPE is used at work</p>	<p>2. The employer shall inform the workers, before the entry into use of the PPE, the primary trade union organization at the enterprise, or the person authorized by wage workers for occupational safety and health labour protection matters if no trade union was established at the enterprise, of all measures to be taken with regard to the safety and health of workers when PPE is used at work.</p>	<p>1. To better align with Article 7(1) of Directive 89/656/EEC and to better articulate it with the employers’ obligation to provide information on OSH to workers and their representatives, foreseen in the ME Draft Law “On Occupational Safety and Health of Workers” (aimed at transposing, to national legal framework, the EU Council framework Council Directive 89/391/EEC, in particular its Article 10);</p> <p>2. To improve legal act systematics, structure and clarity;</p> <p>3. To replace the term “labour protection” by the term “safety and health”, because the former reflects a retrograde approach to Occupational Safety and Health, mainly focused on a reactive, protective, corrective and compensatory approach, instead of a modern preventive approach, based on prevention and on risk management (i.e., risk assessment and control). In fact, while an approach based on protection is mainly aimed at minimizing the consequences of a damaging event that already took place, the</p>

		<p>approach based on prevention - which is the one foreseen by the EU OSH legal framework, in particular by the EU OSH Framework Directive 89/391/EEC, is mainly aimed at preventing the occurrence of the damaging event from the outset.</p> <p>4. To improve consistency with the development of the matter relating to supervision and maintenance; and</p> <p>5. To renumber the paragraphs.</p>
	<p>3. Information on supervision and maintenance shall be provided to every worker using the PPE, namely when it is issued and when regular briefings on occupational safety and health labour protection are delivered.</p>	<p>Transferred from paragraph 15 of section “III. Other provisions”, to improve the Decree structure and systematics.</p>
<p>II) Employer’s General Obligations</p> <p>13. Before issuing PPE, the employer shall inform the worker of the risks to his life and health against which the use of the PPE protects him. Besides, the employer shall ensure regular training of workers on the rules for PPE use and demonstration of its correct use.</p>	<p>4. The employer shall ensure regular training of workers on the rules for PPE use and demonstration of its correct use.</p>	<p>Transferred from the second sentence of paragraph 13 of section “II. Employer’s General Obligations” of the MSP Order, to improve the Decree structure and systematics.</p>
	<p>Article 9 - Consultation and participation</p>	
<p>(II Employer’s General Obligations)</p> <p>15. The employers shall carry out consultations with the workers, the primary trade union organization at the enterprise, and/or the person authorized by wage workers for labour protection matters if no trade union was established at the enterprise, as well as enable them to participate in discussion of all the matters related to their health and safety when PPE is issued at work.</p>	<p>1. The employer shall carry out consultations with the workers, the primary trade union organization at the enterprise, and/or their authorized representatives for the person authorized by wage workers for occupational safety and health labour protection matters if no trade union was established at the enterprise, as well as enable them to participate in discussion of all the matters related to their safety and health when PPE is issued at work.</p>	<p>Transferred from paragraph 15 of section “II. Employer’s General Obligations” of the MSP Order.</p> <p>To better align with Article 8 of Directive 89/656/EEC and to better articulate it with the employers’ obligation to ensure consultation on OSH to workers and their representatives, foreseen in the ME Draft Law “On Occupational Safety and Health of Workers” (aimed at transposing, to national legal framework, the EU</p>

		Council framework Directive 89/391/EEC, in particular its Article 11). With terminology update.
	2. In some cases, taking production specifics into consideration, the replacement of an overall with a suit and vice versa; a suit with a semi-overall and a shirt (blouse), or with a pinafore and a blouse; a woolen suit with a suit with fire-resistant or acid-resistant impregnation, a tarpaulin suit with a suit with fire-resistant or water-proofing impregnation; leather shoes (ankle boots) with rubber boots and vice versa, shoes (ankle boots) with boots and vice versa, felt boots with boots and vice versa, should be made as agreed upon with the enterprise's trade union organization or the person authorized by wage workers for occupational safety and health matters if there is no trade union.	Paragraph introduced here, to accommodate the provision of paragraph 3 of section "III. Other provisions" of the MSP Order and benefit the Decree systematics and structure. Also to improve and harmonize the used terminology.
	3. The employer shall provide for a commission consisting of representatives of the employer enterprise—management and trade union organization or the person authorized by wage workers for occupational safety and health if no trade union was established at the enterprise, to follow up on inspections of the PPE received by the enterprise, for their compliance with requirements of the regulatory documents and results of the assessment undertaken, according to Article 5 , on choosing PPE.	Paragraph introduced to accommodate the provision of paragraph 4 of section "III. Other provisions". Also to improve clarity and to update used terminology.

	Section IV - Promotion, control and enforcement	Should be inserted to improve legal act systematics, structure and clarity.
	Article 10 - Legal competence to promote, control and enforce compliance	It should be inserted, in order to ensure the alignment of this Decree with:
	The state measures for promoting, controlling, ensuring and improving compliance with the the provisions of this Decree and its Annexes shall be taken by the central executive authority that implements the state policy on state control of compliance with the labour legislation.	<ol style="list-style-type: none"> 1. Article 9(1) of ILO Occupational Safety and Health Convention, 1981 (No. 155), according to which “the enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection”; 2. Article 3(1) of the ILO Labour Inspection Convention, 1947 (No. 81) and Article 6(1) of the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), which define the main functions of the system of labour inspection; and 3. Article 4(2) of EU Directive 89/391/EEC, according to which the States "shall ensure adequate controls and supervision".
	Article 11 - Employers’ liability	It should be inserted, in order to ensure the alignment of this Decree with:
	1. Employers shall be held liable to a fine for the violation of the provisions of this Decree, including its Annexes.	<ol style="list-style-type: none"> 1. Article 9(2) of ILO Convention 155, according to which "The enforcement system shall provide for adequate penalties for violations of the laws and regulations"; and 2. Article 18 of ILO C081 and Article 24 of ILO C129, according to which "adequate penalties for violations of the legal provisions enforceable by labour inspectors
	2. The fine for the violation of any provision of this Decree or of its Annexes is in the amount of “X” minimum wages for each violation.	
	3. The minimum wage rate established according to the legislation as of the violation moment shall be used to determine the amount of the fines mentioned in the previous paragraph.	

	4. If a repeated similar violation is found within a year from the date when the previous violation was found, the amount of the fine shall be doubled.	and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced".
	5. The fines imposition of which is provided for by this Article shall be financial sanctions and shall not belong to the administrative economic sanctions laid down in Chapter 27 of the Economic Code of Ukraine.	
	6. Payment of a fine shall not release the employer from the obligation to comply with the provisions of this Decree and its Annexes.	
	Section V - Miscellaneous provisions	Should be inserted to improve legal act systematics, structure and clarity.
	Article 12 - Final and transitional provisions	
	1. This Decree enters into force on the sixth month following the publication of this decree in the official journal.	To give some time to employers, workers, their representatives and the suppliers PPE to adapt to this Decree provisions.
	2. With the entry into force of this decree, the following are repealed: 1) The Technical Regulation of Personal Protective Equipment approved by the Cabinet of Ministers of Ukraine Resolution No. 761 of 27 August 2008; 2) The Order of the State Committee of Ukraine for Industrial Safety, Labour Protection and Mining Supervision No. 53 of 24 March 2008 "On approval of the Regulations on the procedure for providing workers with special clothes, special footwear and other personal protective equipment" registered with the Ministry of Justice of Ukraine on 21 May 2008 under No. 446/15137 (as amended);	This paragraph intends to clarify what this is in force, avoid conflicting rules and interpretive difficulties, provide the law recipients with a more assimilable legal framework in accordance with the principle of fewer rules for more professional risk situations on its scope.

	3) The Order of the State Committee of Ukraine for Industrial Safety, Labour Protection and Mining Supervision No. 62 of 16 April 2009 registered with the Ministry of Justice of Ukraine on 12 May 2009 under No. 424/16440	
	3. When appropriate, Cabinet of Ministers of Ukraine will set forth adaptations of technical nature to the Annexes, in order to ensure:	This paragraph and subparagraphs should be inserted, in order to align with Article 9 of Directive 89/656/EEC.
	1) The approximation to relevant international and national standards concerning the design and manufacture of PPE;	
	2) The adaptation to technical progress, changes in international rules or specifications and advances in knowledge in the field of PPE.	
	4. The Cabinet of Ministers shall, within sixth months following the date of publication of this Decree, shall:	This paragraph and corresponding subparagraphs should be inserted, in order to align with Article 10(1) of Directive 89/656/EEC and ensure the effective application of the Decree.
	1) Prepare its proposals on bringing laws of Ukraine into conformity with this Decree, and submit them to the Verkhovna Rada of Ukraine for consideration;	
	2) Bring its regulatory legal acts into conformity with this Decree;	
	3) Ensure adoption of regulatory legal acts necessary to implement this Decree;	
	4) Ensure that ministries and other central executive authorities bring their regulatory legal acts into conformity with this Decree.	

<p>Annex 1 to the Minimum Safety and Health Protection Requirements for the Use by Workers of Personal Protective Equipment at the Workstation (Section III(9))</p>	<p>Annex IV to the minimum safety and health requirements for the use by workers of personal protective equipment at the workplace (Article 7(3))</p>	<p>Should be amended, as recommended (see the indicative proposed content and template of Annex IV ahead) to:</p> <ol style="list-style-type: none"> 1. Reorganize and renumber the Annexes; 2. Update the reference to the proper Article of the text of the Decree; 3. Ensure consistency with the name of the Decree and with the name of the Directive 89/656/EEC. <p>In addition, and for the reasons already better explained above, to:</p> <ol style="list-style-type: none"> 4. Replace the term “workstation” by the term “workplace”; 5. Delete the term “Protection” after the term “health.”
<p>“PERSONAL RECORD CARD of special clothes, special footwear and other personal protective equipment”</p>	<p>INDICATIVE PERSONAL RECORD CARD of special clothes, special footwear and other personal protective equipment (PPE)</p>	<p>The title of the Annex should be amended, as recommended, to ensure that the template of the Personal Record Card is indicative: it should be able, if necessary, to contain additional information and to have different ways of presentation (see the indicative proposed content and template of Annex IV ahead). In addition, it should not enumerate specific types of PPE (e.g., “special clothes”, “special footwear”, etc.) but, instead, should apply to all PPEs.</p>
<p>“Provided for by the PPE Free-of-Charge Provision Rates (based on assessment results)”</p>	<p>PPEs provided</p>	<p>Should be reworded, to delete the reference to PPE Free-of-Charge Provision Rates, as it makes no sense to mention a regulation object of another legal diploma, which, incidentally, is prior to the reform of the OSH legislation and is foreseen to be revoked (see the proposed Article 12(2)).</p>

	<p>Revision of the content (fields/columns) of the annex</p>	<p>The content of the annex (fields/columns) should also be revised, in order to include (see the indicative proposed content and template of Annex IV ahead):</p> <ol style="list-style-type: none"> 1. the date of the risk assessment conducted in accordance with Article 5; 2. the result of the risk assessment conducted in accordance with Article 5. <p>Other fields might be considered, such as: the serial number of the PPE, the conditions of the PPE when returned, etc. That is why the content should be indicative and should only foresee the minimum information which is mandatory, without preventing the inclusion of other relevant information.</p>
<p>Annexes 2 and 3</p>	<p>Annexes II and III</p> <p>The recommended revised Annexes I, II, and III, are presented below.</p> <p>The revision of the Annexes proposed in the MSP Order No. 1804, of 29.11.2018 (presented below), involved:</p> <ol style="list-style-type: none"> 1. Renumbering of the annexes: <ol style="list-style-type: none"> a. Annex 2: becomes Annex II; b. Annex 3: becomes Annex III. 2. Revision of the titles of the annexes: <ol style="list-style-type: none"> a. Title of Annex II: “Indicative list of types of PPE with regard to the risks they provide protection against”; b. Title of Annex III: “Indicative list of activities and sectors of activity which may require the provision of PPE”. 	<p>The number, as well as the content of the Annexes 2 and 3 of the MSP Order should be revised, in order to better align them with the corresponding Annexes II and II of EU Directive 89/656/EEC.</p> <p>The annexes 2 and 3 of MSP Order are structured without considering the amendment operated by the Commission Directive 2019/1832 of 24 October 2019 amending Annexes I, II and III to Council Directive 89/656/EEC as regards purely technical adjustments. These amendments were aimed at ensuring consistency with the risk classification laid down in Regulation (EU) 2016/425 and to align them with terminologies used and types of personal protective equipment referred to in the same regulation, containing provisions on design and manufacture with respect to safety and health. The necessary</p>

	<p>3. Update of the references of the annexes to the Articles of the text of the Decree:</p> <ul style="list-style-type: none"> a. Reference of Annex II: Article 5(8)(1); b. Reference of Annex III: Article 5(8)(2). <p>4. Reformulation of the content of the annexes (see the recommended wording of Annex I and of Annex II ahead), in order to bring them closer to the corresponding annexes of the EU Council Directive 89/656/EEC. In particular:</p> <ul style="list-style-type: none"> a. <u>Annex 2 of the MSP Order should correspond to Annex II of the Directive 89/656/EEC, but it does not happen, as the Annex 2 of the MSP Order is only an indicative list of (several different types) of hazards and it is not in line with the content, objectives and philosophy of Annex II of the Directive. In fact, and contrary to the Annex 2 of the MSP Order, the Annex II of the Directive 89/656/EEC, is a non-exhaustive list of types of PPEs (with regard to the risks they provide protection against) and is aimed and helping to identify the most appropriate PPEs, taking into account the nature of the risks to which the workers may be exposed to and the part of the body that can potentially be affected by such risks. The mere list of risks made in Annex 2 of the MSP Order is clearly not aligned with that and do not help to identify the most</u> 	<p>national provisions to comply with this Directive are to enter in force by 20 November 2021 at the latest.</p> <p>That's why it's important to accommodate (i) the Annex that sets out a specimen risk survey table for the use of PPE and sets out types of risks that could occur in workplaces in relation to different parts of the body to be protected by personal protective equipment (ii) the Annex which sets out a non-exhaustive guide list of types of PPE and (iii) the Annex that sets out a non-exhaustive guide list of activities and sectors of activity that could require the provision of PPE.</p> <p>The harmonization of terminology and concepts with the legislation concerning the design and placing on the market of PPE facilitates the OSH management processes on workplaces referred to in this decree.</p> <p>In addition, and for the reasons already explained above, the term “workstation” should be replaced by “workplace” throughout the annexes.</p>
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	<p>suitable PPE for a given risk and affected body part. Therefore, below is presented the recommended content of the Annex II of this Decree, in order to better align it with Directive 89/656/EEC.</p> <p>b. <u>Annex 3 of the MSP Order</u> should correspond to Annex II of the Directive 89/656/EEC. However, that doesn't happen, as Annex 2 of the MSP Order misses to address the logic and philosophy of Annex III of the Directive and is <u>only focused on the identification of the PPE, based only on the part of the body to be protected and on the type of work to be carried out</u>. On the contrary, the Annex III of Directive 89/656/EEC starts with the identification of the type of occupational risk to which the workers may be exposed to (physical risks, chemical risks, biological agents, etc.), identifies the nature of the specific risk (e.g., falls from a height, vibration, mechanical injuries, noise, ionizing radiation, drowning, etc.), clarifies the part of the body that might be affected (Cranium , ears, head, eyes, respiratory system hand, forearms, foot, legs, etc.), and only then identifies the potentially suitable PPEs, indicating in which type of activities the use of the PPEs may</p>	
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	<p>be necessary and also in which industry and sectors of economic activity. As such, below is presented the recommended content of the Annex III of this Decree, in order to better align it with Directive 89/656/EEC.</p>	
<p>Annex 4 to the Minimum Safety and Health Protection Requirements for the Use by Workers of Personal Protective Equipment at the Workstation (Section III(1))</p>	<p>Annex I to the minimum safety and health requirements for the use by workers of personal protective equipment at the workplace (Article 5(7))</p>	<p>Should be amended, as recommended (see the indicative proposed content and template of Annex I ahead) to:</p> <ol style="list-style-type: none"> 1. Reorganize and renumber the Annexes; 2. Update the reference to the proper Article of the text of the Decree; 3. Ensure consistency with the name of the Decree and with the name of the Directive 89/656/EEC. <p>In addition, and for the reasons already better explained above, to:</p> <ol style="list-style-type: none"> 4. Replace the term “workstation” by the term “workplace”; <p>Delete the term “Protection” after the term “health.</p>
<p>“RISK SURVEY TABLE for substantiation of PPE choice and use”</p>	<p>“Indicative list of risks in relation to the body parts to be protected by PPE, for performance of risk assessment and determination of the need for PPE and its characteristics”</p>	<p>To better align with Annex II of Directive 89/656/EEC.</p>
	<p>Recommended the revision of the content of this Annex.</p>	<p>The content of Annex 4 of the MSP Order should be revised, as recommended (see the recommended content of Annex I below), in order to align it with the content of Annex I of the EU Directive 89/656/EEC.</p>

Annex I
to the Minimum **Safety** and **Health Requirements** for
the Use by Workers of Personal Protective Equipment
at the **Workplace** (Article 5(7))

Indicative list of risks in relation to the body parts to be protected by PPE, for performance of risk assessment and determination of the need for PPE and its characteristics

PARTS OF THE BODY TO PROTECT	PHYSICAL								CHEMICAL (including nanomaterial)						BIOLOGICAL AGENTS			OTHER RISKS										
	MECHANICAL							NOISE	THERMAL		ELECTRICAL		RADIATION		AEROSOLS		LIQUIDS		GASES AND VAPOURS	AEROSOLS	LIQUIDS		MATERIALS, PERSONS, ANIMALS, ETC.	DROWNING	OXYGEN DEFICIENCY	NON-VISIBILITY		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)		Heat and/or fire	Cold	Electric shock (8)	Static electricity	Non-ionising ⁽⁹⁾	Ionizing	Solid ⁽¹⁰⁾	Liquid ⁽¹¹⁾	Immersion	Splashes, sprays, jets			Solids and liquids	Direct and indirect contact					Splashes, sprays, jets	Direct and indirect contact
HEAD	Head	Cranium																										
		Whole head																										
	Ears																											
	Eyes																											
	Face																											
	Respiratory system																											
	Hands																											
	Arms (parts)																											
	Foot																											
	Legs (parts)																											
	Skin																											
	Trunk/abdomen																											
	Partial body																											
	Whole body																											

LEGEND: (1) Impact caused by falling or ejected objects, collisions, with an obstacle and high-pressure jets; (2) Falls due to slipping; (3) Falls from a height; (4) Vibration; (5) Static compression of parts of the body; (6) Mechanical injuries (abrasion, perforation, cuts, bites, wounds or stabs); (7) Entanglement and trapping; (8) Direct or indirect contact; (9) Including sunlight (other than direct observation); (10) Dusts, fumes, smokes and fibres; and (11) Mists and fogs.

Annex II
to the Minimum **Safety** and **Health Requirements** for the Use by Workers of Personal Protective Equipment at the **Workplace** (Article 5(8)(1))

Indicative list of types of PPE with regard to the risks they provide protection against

1. Equipment for HEAD PROTECTION

- 1.1. Helmets and/or caps/balaclavas/headgears against:
 - 1.1.1. Impacts caused by falling or ejected object
 - 1.1.2. Collision with an obstacle
 - 1.1.3. Mechanical risks (perforation, abrasion)
 - 1.1.4. Static compression (lateral crushing)
 - 1.1.5. Thermal risks (fire, heat, cold, hot solids including molten metals)
 - 1.1.6. Electric shock and live working
 - 1.1.7. Chemical risks
 - 1.1.8. Non-ionizing radiation (UV, IR, solar or welding radiation)
- 1.2. Hairnets against risk of entanglement

2. Equipment for HEARING PROTECTION

- 2.1. Earmuffs (including e.g. earmuffs attached to a helmet, active noise reduction earmuffs, earmuffs with electrical audio input)
- 2.2. Earplugs (including e.g. level-dependent earplugs, earplugs adapted to the individual)

3. Equipment for EYE AND FACE PROTECTION

- 3.1. Spectacles, goggles and face shields (prescription lenses where appropriate) against:
 - 3.1.1. Mechanical risks
 - 3.1.2. Thermal risks
 - 3.1.3. Non-ionizing radiation (UV, IR, solar or welding radiation)
 - 3.1.4. Ionizing radiation
 - 3.1.5. Solid aerosols and liquids of chemical and biological agents)

4. Equipment for RESPIRATORY PROTECTION

- 4.1. Filtering devices against:
 - 4.1.1. Particles
 - 4.1.2. Gases
 - 4.1.3. Particles and gases
 - 4.1.4. Solid and/or liquid aerosols
- 4.2. Insulating devices, including with an air supply

- 4.3. Self-rescue devices
- 4.4. Diving equipment)

5. Equipment for HAND AND ARM PROTECTION

- 5.1. Gloves (including mittens and arm protection) against:
 - 5.1.1. Mechanical risks
 - 5.1.2. Thermal risks (heat, flame and cold)
 - 5.1.3. Electric shock and live working (antistatic, conductive, insulating)
 - 5.1.4. Chemical risks
 - 5.1.5. Biological agents
 - 5.1.6. Ionizing radiation and radioactive contamination
 - 5.1.7. Non-ionizing radiation (UV, IR, solar or welding radiation)
 - 5.1.8. Vibration risks
- 5.2. Finger stalls

6. Equipment for FOOT AND LEG PROTECTION and anti-slip protection

- 6.1. Footwear (e.g. shoes, including in certain circumstances clogs, boots that may have steel toe-caps) to protect against:
 - 6.1.1. Mechanical risks
 - 6.1.2. Slipping risks
 - 6.1.3. Thermal risks (heat, flame and cold)
 - 6.1.4. Electric shock and live working (antistatic, conductive, insulating)
 - 6.1.5. Chemicals risks
 - 6.1.6. Vibration risks
 - 6.1.7. Biological risks
- 6.2. Removable instep protectors against mechanical risks
- 6.3. Kneepads against mechanical risks
- 6.4. Gaiters against mechanical, thermal and chemical risks and biological agents
- 6.5. Accessories (e.g. spikes, crampons)

7. SKIN PROTECTION — BARRIER CREAMS⁽¹⁾

- 7.1. There could be barrier creams to protect against:
 - 7.1.1. Non ionizing radiation (UV, IR, solar or welding radiation)
 - 7.1.2. Ionizing radiation
 - 7.1.3. Chemicals
 - 7.1.4. Biological agents
 - 7.1.5. Thermal risks (heat, flame and cold)

(1) In certain circumstances, as a result of the risk assessment, barrier creams could be used together with other PPE with the aim of protecting workers' skin from related risks. Barrier creams are PPE under the scope of this Decree, as this type of equipment can be considered, in certain circumstances, as 'additional or accessory', within the meaning of Article 2(1)(1) of

this Decree (as well as Article 2(1) of Directive 89/656/EEC). However, barrier creams are not PPE according to the definition in Article 3(1) of Regulation (EU) 2016/425, concerning design and manufacture.

8. Equipment for BODY PROTECTION/OTHER SKIN PROTECTION

- 8.1. PPE for protection against falls from a height, such as:
 - 8.1.1. Retractable type fall arresters,
 - 8.1.2. Full body harnesses
 - 8.1.3. Sit harnesses
 - 8.1.4. Belts for work positioning and restraint and work positioning lanyards;
 - 8.1.5. Energy absorbers
 - 8.1.6. Guided-type fall arresters including an anchor line
 - 8.1.7. Rope adjustment devices
 - 8.1.8. Anchor devices that are not designed to be permanently fixed and that do not require fastening works before use
 - 8.1.9. Connectors
 - 8.1.10. Lanyards
 - 8.1.11. Rescue harness
- 8.2. Protective clothing, including whole body (i.e. suits, overalls) protection and partial body (i.e. gaiters, trousers, jackets, waistcoats, aprons, kneepads, hoods, balaclavas) protection against:
 - 8.2.1. Mechanical risks
 - 8.2.2. Thermal risks (heat, flame and cold)
 - 8.2.3. Chemicals
 - 8.2.4. Biological agents
 - 8.2.5. Ionizing radiation and radioactive contamination
 - 8.2.6. Non-ionizing radiation (UV, IR, solar or welding radiation)
 - 8.2.7. Electric shock and live working (antistatic, conductive, insulating)
 - 8.2.8. Entanglement and trapping
- 8.3. Lifejackets for prevention of drowning and buoyancy aids
- 8.4. PPE for signaling the user's presence visually

Annex III
to the Minimum **Safety** and **Health Requirements**
for the Use by Workers of Personal Protective
Equipment at the **Workplace** (Article 5(8)(2))

Indicative list of activities and sectors of activity which may require the provision of PPE

1. Physical risks

1.1. Physical - Mechanical

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
<p>Impact caused by falling or ejected objects, collision with an obstacle and high-pressure jets</p>	<p>Cranium Protective helmet</p>	<ul style="list-style-type: none"> — Work on, underneath or in the vicinity of scaffolding and elevated workplaces — Carcase Work and road work — Formwork's erection and stripping — Scaffolding's assembly and installation — Assembly and installation works — Demolitions — Blasting works — Work in pits, trenches, shafts and tunnels — Work in the vicinity of lifts, lifting gear, cranes, and conveyors 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Machinery manufacturing, installation and maintenance — Shipbuilding — Mining works — Energy production

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
		<ul style="list-style-type: none"> — Works in underground workings, quarries, open diggings — Work with industrial furnaces, containers, machinery, silos, bunkers and pipelines — Slaughtering and Cutting line at slaughterhouses — Load handling or Transport and storage — Forest work — Work on steel bridges, steel building construction, steel hydraulic structures, blast furnaces, steel works and rolling mills, large containers, large pipelines, boiler plants and power stations — Earth and rock works — Work with bolt-driving tools — Work with blast furnaces, direct reduction plants, steelworks, rolling mills, metalworks, forging, drop forging and casting — Work involving travelling on bicycles and mechanically propelled bikes 	<ul style="list-style-type: none"> — Infrastructure construction and maintenance — Iron and Steel industry — Slaughterhouses — Railway shunting work — Harbours, transport and logistics — Forest Industry
	Eyes and/or face	— Welding, grinding and separating work	— Building construction

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	Spectacles, goggles and face shields	<ul style="list-style-type: none"> — Manual hammering — Caulking and chiselling — Rock working and processing — Work with bolt-driving tools — Work on stock removing machines for small chippings — Drop forging — The removal and breaking up of fragments — Spraying of abrasive substances — Use of brush cutter or chainsaw — Dental and surgical procedures 	<ul style="list-style-type: none"> — Civil engineering construction — Machinery manufacturing, installation and maintenance — Shipbuilding — Mining works — Energy production — Infrastructure construction and maintenance — Iron and Steel industries — Metal and Wood industries — Stone carving — Gardening — Healthcare — Forestry

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	<p>Foot and leg (parts)</p> <p>Footwear (shoes/boots, etc.) with safety or protective toecap</p> <p>Footwear with metatarsal protection</p>	<ul style="list-style-type: none"> — Carcase Work and road work — Erection and stripping of formwork — Scaffolding's assembly and installation — Demolitions — Blasting works — Working and processing of rock — Slaughtering and Cutting line works — Transport and storage — Work with moulds in the ceramics industry — Work with frozen meat blocks and preserved foods packaging — Flat glass products and container glassware manufacture, working and processing — Conversion and maintenance work — Forest works — Work with concrete and prefabricated parts involving formwork erection and stripping — Work in contractors' yards and warehouses — Roof work 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Machinery manufacturing, installation and maintenance — Shipbuilding — Mining works — Energy production — Infrastructure construction and maintenance — Iron and Steel industry — Slaughterhouses — Logistic Companies — Manufacturing Industry — Glass Industry — Forest Industry

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
		<ul style="list-style-type: none"> — Work on steel bridges, steel building construction, masts, towers, lifts, steel hydraulic structures, blast furnaces, steelworks and rolling mills, large containers, large pipelines, cranes, boiler plants and power stations — Furnace construction, heating and ventilation installation and metal assembly work — Work with blast furnaces, direct reduction plants, steelworks, rolling mills, metal works, forging, drop forging, hot pressing and drawing plants — Work in quarries and open diggings, coal stock removal — Work with moulds in the ceramics industry — Lining of kilns in the ceramics industry — Railway shunting work 	
Falls due to slipping	Foot Slip-resistant footwear	<ul style="list-style-type: none"> — Works on slippery surfaces — Works on humidity environments 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Shipbuilding

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
			<ul style="list-style-type: none"> — Slaughterhouse — Cleaning — Food industries — Gardening — Fishing industry
Falls from a height	Whole body PPE designed to prevent or arrest falls from height	<ul style="list-style-type: none"> — Work on scaffolding — Assembly of prefabricated parts — Works on masts — Roof work — Work on vertical or slope surfaces — Work in high crane cabs — Work in high cabs of warehouse stacking and retrieval equipment — Work in high sections of drilling towers — Work in shafts and sewers 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Shipbuilding — Infrastructure maintenance
Vibration	Hands Protective Gloves	<ul style="list-style-type: none"> — Works with hand-guided tools 	<ul style="list-style-type: none"> — Manufacturing industries — Building work

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
			— Civil Engineering work
Static compression of parts of the body	Knee (leg parts) Kneepads	— Installation of blocks, tiles and pavers on the floor	— Building construction — Civil engineering construction
	Foot Footwear with toecaps	— Demolitions — Load handling	— Building construction — Civil engineering construction — Transport and storage — Maintenance
Mechanical injuries (abrasion, perforation, cuts, bites, wounds or stabs)	Eyes and/or face Spectacles, goggles, face shields	— Works with hand-guided tools — Welding and forging — Grinding and separating work — Chiselling — Rock working and processing — Work on stock removing machines for small chippings — Drop forging	— Building construction — Civil engineering construction — Shipbuilding — Mining works — Energy production — Infrastructure maintenance

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
		<ul style="list-style-type: none"> — The removal and breaking up of fragments — Spraying of abrasive substances — Use of brush cutter or chainsaw 	<ul style="list-style-type: none"> — Iron and Steel industries — Metal and Wood industries — Stone carving — Gardening — Forestry
	<p>Hands</p> <p>Mechanical protective gloves</p>	<ul style="list-style-type: none"> — Works with steel framework — Handling of sharp-edged objects, other than machines where there is a danger of the gloves being caught — Regular cutting using a hand knife for production and slaughtering — Changing the knives of cutting machines — Forest works — Gardening work 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Shipbuilding — Infrastructure maintenance — Manufacturing industries — Food industry — Slaughter — Forest industry

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	Forearms Arm protection	— Boning and cutting	— Food industry — Slaughter
	Trunk/Abdomen/Leg Protective apron, gaiters Penetration resistance trousers (cut-resistant trousers)	— Regular cutting using a hand knife for production and slaughtering — Forest works	— Food industry — Slaughter — Forest industry
	Foot Penetration resistance footwear	— Carcase works and road works — Demolition — Formwork's erection and stripping — Forest works	— Building construction — Civil engineering construction — Shipbuilding — Mining works — Forest industry
Entanglement and trapping	Whole body Protective clothing for use where there is a risk of entanglement with moving parts	— Entangle oneself in parts of machines — Get caught in parts of machines — Get caught with garment in parts of machines — Get swept away	— Machine building — Manufacture of heavy-duty machines — Engineering — Construction

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
			— Agriculture

1.2. Physical - Noise

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Noise	Ears Hearing protectors	<ul style="list-style-type: none"> — Work with metal presses — Work with pneumatic drills — The work of ground staff at airports — Works with power tools — Blasting works — Pile-driving work — Wood and textile working 	<ul style="list-style-type: none"> — Metal Industry — Manufacturing industry — Building construction — Civil engineering construction — Aeronautical industry — Mining works

1.3. Physical - Thermal

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Heat and/or fire	Face/Whole head Welding headshields,	—Work in presence of high temperatures, radiating heat or fire	—Iron and Steel Industry

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	helmets/caps against heat or fire, protective hoods against heat and/or flame	<ul style="list-style-type: none"> — Work with or in the vicinity of molten substances — Work with welding plastics guns 	<ul style="list-style-type: none"> — Metal Industry — Maintenance services — Manufacturing Industry
	Trunk/abdomen/legs Protective apron, gaiters	<ul style="list-style-type: none"> — Welding and forging — Casting 	<ul style="list-style-type: none"> — Iron and Steel Industry — Metal Industry — Maintenance services — Manufacturing industry
	Hand Protective gloves against heat and/or flame	<ul style="list-style-type: none"> — Welding and forging — Work in presence of high temperatures, radiating heat or fire — Work with or in the vicinity of molten substances 	<ul style="list-style-type: none"> — Iron and Steel Industry — Metal Industry — Maintenance services — Manufacturing industry
	Forearms Sleeves	<ul style="list-style-type: none"> — Welding and forging — Work with or in the vicinity of molten substances 	<ul style="list-style-type: none"> — Iron and Steel Industry — Metal Industry

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
			<ul style="list-style-type: none"> — Maintenance services — Manufacturing industry
	Foot Footwear against heat and/or flame	<ul style="list-style-type: none"> — Work with or in the vicinity of molten substances 	<ul style="list-style-type: none"> — Iron and Steel Industry — Metal Industry — Maintenance services — Manufacturing industry
	Whole/partial body Protective clothing against heat and/or flame	<ul style="list-style-type: none"> — Work in presence of high temperatures, radiating heat or fire 	<ul style="list-style-type: none"> — Iron and Steel Industry — Metal Industry — Forest Industry
Cold	Hand Protective gloves against cold Foot Footwear against cold	<ul style="list-style-type: none"> — Work in the open air in extreme cold conditions — Work in deep-freeze rooms — Work with cryogenic liquids 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Shipbuilding — Mining works

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
			<ul style="list-style-type: none"> — Food Industry —Agriculture and fisheries sector
	<p>Whole/partial body including head</p> <p>Protective clothing against cold</p>	<ul style="list-style-type: none"> —Work in the open air in cold weather conditions — Work in deep-freeze rooms 	<ul style="list-style-type: none"> —Building construction —Civil engineering construction — Shipbuilding — Mining works — Food Industry —Agriculture and fisheries sector —Transport and storage

1.4. Physical - Electrical

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Electric shock (direct or indirect contact)	<p>Whole head</p> <p>Electrically insulating helmets</p>	<ul style="list-style-type: none"> —Live working or close to live parts under electrical tension 	<ul style="list-style-type: none"> — Energy production

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	<p>Hands Electrically insulating gloves</p> <p>Foot Electrically insulating footwear</p> <p>Whole body/Hands/Foot Conductive PPE intended to be worn by skilled persons during live working at a nominal power system voltage up to 800 kV AC and 600 kV DC</p>	<ul style="list-style-type: none"> — Work on electrical system 	<ul style="list-style-type: none"> —Transmission and distribution of electrical energy —Industrial facilities maintenance —Building construction —Civil engineering construction
Static electricity	<p>Hands Antistatic gloves</p> <p>Foot Antistatic/conductive-footwear</p> <p>Whole body Antistatic clothing</p>	<ul style="list-style-type: none"> — Handling plastic and rubber —Pouring, collecting or loading into a container —Work near to highly charged elements such as conveyor belts — Handling explosives 	<ul style="list-style-type: none"> —Manufacturing industry — Feed industry —Bagging and packing plants —Production, storage or transport of explosives

1.5. Physical - Radiation

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Non-ionizing radiation, including sunlight (other than direct observation)	Head Caps and helmets	<ul style="list-style-type: none"> — Work in open air 	<ul style="list-style-type: none"> —Fishing and agriculture —Building construction —Civil engineering construction
	Eyes Protective spectacles, goggles and face shields	<ul style="list-style-type: none"> — Work with radiant heat — Furnace operations — Work with laser — Work in open air — Welding and gas cutting — Glass blowing — Germicidal lamps 	<ul style="list-style-type: none"> —Iron and Steel Industries —Manufacturing industry —Fishing and agriculture
	Whole body (skin) PPE against Natural and artificial UV	<ul style="list-style-type: none"> — Work in the open air — Electrical welding — Germicidal lamps — Xenon lamps 	<ul style="list-style-type: none"> —Building construction —Civil engineering construction — Shipbuilding

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
			<ul style="list-style-type: none"> — Mining works —Energy production —Infrastructure maintenance —Fishing and agriculture — Forest industry — Gardening — Food industry — Plastic industry — Printing industry
Ionizing radiation	Eyes Protective spectacles/goggles against ionizing radiation Hands Protective gloves against ionizing radiation	<ul style="list-style-type: none"> — Operating in X-ray facilities —Operating in the area of medical radio diagnosis — Work with radioactive products 	<ul style="list-style-type: none"> — Healthcare — Veterinary care —Radioactive waste plant —Energy production
	Trunk/abdomen/partial body Protective apron against x-rays	<ul style="list-style-type: none"> — Operating in X-ray facilities 	<ul style="list-style-type: none"> — Healthcare — Veterinary care

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	/Coat/Vest/Skirt against x-rays	—Operating in the area of medical radio diagnosis	<ul style="list-style-type: none"> — Dental care — Urology — Surgery —Interventional radiology — Laboratories
	Head Headwear & Caps PPE for protection against e.g. development of brain tumours	—Medical X-ray work places and facilities	<ul style="list-style-type: none"> — Healthcare — Veterinary care — Dental care — Urology — Surgery —Interventional radiology
	Partial body PPE for thyroid protection PPE for gonads protection	<ul style="list-style-type: none"> — Operating in X-ray facilities —Operating in the area of medical radio diagnosis 	<ul style="list-style-type: none"> — Healthcare — Veterinary care
	Whole body	—Operating in the area of medical radio diagnosis	—Energy production

Risks	Body part affected / Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	Protective clothing against ionizing radiation	— Work with radioactive products	—Radioactive waste plant

2. Chemical risks (including nanomaterial)

2.1. Chemical - Aerosols

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Solid (dusts, fumes, smokes, fibres, and nano-material)	Respiratory system Respiratory protective devices against particles	<ul style="list-style-type: none"> — Demolition — Blasting works — Sanding and Polishing of surfaces — Work in presence of asbestos —Use of materials consisting of/containing nanoparticles — Welding — Chimney sweeper —Work on the lining of furnaces and ladles where there may be dust —Work in the vicinity of blast furnace taps where there may be heavy metal fumes 	<ul style="list-style-type: none"> — Building construction —Civil engineering construction — Shipbuilding — Mining works —Iron and Steel industries —Metal and Wood industries — Automotive industry — Stone carving

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
		<ul style="list-style-type: none"> — Work in the vicinity of the blast furnace charge 	<ul style="list-style-type: none"> — Pharmaceuticals industry — Healthcare services — Preparation of cytostatics
	<p>Hands</p> <p>Chemical Protective gloves and barrier cream as an additional/accessory protection</p>	<ul style="list-style-type: none"> — Work in presence of asbestos — Use of materials consisting of/containing nanoparticles 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Shipbuilding — Industrial facilities maintenance
	<p>Whole body</p> <p>Protective clothing against solid particles</p>	<ul style="list-style-type: none"> — Demolition — Work in presence of asbestos — Use of materials consisting of/containing nanoparticles — Chimney sweeper — Preparation of plant protection products 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Shipbuilding — Industrial facilities maintenance — Agriculture
	<p>Eyes</p>	<ul style="list-style-type: none"> — Woodworking 	<ul style="list-style-type: none"> — Mining industry

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	Spectacles/goggles and face shields	<ul style="list-style-type: none"> — Road work 	<ul style="list-style-type: none"> —Metal and wood industry —Civil engineering construction
Liquid (mists and fogs)	Respiratory system Respiratory protective devices against particles	<ul style="list-style-type: none"> —Surface treatment (e.g. varnishing/painting, abrasive blasting) — Surface cleaning 	<ul style="list-style-type: none"> — Metal Industry —Manufacturing Industry — Automotive sector
	Hands Chemical protective gloves	<ul style="list-style-type: none"> — Surface treatment — Surface cleaning — Work with liquid sprays —Works with acids and caustic solutions, disinfectants and corrosive cleaning substances 	<ul style="list-style-type: none"> — Metal Industry —Manufacturing industry — Automotive sector
	Whole body Chemical protective clothing	<ul style="list-style-type: none"> — Surface treatment — Surface cleaning 	<ul style="list-style-type: none"> — Metal Industry —Manufacturing industry — Automotive sector

2.2. Chemical - Liquids

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Immersion Splashes, sprays and jets	Hands Chemical protective gloves	<ul style="list-style-type: none"> — Work with liquid sprays — Works with acids and caustic solutions, disinfectants and corrosive cleaning products — Processing of coating materials — Tanning — Work in hairdressers and beauty salons 	<ul style="list-style-type: none"> — Textile and clothing industry — Cleaning industry — Automobile industry — Beauty and hairdressing sectors
	Forearms Chemical protective sleeves	<ul style="list-style-type: none"> — Works with acids and caustic solutions, disinfectants and corrosive cleaning products 	<ul style="list-style-type: none"> — Cleaning — Chemical industry — Cleaning industry — Automobile industry
	Foot Chemical protective boots	<ul style="list-style-type: none"> — Work with liquid sprays — Works with acids and caustic solutions, disinfectants and corrosive cleaning products 	<ul style="list-style-type: none"> — Textile and clothing industry — Cleaning industry — Automobile industry
	Whole body Chemical protective-clothing	<ul style="list-style-type: none"> — Work with liquid sprays — Works with acids and caustic solutions, disinfectants and corrosive cleaning products 	<ul style="list-style-type: none"> — Cleaning — Chemical industry

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
			<ul style="list-style-type: none"> — Cleaning industry — Automobile industry — Agriculture

2.3. Chemical - Gases and vapours

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Gases and vapours	Respiratory system Respiratory protective devices against gases	<ul style="list-style-type: none"> —Surface treatment (e.g. varnishing/painting, abrasive blasting) — Surface cleaning — Work in fermentation and distilling rooms — Work inside tanks and digesters —Work in containers, restricted areas and gas-fired industrial furnaces where there may be gas or insufficient oxygen — Chimney sweeper —Disinfectants and corrosive cleaning substances —Work in the vicinity of gas converters and blast furnace gas pipes 	<ul style="list-style-type: none"> — Metal Industry — Automotive sector — Manufacturing industry — Cleaning industry — Alcoholic drinks production — Wastewater treatment plants — Waste treatment plant — Chemical Industry — Petrochemical industry

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	<p>Hands</p> <p>Chemical protective gloves</p>	<ul style="list-style-type: none"> — Surface treatment — Surface cleaning — Work in fermentation and distilling rooms — Work inside tanks and digesters — Work in containers, restricted areas and gas-fired industrial furnaces where there may be gas or insufficient oxygen 	<ul style="list-style-type: none"> — Metal Industry — Automotive sector — Manufacturing industry — Alcoholic drinks production — Wastewater treatment plants — Waste treatment plant — Chemical Industry — Petrochemical industry
	<p>Whole body</p> <p>Chemical protective clothing</p>	<ul style="list-style-type: none"> — Surface treatment — Surface cleaning — Work in fermentation and distilling rooms — Work inside tanks and digesters — Work in containers, restricted areas and gas-fired industrial furnaces where there may be gas or insufficient oxygen 	<ul style="list-style-type: none"> — Metal Industry — Automotive sector — Manufacturing industry — Alcoholic drinks production — Wastewater treatment plants — Waste treatment plant — Chemical Industry — Petrochemical industry
	<p>Eyes</p>	<ul style="list-style-type: none"> — Spray painting — Woodworking 	<ul style="list-style-type: none"> — Automotive sector — Manufacturing industry

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	Spectacles, goggles and face shields	— Mining operations	— Mine industry — Chemical Industry — Petrochemical industry

3. Biological agents

3.1. Biological agents (contained in) - Aerosols

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Solids and liquids	Respiratory system Respiratory protective devices against particles	—Work that involve contact with human body and animal fluids and tissues — Work in presence of biological agent	— Healthcare — Veterinary clinics —Clinical analysis laboratories — Research Laboratories — Retirement homes — Homes assistances —Wastewater treatment plants — Waste treatment plant — Food Industry — Biochemical production

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	<p>Hands</p> <p>Protective gloves against microorganisms</p> <p>Whole/partial body</p> <p>Protective clothing against biological agents</p> <p>Eyes and/or face</p> <p>Protective spectacles, goggles and face shields</p>	<p>— Work that involve contact with human body and animal fluids and tissues</p> <p>— Work in presence of biological agent</p>	<p>— Healthcare</p> <p>— Veterinary clinics</p> <p>— Clinical analysis laboratories</p> <p>— Research Laboratories</p> <p>— Retirement homes</p> <p>— Homes assistances</p> <p>— Wastewater treatment plants</p> <p>— Waste treatment plant</p> <p>— Food Industry</p>

3.2. Biological agents (contained in) - Liquids

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Direct and indirect contact	<p>Hands</p> <p>Protective gloves against microorganisms</p> <p>Whole/partial body</p> <p>Protective clothing against biological agents</p>	<p>— Work that involve contact with human body and animal fluids and tissues (bites, stings)</p> <p>— Work in presence of biological agent</p>	<p>— Healthcare</p> <p>— Veterinary clinics</p> <p>— Clinical analysis laboratories</p> <p>— Research Laboratories</p> <p>— Retirement homes</p>

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	Eyes and/or face Protective goggles and face shields		<ul style="list-style-type: none"> — Homes assistances — Wastewater treatment plants — Waste treatment plant — Food Industry — Forest industry
Splashes, sprays and jets	Hands Protective gloves against microorganisms	<ul style="list-style-type: none"> — Work that involve contact with human body and animal fluids and tissues — Work in presence of biological agent 	<ul style="list-style-type: none"> — Healthcare — Veterinary clinics — Clinical analysis laboratories — Research Laboratories — Retirement homes — Homes assistances — Wastewater treatment plants — Waste treatment plant — Food Industry
	Forearms Protective sleeves against microorganisms	<ul style="list-style-type: none"> — Work that involve contact with human body and animal fluids and tissues — Work in presence of biological agent 	<ul style="list-style-type: none"> — Healthcare — Veterinary clinics — Clinical analysis laboratories

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
			<ul style="list-style-type: none"> — Research Laboratories — Retirement homes — Homes assistances — Wastewater treatment plants — Waste treatment plant — Food Industry
	Foot/legs Protective over boots and gaiters	<ul style="list-style-type: none"> — Work that involve contact with human body and animal fluids and tissues — Work in presence of biological agent 	<ul style="list-style-type: none"> — Healthcare — Veterinary clinics — Clinical analysis laboratories — Research Laboratories — Retirement homes — Homes assistances — Wastewater treatment plants — Waste treatment plant — Food Industry
	Whole body	<ul style="list-style-type: none"> — Work that involve contact with human body and animal fluids and tissues 	<ul style="list-style-type: none"> — Healthcare — Veterinary clinics

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	Protective clothing against biological agents	<ul style="list-style-type: none"> — Work in presence of biological agent 	<ul style="list-style-type: none"> — Clinical analysis laboratories — Research Laboratories — Retirement homes — Homes assistances — Wastewater treatment plants — Waste treatment plant — Food Industry

3.3. Biological agents (contained in) - Materials, persons, animals, etc.

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Direct and indirect contact	Hands Protective gloves against microorganisms Whole/partial body Protective clothing against biological agents Eyes and/or face	<ul style="list-style-type: none"> — Work that involve contact with human body and animal fluids and tissues (bites, stings) — Work in presence of biological agent 	<ul style="list-style-type: none"> — Healthcare — Veterinary clinics — Clinical analysis laboratories — Research Laboratories — Retirement homes — Homes assistances

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
	Protective goggles and face shields		<ul style="list-style-type: none"> — Wastewater treatment plants — Waste treatment plant — Food Industry — Forest industry

4. Other risks

Risks	Body part affected Type of PPE	Examples of activities where the use of the corresponding type of PPE may be necessary (*)	Industry and Sectors
Non-visibility	Whole body PPE for signalling the user's presence visually	<ul style="list-style-type: none"> — Work in proximity of movement of vehicles — Asphalt works and road marking — Railway works — Driving means of transport — Work of ground staff at airport 	<ul style="list-style-type: none"> — Building construction — Civil engineering construction — Shipbuilding — Mining works — Transport services and passengers transports
Oxygen deficiency	Respiratory system Insulating respiratory protectives devices	<ul style="list-style-type: none"> — Work in confined spaces — Work in fermentation and distilling rooms — Work inside tanks and digesters 	<ul style="list-style-type: none"> — Alcoholic drinks production — Civil engineering construction — Chemical Industry — Petrochemical industry

		<ul style="list-style-type: none"> — Work in containers, restricted areas and gas-fired industrial furnaces where there may be gas or insufficient oxygen — Work in shafts, sewers and other underground areas connected with sewage 	
	<p>Respiratory system</p> <p>Diving equipment</p>	<ul style="list-style-type: none"> — Underwater works 	<ul style="list-style-type: none"> — Civil engineering construction
Drowning	<p>Whole body</p> <p>Life jacket</p>	<ul style="list-style-type: none"> — Work on or near water — Work in the sea — Work in an airplane 	<ul style="list-style-type: none"> — Fishing industry — Aeronautical industry — Building construction — Civil engineering construction — Shipbuilding — Docks and harbours

Annex IV
to the Minimum **Safety** and **Health Requirements**
for the Use by Workers of Personal Protective
Equipment at the **Workplace (Article 7(3))**

INDICATIVE PERSONAL RECORD CARD
of ~~special clothes, special footwear and other~~ personal protective equipment (PPE)

_____ (employer name)

Personal record card of special clothes, special footwear and other PPEs No. _____			
Last name		Sex	
First name		Height	
Patronymic		Size of	
Employee No.		clothes	
Shop, section		footwear	
Profession		headwear	
Hiring date		gloves	

Provided for by the PPEs provided Free of Charge Provision Rates (based on assessment results)					
PPE name of special clothes, special footwear and other PPE	Date of risk assessment (Art. 5) Paragraph of the PPE Free of Charge Provision Rates (serial number of the PPE assessment conducted as per para. 6 of the Minimum Requirements)	Result of risk assessment (Art. 5)	Measurement Unit	Quantity	Period of use (months)

Structural Unit Manager: _____ Date: _____ Signature: _____

OSH services: _____ Date: _____ Signature: _____

Chief accountant: _____ Date: _____ Signature: _____

Issuance and return of special clothes, special footwear and other PPEs										
PPE		Issued				Returned				
Name Names of special clothes, special footwear and other PPE	Code (nomenclature)	Date	Quantity	Suitability %	Acknowledgement of receipt	Date	Quantity	Suitability %	Acknowledgement of return	Storekeeper' s acknowledgement of receipt

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