

**LAW
ON SAFETY AND HEALTH AT WORK
(OGM 34/14 of 8 August 2014, 44/18 of 6 July 2018)**

I. GENERAL PROVISIONS

The content of the law

Article 1

Safety and health at work is ensured and implemented using modern technological, organizational, medical, social and other measures and means of protection in accordance with the present Law, other regulations, ratified and published international treaties.

The definition of safety and health at work

Article 2

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

The public interest

Article 3

Safety and health at work is an activity of public interest.
Public interest in the field of Safety and health at work is carried out in a manner and under conditions prescribed by the law.

Application

Article 4

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

The provisions of this Law shall not apply to persons for whom the employer has organized work at home under the law, or with whom it contracted the housework employment.

Upbringing and Education

Article 5

Upbringing and education in the field of health and safety is an integral part of general and professional training in all types and levels of education of employees.

Employer shall promote the Safety and health at work.

Costs of occupational health and safety measures

Article 6

Safety and health at work measures shall not bear any cost to the employee.

The use of gender-sensitive language

Article 7

Expressions used in this Law referring to a natural person in the masculine gender imply the same terms in feminine gender.

Definition of terms

Article 8

Terms used herein shall have the following meanings:

- **Employer** is a legal person or an entrepreneur who employs persons under contracts of employment or engages persons on any other legal basis;
- **Workplace with an increased risk** is the job determined by the risk assessment act, where, despite the completely or partly applied measures in accordance with this law, there are such risks that could jeopardize the safety and health of employees;
- **Working environment or the surrounding** is an area in which the work is performed and includes workstations, working conditions, work procedures, relations in the work process and other environmental influences;
- **Work equipment** is any plant, machinery, equipment, installation, and other tool used in the work process;
- **Dangerous and hazardous substances** are explosive, flammable, oxidizing, poisonous, repulsive, infectious, corrosive, carcinogenic or mutagenic and radioactive substances determined by standards and other regulations, which are being produced, used or stored in the work process, as well as materials which contain these substances and may be dangerous to life and health of employees;
- **Safety and health at work measures** are part of prevention and are taken to improve the safety and/or hygiene and/or health of an employee;
- **Risk** is the probability of danger causing injury at work, occupational or work-related disease;
- **Employee** is a person who is working with the employer on the basis of the employment contract, including a person undergoing a training and a trainee, as well as any person carrying out work for the employer on any legal basis;
- **Prevention** includes all safety and health at work steps and/or measures taken or planned at all levels of work at the employer, with the aim to prevent or reduce risks for life and health of employees;
- **Temporary or mobile constructions sites** (hereinafter referred to as construction sites) means any construction site at which building or civil engineering works are carried out, except works related to drilling and extraction in mineral extracting industries;
- **Investor** means a legal person, an entrepreneur or a physical person for whom construction and/or finishing works are carried out;
- **Contractor** means any legal entity or entrepreneur performing construction and finishing works;

II. GENERAL TERMS AND MEASURES OF PROTECTION

The obligations of the designer and investor
Article 9

The designer who in accordance with the law develops project documentation for new, reconstructed or renovated facilities designed as working and auxiliary premises and facilities where technological process is carried out in the open, shall in the preparation of technical documentation and in accordance with this law develop prescribed safety and health at work measures in line with technological terms of reference.

The investor is required to obtain audit (assessment) from an authorized legal entity or entrepreneur proving that the technical documentation has been prepared in accordance with the regulations governing the Safety and health at work, technical regulations and standards, that the protection of employees in establishments for which technical documentation was made has been provided in the work process that will be carried out in them, or that the conditions of the technological terms of reference have been met.

Appointment of coordinators for safety and health at work

Article 9a

The investor shall appoint one or several coordinators for safety and health at work when two or more contractors perform or when they are planned to perform the works.

The investor shall appoint coordinators for safety and health at work separately for the project design stage and separately for the project execution stage.

Coordinator for safety and health matters at the project design stage (hereinafter: Project Design Coordinator) means any person employed with the employer entrusted by a written act by the investor, in accordance with the law, to perform duties prescribed by this Law.

Coordinator for safety and health matters at the project execution stage (hereinafter: the Project Execution Coordinator) means any person employed with the employer entrusted by a written act by the investor, in accordance with the law, to perform duties prescribed by this Law.

Appointment of the Coordinator at the Project Design Stage

Article 9b

For the project design stage, the investor shall appoint a person as the coordinator for safety and health at work, who, in accordance with the law, fulfils requirements for preparation of technical documentation and has passed the professional exam for the Project Design Coordinator.

Exceptionally from paragraph 1 of this article, the investor may also appoint a person as a Project Design Coordinator, who has:

- a University degree in technical and/or technical-technological course of studies;
- at least three years of work experience in the profession;
- passed the safety and health professional exam;
- passed the professional exam for performing duties of project design coordinator.

The persons who have been engaged at positions dealing with safety and health at work in the construction works for at least five years shall not be required to take the professional exam for performing the duties of project design coordinator if they:

- possess a University degree in technical and/or technical-technological course;
- have Master of Science degree and/or doctorate in Technical Sciences;
- are inspectors who supervised occupational safety and health at work.

Appointing a Project Execution Coordinator

Article 9c

The investor shall appoint a person as the Project Execution Coordinator, who, in accordance with the regulations on construction of buildings, meets the requirements for construction of buildings and has passed the professional examination in the field of occupational health and safety and the exam for performing the job of the Project Execution Coordinator:

Exceptionally from paragraph 1 of this article, the investor may also appoint a person as Project Execution Coordinator, who has:

- a University degree in technical and/or technical-technological course;
- at least three years of working experience in the profession;
- passed the safety and health professional exam
- passed the professional exam for performing the duties of Project Execution Coordinator.

The persons who have been engaged at positions dealing with safety and health at work in the construction works for at least five years shall not be required to take the professional exam for performing the duties of project execution coordinator if they:

- have a University degree in technical and/or technical-technological course;
- have Master of Science degree and/or doctorate in technical sciences;
- are inspectors who supervised occupational safety and health at work.

The investor shall not appoint as the Project Execution Coordinator for safety and health a person who is employed with the contractor at that construction site.

Professional examination for coordinators of safety and health

Article 9d

Conditions, programme, method and costs of taking professional examination for performing the duties of coordinator for safety and health at work shall be prescribed by the state authority in charge of labour.

Responsibilities of Investors

Article 9e

Appointment of Project Design Coordinator and Project Execution Coordinator to perform the duties referred to in articles 49b and 49d of this Law, shall not relieve investor of their responsibilities in relation to the performance of such duties.

The investor shall not transfer their obligations stipulated by this law to the employer.

Technological Processes

Article 10

The employer shall carry out the inspection of conditions in the work environment, i.e. ensure that employees perform work in a safe and healthy manner, through the design, construction of new and reconstruction of existing, use and maintenance of the technological work processes with the accompanying facilities and work equipment, whereas chemical, physical (except for ionizing and non-ionizing radiation) and biological substances, explosive atmosphere, asbestos, microclimate and lighting at the workplace and the working and auxiliary premises shall comply with the prescribed safety and health at work measures and regulations for the activity taking place in these workplaces and in these premises.

In changing the technological process, the employer shall, before commencement of work, adjust the investment facility with the accompanying work equipment to the new technological process.

During the construction, reconstruction or demolition of the structures, an employer who performs work is required to develop a plan of safety and health at work measures.

An employer who intends to work for longer than 30 working days, and at the same time employ more than 20 employees, or whose planned scope of work encompasses more than 500 employees or plans works to last longer than 500 days, shall, not later than five days prior to the commencement of works, submit a report on the beginning of the construction to the administrative authority in charge of the inspection (hereinafter referred to as the Labour Inspectorate) in accordance with the special law.

Investor shall keep a copy of the notice referred to in paragraph 4 of this Article at the construction site and update the Notice of commencement in case of any changes.

Investor shall deliver the updated Notice referred to in paragraph 5 of this Article to the Labour Inspectorate not later than five days from the date of the update and keep the copy of updated Notice referred at the construction site.

The form and content of the Notice referred to in paragraph 4 of this Article shall be prescribed by the state authority in charge of labour.

Plan of safety and health at work measures

Article 10a

The investor shall ensure that changes or amendments to the Plan of Safety and Health at Work, are made where any circumstances (reasons) arise, which influence the application of safety and health at work measures at the construction site, not later than five days before the beginning of works.

The circumstances (reasons) under paragraph 1 above shall particularly include:

- changes in the final design;
- changes in the construction technology (works);
- if the plan of safety and health at work measures does not include works planned during the construction of the building;
- request of the Project Execution Coordinator;
- request of an inspector;

The employer shall make changes and amendments to the Plan of Safety and Health at Work health in accordance with circumstances (reasons) referred to in paragraph 2 of this Article.

All employers at the construction site shall be informed of the plan of Safety and Health at Work, i.e. its changes and amendments.

The content of the Plan of Safety and Health at Work shall be prescribed by the state authority in charge of labour.

Previous and periodic inspections

Article 11

Previous and periodic inspections and testing of technological processes and the work equipment shall be carried out in order to ensure quality of works performed and work in the manner prescribed in the course of the execution of the work process.

The employer shall be obliged to provide employees with the work equipment for use only if he possesses expert finding i.e. report on tests and checks carried, with the opinion that the equipment is in line with the prescribed safety and health at work measures.

Commissioning

Article 12

During technical inspection of the constructed or reconstructed building, technical inspector shall determine whether safety and health at work measures stipulated in the technical documentation have been met, as well as prescribed working conditions for the process of work being done at the facility.

Safety and health at work measures

Article 13

Safety and health at work measures are planned and provided in all of the work processes with the employer to prevent or reduce risks to life and health of employees, in the process of:

1) design, construction, operation and maintenance of facilities intended as the working and auxiliary facilities, and facilities for the work in the open, in order to secure safe work processes;

2) design, construction, operation and maintenance of technological work processes with all the accompanying work equipment in order to secure safe work for employees, as well as harmonization of chemical, physical and biological substances, explosive atmosphere, asbestos, microclimate and lighting at the workplace and the working and auxiliary premises with the prescribed measures and standards for the activity performed in these workplaces and in these work premises;

3) design, manufacturing, operation and maintenance of the work equipment, constructions and facilities for collective protection and health at work, ancillary structures and facilities and other resources used in the work process or in any way associated with the process of work, so that in the course of their use injury or damage to the health of employees shall be prevented;

4) production, packaging, transport, storage, use and destruction of dangerous substances in the manner and under the regulations and rules that prevent injuries or damage to the health of employees;

5) design, manufacture and use of personal protective equipment at work, use of which eliminates the risks or dangers that could not be eliminated by appropriate safety and health at work measures;

6) education and training in the field of safety and health at work.

The measures referred to in paragraph 1 of this Article shall be prescribed through by-laws in the field of safety and health at work and through other regulations.

By-laws referred to in paragraph 2 of this Article shall be prescribed by the state authority in charge of labour.

III. RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF EMPLOYER

Providing safety and health at work measures

Article 14

The employer shall take safety and health at work measures by preventing, controlling and eliminating risks at work, informing and training employees in safe and healthy work (hereinafter referred to as: training of employees), as well as by providing the necessary organization and means.

The employer is obliged to provide special protection and health of women at work during pregnancy, of persons under 18 years of age, and persons with disabilities, in accordance with this and other laws.

The employer shall, taking into account the changes in the working environment, implement safety and health at work measures and select those working and production methods which will improve the existing situation or provide a higher level of safety and health at work.

The employer shall ensure that the planning and introduction of new technologies is the subject of consultations with the employees or their representatives in charge of safety and health at work (hereinafter referred to as: employee representative) about the choice of work equipment, the working conditions, the working environment and their implications for the safety and health at work.

The employer shall, when assigning employee to a workplace with special conditions of work or increased risk, take into consideration the employee's capabilities, which may affect the safety and health of the employee.

Employer's cooperation with coordinators and other employers

Article 14a

In performing work at the construction site, the employer shall act according to the written instructions received from the Project Design Coordinator and Project Execution Coordinator, as well as cooperate with other employers in the implementation of safety and health at work measures.

Implementation of safety and health at work measures

Article 15

The employer shall implement the safety and health at work measures by respecting the following prevention principles:

- Avoiding risk;
- Evaluating the risk;
- Eliminating the risk at source;
- Adapting the work and workplace to an employee, especially in terms of design of the workplaces, the choice of work equipment, the choice of working and production methods with a particular emphasis on the alleviation of monotonous work and work at a predetermined work-rate and to reducing their effect on health;
- Adapting to technical progress;
- Replacing the dangerous by the non- dangerous or less dangerous circumstances;
- Developing a comprehensive policy for the safety and health at work, which includes technology, organization of work, working conditions, interpersonal relations, and working environment factors;
- Giving advantage to collective safety and health at work measures over individual safety measures;
- Giving appropriate instructions and information to employees.

General act or employment contract

Article 16

The employer, in accordance with the nature of business, number of employees, organization

and manner of work shall regulate the rights, obligations and responsibilities of safety and health at work through a general act or employment contract concluded with an employee.

Through the act referred to in paragraph 1 of this Article, the employer shall specify safety and health at work measures and the manner of their enforcement, and in particular: the rights, obligations and responsibilities of all employees, the manner for performing specialized activities to protect safety and health at work (hereinafter referred to as professional jobs), the way to diagnose and make health checks of employees who work in jobs with special conditions and other employees, the manner of training and testing capabilities of employees, the use of personal protective equipment, and other issues of importance for safety and health at work.

An integral part of the act or contract referred to in paragraph 1 of this Article, is the regulation on personal safety equipment belonging to the employee, developed in compliance with regulations, standards and risk assessment act at the workplace.

Risk Assessment

Article 17

The employer shall approve and possess a risk assessment act, assess risk for all workplaces, determine the methods and measures to eliminate risk and ensure their implementation.

Risk assessment act is an act containing a description of the work process with the assessment of the risk of injuries at work, occupational diseases and work-related illnesses and which establishes occupational health and safety measures in order to improve health and safety at work.

Through the risk assessment act the employer shall determine workplaces at increased risk, i.e. with special work conditions, the health requirements for specific work to be met by an employee in the work process, or the use of certain work equipment based on the expert assessment of the authorized institution for health protection of employees.

The act referred to in paragraph 1 of this Article shall stipulate:

- Identification i.e. detection of danger;
- Jobs exposed to the identified danger;
- The probability of injury, occupational or work-related disease;
- Whether the risk is acceptable;
- The introduction of measures to reduce unacceptable risks.

The employer is required to amend the risk assessment act in the event:

- of appearance of any new risk and changes in the level of risk in the work process;
- the existing safety and health at work measures are not sufficient or are inappropriate;
- of adaptation, reconstruction, disaster, overhaul;
- of serious, collective and fatal injuries at work;
- the risk assessment is based on data that do not correspond to the actual situation;
- when result of monitoring the employee's health indicate that it is necessary.

The employer shall inform employees about the risk assessment act and make it available for them.

Organization of work and working process

Article 18

The employer is obliged to ensure safety and health at work measures in compliance with this law through work organization and work process.

The employer shall take appropriate steps to ensure that only employees who are trained for safe and healthy operation and who have received adequate instructions for work at such a place, may have access to workplace in a work area threatened by a risk of serious and/or specific danger of injury or damage to health, and who are equipped with the right tools and personal safety equipment.

The employer is obliged to warn any person who finds himself for any reason at the workstation, employer's ground or within the site, about places of danger or health hazards occurring in the production process, the safety and health at work measures that must be applied and instruct him on the safe range areas.

The employer is obliged to put labels and warnings in the official language and languages in official use and signs of safety and health at work at workstations and on the work equipment in accordance with the act of the state authority in charge of labour.

Medical examinations of employees

Article 19

Medical examinations of employees are taken for identifying and removing the causes of diseases and health damages in connection with the work.

The employer shall provide medical examination of employees who are assigned to jobs with special conditions of work or at increased risk and in case of re-engagement of employee who was absent from work for over a year.

At the request of employee the employer shall provide medical examination appropriate for risks to safety and health at work, as well as in cases not covered by paragraph 2 of this Article, at least once every three years.

The type, scope, volume and terms of medical examinations under paragraphs 2 and 3 of this Article shall be prescribed by the state authority in charge of health, with the consent of the state authority in charge of labour.

The employer is required to instruct the employee who performs work with special conditions or at increased risk to take a medical examination prior to the deadline set forth in paragraph 4 of this Article, when deemed necessary so by an authorized institution for health protection of employees.

If during the medical examination it is determined that the employee does not meet specific health requirements for carrying out the work with special conditions or at increased risk, the employer shall assign him to another position that suits his health capabilities, in accordance with the Act on systematization of jobs.

If the employee cannot be transferred pursuant to paragraph 6 of this Article, the employer shall provide him with other rights under the law.

Training of employees and testing of employees' capabilities

Article 20

The employer is obliged to provide training for and employee when concluding employment, assigning him to another position, introducing new technology, introducing new or replacement of work equipment, changes in work processes and re-assigning him to work after absence that lasted for more than a year.

The training referred to in paragraph 1 of this Article shall be made under the program of employee training for the safe and healthy work of employees, to be issued by the employer.

Training of employees shall be adapted to new and changing risks, and if necessary, it shall be repeated at regular intervals in accordance with the program referred to in paragraph 2 above.

The training shall be conducted under an employee training program during working hours and training costs shall be borne by the employer.

The employer is obliged to familiarize the employee in the course of training with all kinds of hazards at jobs assigned and specific safety and health at work measures that are necessary to prevent danger to life or damage to health.

An employer engaging employee of another employer under a contract or other legal basis is obliged to give him adequate instructions regarding life and health risks and to introduce him with the health and safety measures during the performance of such activities.

An employer shall provide training to employees in theory and in practice.

An employer shall perform testing of theoretical and practical capability in the workplace.

Periodic review of theoretical and practical capability in the safe and healthy work of employee shall be determined by the employer through the program of training referred to in paragraph 2 above.

Jobs with special conditions of work

Article 21

Jobs with special conditions of work are posts to which may only be assigned and perform related tasks employees who in addition to the general requirements for employment also meet special requirements in terms of sex, age, level of education, vocational training, health and mental abilities.

The state authority in charge of labour, with the consent of the state authority in charge of health, prescribes jobs that are considered jobs with special conditions of work, as well as special requirements to be met by an employee to be able to work at such jobs.

An employer may not assign an employee to work at a place with special conditions of work, if not previously determined that the employee meets the specific prescribed requirements.

The employee working on job with special conditions of work shall promptly notify the employer if he considers that he is not capable of doing such work, or to carry out a health check that employer instructed him to do.

Work for several employers

Article 22

When two or more employers concurrently work on the same or the common construction site or worksite, each of them shall organize work so that employees of one employer while conducting works do not compromise the safety and health of employees of that and other employers.

In the case referred to in paragraph 1 of this Article, all employers who perform work shall, prior to the commencement of works, conclude a special agreement on the organization and implementation of safety and health at work measures and mutual rights, obligations and responsibilities.

The agreement referred to in paragraph 2 of this Article shall be submitted to the Labour Inspectorate, not later than five days before the commencement of works.

Information of employees and their participation in matters relating to the safety and health at work

Article 23

The employer is obliged to inform employees or employees' representative for safety and health at work in writing about:

- Risks related to the safety and health at work, prevention, safety and health at work measures, and activities in relation to each type of workstation and/or job;
- The manner of organization and provision of first aid, fire-fighting, evacuation procedure for employees in cases of serious and immediate danger and the persons responsible for implementing these measures.

The employer is obliged to adequately inform other employer whose employees he hired to work for him on any grounds, about the issues specified in paragraph 1 of this Article, and the persons responsible for their implementation.

The employer is obliged to inform the employees' representative for safety and health at work on rights and obligations relating to the Safety and health at work, and also allow him access to:

- Risk assessment, prevention and safety and health at work measures, including the risks faced by a group of employees who are exposed to particular risks;
- Decisions on safety and health at work measures to be taken, and if necessary, on personal safety equipment to be used;
- Records and reports on occupational injuries resulting in the employee's absence from work for more than three working days;
- Reports on accidents at work of its employees;
- Data arising from the measures and actions of inspection and other bodies responsible for the protection and health at work.

The employees' representative for safety and health at work is a person designated by the employees to represent them in the issues of safety and health at work.

Cooperation and consultation with employee, representative of employees and trade union

Article 24

The employer, employee, employees' representative and trade union shall cooperate and consult each other in determining their rights, obligations and responsibilities pertaining to the Safety and health at work in accordance with this law, particularly in relation to:

- any measure that could significantly affect the Safety and health at work;
- listing qualified person for the Safety and health at work (hereinafter referred to a qualified person), by assigning person responsible for the implementation of first aid, firefighting and evacuation of employees and activities in relation to Safety and health at work;
- data on the risk assessment and safety and health at work measures, including risks faced by a group of employees who are exposed to particular risks;
- decisions on safety and health at work measures to be taken, and if necessary, on the personal safety equipment to be used;
- records and reports on occupational injuries resulting in the absence of employee from work for more than three working days;
- reports on accidents at work of its employees;
- measures and actions of inspections and other authorities responsible for the safety and health at work;
- hiring legal entity or entrepreneur for professional jobs;

- planning and organizing training of employees and verification of capacities for the safety and health at work.

The employer shall enable employees' representative and trade union to send their remarks concerning the Safety and health at work to the competent inspector in the exercise of the inspection control.

Training of an employees' representative **Article 25**

The employer shall provide an employees' representative with appropriate forms of training.

The training referred to in paragraph 1 of this Article shall be conducted during business hours within or outside of the employer's establishment.

Status of employees i.e. employees' representative **Article 26**

The employees and employees' representatives shall not be in unfavorable position because of their respective activities referred to in Article 24 of the present Law.

The employer shall provide adequate time off work to the employees' representative, with salary compensation as if being at work, and provide him with all the necessary means to carry out tasks related to safety and health at work.

Work equipment and personal protection equipment **Article 27**

The design, manufacture and use of work equipment and personal protective equipment, use of which eliminates the risks or dangers that could not be removed by applying appropriate safety and health at work measures, shall be applied in the manner and in accordance with the implemented technological procedure.

The employer shall procure and provide to the employee for use the work equipment and personal protective equipment required for his job, only if he possesses the appropriate documentation in the official language and languages in official use, in which the manufacturer or supplier stated all security and technical data relevant for risk assessment in working with them, and ensuring all safety and health at work measures prescribed in the documentation in accordance with the regulations on safety and health at work.

In exceptional cases, where the employer is unable to provide adequate documentation referred to in paragraph 2 of this Article, he is allowed to acquire it from legal entities or entrepreneurs registered for such work.

The employer shall ensure that employees use the work equipment and personal protective equipment in accordance with their intended use and apply all the safety and health at work measures in their use.

First aid, fire-fighting and evacuation of employees **Article 28**

The employer shall take the necessary measures and designate employees to provide the first aid, firefighting and evacuation of employees, depending on the type of job and activities, and the

number of employees and the involvement of other persons in accordance with this law and the regulations governing this area.

For the application of measures referred to in paragraph 1 of this Article connection with services inside and outside employer shall be provided, particularly in terms of first aid, emergency medical care, rescue and firefighting.

Number of employees referred to in paragraph 1 of this Article, their training and equipment available depends on the size and/or specific hazards with the employer.

Serious, imminent and unavoidable danger

Article 29

The employer shall inform all employees who are or may be exposed to a serious or imminent danger on the type of risk and safety and health at work measures involved.

The employer is obliged to enable employees stop work in the event of serious, imminent and unavoidable danger and proceed to a place of safety, through measures and instructions.

The employer cannot require from employees to resume work in a working situation where there is still a serious and imminent danger, unless in case of saving lives.

Collective insurance

Article 30

The employer is required to provide compulsory insurance to employees against industrial accidents, occupational and work-related diseases.

Insurance premiums referred to in paragraph 1 of this Article shall be borne by the employer, depending on the level of risk from injury, occupational and work-related diseases.

Exclusion of responsibility

Article 31

If the employer has been subject to unusual and unforeseeable circumstances beyond the control of employer, or exceptional events, the consequences of which could not have been avoided despite the measures of protection exercised, the employer shall be relieved of responsibility.

IV. RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF EMPLOYEES

The rights and obligations of employees

Article 32

The employee has the right and obligation to get acquainted with the safety and health at work measures prior to commencing his work at the workstation to which he was assigned, and be trained in their implementation.

The employee has the right and obligation to give suggestions, comments and information on issues of safety and health at work to his employer.

The employee has the right and obligation to perform health checks appropriate for the risk to safety and health in the workstation, to which instructed by an employer, in accordance with regulations on safety and health at work and regulations in the field of health care.

The right to refuse to work
Article 33

The employee has the right to refuse to work if:

- not previously familiarized with the dangers or hazards and risks at work, or if the employer did not provide the prescribed medical examination;
- there is an immediate threat to life and health because the prescribed safety and health at work measures have not been applied, for as long as those measures are not secured;
- the safety and health at work measures have not been provided on the work equipment, and so it poses immediate threat to life and health.

When employee refuses to work he shall address the employer in writing in order for the employer to take measures that in the opinion of the employee have not been implemented.

In the event the employee refuses to work and the employer considers the employee's request to be ungrounded, the employer shall inform the Labour Inspectorate.

The right to leave the workplace
Article 34

In the event of serious and imminent threat to life and health, employee may take appropriate measures in accordance with his knowledge and technical means at his disposal, and in case of unavoidable danger he has the right to leave the dangerous workplace, work processes or work environment.

In the cases referred to in paragraph 1 of this Article, the employee shall not be liable for any damage that may occur through his activity, unless the employee acted in careless or negligent way.

Employees' obligations
Article 35

The employee is required in line with his capabilities and the instructions received from the employer:

- to apply safety and health at work measures while working, take care of his and safety and health at work of other employees who are affected by his work or actions while on duty, use work equipment in purposeful manner, as well as dangerous materials, personal safety equipment and security devices, cooperate and consult with the employer and the qualified person in order to implement stipulated safety and health at work measures at jobs he does;
- in accordance with his findings to immediately notify the employer in writing or orally, or through employees' representative, on the irregularities, defects, hazards, dangers or other occurrence at the workplace that could jeopardize his health and safety or health and safety of other employees;
- cooperate and consult with the employer and the qualified person for as long as it takes for the employer to provide conditions for safe and healthy work.

If the employer, after having received the notification referred to in paragraph 1, item 2 of this Article fails to eliminate irregularities, hazards or other occurrences within three days, or if the employee believes that adequate safety and health at work measures have not implemented to eliminate the phenomenon, he may request the intervention of the Labour Inspectorate and notify the qualified person for safety and health at work.

The employees' obligations in the field of Safety and health at work shall not affect the principle of responsibility of the employer.

Prohibition of use of psychoactive substances
Article 36

The employee may not commence and carry out work under the influence of psychoactive substances (alcohol, drugs, etc.).

An employee shall submit to the check of whether he is affected by addictive substances in the manner and procedure prescribed by the act of the employer.

Responsibilities of employees
Article 37

The employee is subject to responsibility in the event of non-compliance with prescribed safety and health at work measures and default on his obligations stipulated by laws and regulations of the employer.

V. ORGANIZATION OF SAFETY AND HEALTH AT WORK JOBS WITH THE EMPLOYER

Performance of professional activities
Article 38

The employer is obliged to organize professional activities depending on the organization, the nature and extent of the work process, the number of employees involved in the process, number of shifts, the estimated risks and number of separate units, by designating a qualified person from among his employees or organizing a professional service for health and safety at work tasks (hereinafter referred to as: professional service).

A qualified person for occupational health and safety at work is a person who has a university degree in technical or technological engineering, or other appropriate degree, a year of working experience in the profession and has passed professional examination for occupational health and safety in the appropriate activity, designated by the employer in writing.

Employer shall hire a legal person or entrepreneur who is authorized to perform professional activities, if he/she is unable to organize the performance of professional activities in the manner stipulated under paragraph 1 of this Article.

Professional service, i.e. a qualified person shall not perform professional services for other employers.

The employer is responsible for the safety and health at work of employees regardless of the manner of organizing and carrying out these tasks.

Rights of qualified persons and professional services
Article 39

The employer is required to enable the qualified persons to independently and autonomously perform tasks in accordance with this law, as well as access all information relevant to the safety and health at work.

The employer is obliged to provide different forms of trainings to qualified persons who work for him and to the professional service.

Qualified persons are directly responsible to the employer and may not be placed at a disadvantage because of their activities related to the safety and health at work.

The employer shall provide a qualified person the adequate absence from work, without loss of pay, and all necessary means to carry out tasks related to safety and health at work.

A qualified person, prior to the assignment to this position is obliged to pass the professional exam intended for people who are engaged in the jobs related to safety and health at work.

Persons who have been engaged in jobs dealing with safety and health at work for at least five years are not required to take the professional exam if they meet one of the following requirements:

- have university degree in safety at work, or
- have the degree of Master of Science and Doctor of Technical Sciences; or
- are specialists in occupational medicine;
- are inspectors who supervised occupational safety and health at work, or
- have at least five years of experience in tasks related to preparation of regulations in the field of safety and health at work.

Conditions, program and method of taking professional exam for a qualified person, as well as compensation costs for the professional exam shall be set by the state authority in charge of labour.

The obligations of qualified persons and professional services

Article 40

Qualified persons or professional service shall perform the following tasks:

- 1) advise the employer in the planning, selection and maintenance of work equipment and personal safety equipment;
- 2) advise the employer on furnishing and equipping the workplace, taking into account the conditions of the working environment;
- 3) participate in the development of professional foundations for an act on risk assessment;
- 4) organize preliminary and periodic testing of the working environment (chemical, physical and biological substances, explosive atmospheres, asbestos, microclimate and lighting);
- 5) organize periodic inspection and testing of work equipment, electrical and other installations;
- 6) propose measures to improve working conditions, particularly in workplaces with special conditions and increased risks;
- 7) monitor the implementation of the safety and health at work measures and maintenance of work equipment and personal safety equipment in good working condition at all jobs with the employer;
- 8) provide guidance for the safe and healthy operation and control their implementation;
- 9) monitor the situation in relation to industrial accidents and occupational diseases as well as diseases related to work, participate in determining their causes and prepare reports with suggested measures for the employer;
- 10) prepare and participate in the training of employees for safe and healthy work;
- 11) propose a ban in the workplace or use of work equipment, if they establish an immediate danger to the life or health of the employee, of which to immediately inform the employer and employees' representative;
- 12) cooperate, consult and coordinate directly all issues related to safety and health at work with authorized institution for health protection of employees;
- 13) keep and take care of the records of safety and health at work;
- 14) perform other tasks assigned by the employer.

In the case where the employer permits further work regardless of the measures taken pursuant to paragraph 1, item 11 of this Article, a qualified person shall be obliged to inform the Labour Inspectorate thereof.

Authorization of legal entities or entrepreneurs to perform professional activities

Article 41

Professional tasks may be performed by a legal entity or entrepreneur who meets the requirements in terms of personnel, organization, technical and other requirements imposed by the state authority responsible for labour affairs.

Legal entity or entrepreneur shall submit the application with the required documentation for authorization to conduct safety and health at work jobs to the state authority in charge of labour affairs.

Fulfilment of requirements for the performance of safety and health at work is determined by the state authority in charge of labour affairs.

The state authority responsible for the labour affairs shall issue a decision by which to authorize a legal entity or entrepreneur (hereinafter referred to as the authorized organization) to perform specific tasks of safety and health at work.

The decision referred to in paragraph 4 of this Article shall be issued for a term of three years and may be renewed under the same conditions.

The state authority responsible for the labour affairs shall maintain register of issued decisions referred to in paragraph 4 of this Article.

The authorized organization shall bear the actual costs incurred in determining the fulfilment of conditions for the performance of safety and health at work jobs.

Amount of the costs referred to in paragraph 7 of this Article shall be determined by the state authority in charge of labour affairs.

Revocation of Authorization

Article 42

The state authority in charge of labour affairs shall revoke the authorization to perform professional activities and remove from the register the authorized organization provided it ceases to meet the requirements for professional activities or in the event it fails to perform professional services for which the license was issued.

Method of entry and removal from the register of authorized organizations shall be regulated by the state authority in charge of the labour affairs.

Performing other professional activities

Article 43

In addition to activities under Article 40 of this Law, the authorized organization or professional service shall perform, in particular:

- 1) preparation of the risk assessment act with the proposed measures for their elimination;
- 2) periodic inspection and testing of work equipment, electrical and other installations and facilities and equipment for personal safety;
- 3) examination of the working conditions (chemical, physical and biological substances, explosive atmospheres, asbestos, lighting and microclimate);

- 4) audit (assessment) of technical documentation in terms of applicability of safety and health at work measures, technical regulations and standards, establishing provision of protection to employees in facilities for which technical documentation was developed, for the work processes to be performed by them;
- 5) training of employees and capability test for employees;
- 6) and other tasks.

Appropriate application
Article 44

The provisions of Articles 41 and 42 of this Law shall apply accordingly to professional services.

Availability of data
Article 45

When an employer engages the authorized organization for all or some specific activities it shall be obliged to previously familiarize the organization with the technology process, risks in the work process, the measures taken to eliminate the risk, and enable free access to relevant data on safety and health at work measures, as well as employees.

Expert finding and accountability
Article 46

The authorized organization shall, no later than 30 days from the date of completed inspection and/or testing, make expert finding or report, including an assessment of whether prescribed safety and health at work measures have been provided, and submit it to the employer that required inspection and/or testing.

The authorized organization is responsible for taking care that the assessment from the expert opinion or report responds to the applicability of safety and health at work measures at the time of inspection and/or testing.

Contract between employers and authorized organizations
Article 47

If the employer has engaged authorized organization to conduct safety and health at work jobs, mutual rights, duties and responsibilities shall be closely governed by the contract.

Application of other regulations
Article 48

Deleted. (Law amending the Law on safety and health at work, OGM 44/18)

Authorized institutions for health care of employees
Article 49

Government authority responsible for public health, with the prior approval of the administrative body in charge of labour affairs shall prescribe and issue the authorization to legal

person registered in accordance with law, if fulfilling the necessary personnel, organizational, technical and other requirements, especially to perform the following tasks:

- 1) participate in the risk assessment at work places and working environment and the preparation of documents on risk assessment;
- 2) inform employees about the health risks associated with their work and provide the health education to employees;
- 3) determine and examine the causes of occupational and work-related diseases;
- 4) evaluate and determine the specific health conditions that must be met by an employee to perform certain tasks in the workplace, in the work process or in the use or handling of certain work equipment;
- 5) carry out preliminary and periodic medical examinations of employees in accordance with safety and health at work regulations;
- 6) issue a report on the medical examination on the fulfilment of health conditions in the workplace with increased risk;
- 7) implement health protection of employees with occupational diseases;
- 8) organize first aid, rescue and evacuation in case of employee's injury or damages;
- 9) determine the cause of the disability of employees and suggest remedial action, participate in the vocational rehabilitation and provide advice on the selection of another adequate job based on the remaining working capacity;
- 10) propose the employer measures to improve the health of employees, especially those at high risk of injuries or damage to health;
- 11) advise employers on the selection and testing of new work equipment and personal protective equipment in terms of health protection of the personnel;
- 12) participate in the analysis of occupational accidents, occupational and work-related diseases, and keep adequate records;
- 13) cooperate, consult and coordinate on issues of safety and health at work, with a qualified person or professional services.
- 14) and other jobs.

The data collected in connection with employees' health checks are confidential and under supervision of authorized institutions for the health care of employees i.e. the selected physician who keeps records of medical examinations.

Data referred to in paragraph 1 of this Article may be submitted to third parties only with the prior written consent of the employee.

Report of medical examination of employee on the medical ability to perform certain tasks shall be submitted to the employer in a way that would not violate the principle of confidentiality of personal data.

The use of data collected from the medical examinations of employees contrary to the purpose or for the purposes of discrimination of employees shall be prohibited.

Detailed requirements regarding personnel, organization, technical and other requirements shall be prescribed by the state government in charge of health.

Va. PROJECT DESIGN PHASE AND EXECUTION OF WORKS

Safety and Health at work Measures in Project Design and Execution Stage

Article 49a

The responsible project designer, who manages the preparation of technical documentation in accordance with the law, shall take into account the safety and health at work measures from articles 13 and 15 thereof, in particular when:

- Architectural, technical, technological and/or organizational aspects are being decided, in order to plan the various items or stages of work, which are to take place simultaneously or in succession;

- Estimating the period required for completing such work or work stages.

In all stages of project preparation and design, the responsible project designer shall take into account the content of the plan of safety and health at work measures and the complementary documentation, as well as its amendments.

Duties of the Project Design Coordinator

Article 49b

The Project Design Coordinator shall perform the following duties:

- Coordinate implementation of the safety and health at work measures in procedure and under principles of prevention as referred to in Articles 13 and 15 of this Law;

- Draw up, or ensure drawing up of a plan of safety and health at work setting construction site organization and safety and health at work measures for that site, taking into account the industrial activities taking place in the vicinity and on the site;

- Prepare documents that, in line with design characteristics, contain relevant safety and health at work information to be taken into account during any subsequent works (usage, maintenance, demolition of buildings etc.).

Safety and health at work measures during project execution phase

Article 49c

During the execution of works at the construction site, safety and health at work measures shall be applied, especially those related to:

- keeping the construction site in good order and in a satisfactory state of cleanliness;
- choosing the location of workstations and providing access to those workstations by determining routes, passages, crossings etc. for employees and equipment;
- setting out the conditions under which various materials are handled;
- technical maintenance of work equipment, pre-commissioning checks and periodical checks and tests of work equipment with a view to providing safety and health at work measures at the site;
- planning and laying-out of areas for the storage of various materials, in particular where dangerous materials or substances are concerned;
- the adaptation, based on progress made with the site, of the actual period to be allocated for the various types of work or work stages;
- cooperation between all employers at the construction site; and
- industrial activities within or in the vicinity of the construction site.

Duties of the Project Execution Coordinator

Article 49d

The Project Execution Coordinator shall perform the following duties:

- coordinate implementation of the general principles in cases when technical, technological and/or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession and when estimating the period required for completing such work or work stages;

- coordinate implementation of the planned activities in order to ensure that employers apply safety and health at work measures and measures from the Plan of Safety and Health at Work in a consistent manner, where required;

- make, or cause to be made, any adjustments required to the Plan of Safety and Health at Work and complementary documentation and provision of data needed to introduce these amendments, taking into account the changes which have occurred at the construction site;
- organize cooperation and mutual information between all employers, including successive employers on the same construction site, coordination of their activities regarding the implementation of safety and health at work measures to prevent the occurrence of occupational injuries, occupational diseases and diseases related to work;
- ensure that all employers and other individuals at the construction site are informed about the Plan of Safety and Health at Work, i.e. its changes and amendments;
- coordinate arrangements to ensure planned activities are being implemented correctly;
- take the necessary safety and health at work measure to ensure that only authorized persons are allowed onto the construction site.

VI. RECORDS, REPORTS, COOPERATION

Documentation and Records

Article 50

The employer is required to keep and maintain detailed records of:

- 1) jobs with special conditions or increased risk;
- 2) employees assigned to positions, especially the employees assigned to jobs with special conditions of work or increased risk;
- 3) injuries, occupational and work-related diseases;
- 4) training of employees;
- 5) dangerous substances used at work;
- 6) performed tests of working environment;
- 7) examination and testing of work equipment and personal protective equipment;
- 8) reports referred to in Article 51 of this Law;
- 9) previous and periodical medical examinations;
- 10) technical documentation (final designs);
- 11) documentation of safety and health at work (attestation, report of the expert finding, the instructions for handling and maintenance of work equipment and the like).

The form and content of records in the field of safety and health at work shall be prescribed by the state authority responsible for labour affairs.

Reports

Article 51

The employer is obliged, at least once a year, to make a report on safety and health at work of employees, which is to be considered by the authorities that perform management tasks, together with business reports.

The employer shall, at the request of the competent inspector, provide a report on the state of safety and health at work of employees, as well as the measures conducted in this field with the employer.

The employer shall immediately and not later than 24 hours from onset, report in writing to the Labour Inspectorate on every death, collective, serious and other injury at work resulting in employee's absence from work for more than three days, and dangerous phenomena that could jeopardize the safety and health of employees.

The employer is obliged to issue to injured employee and the medical facility where the medical examination of the employee was taken, a report of the injury of the employee at work, in deadline and on a form prescribed by the act of the state authority responsible for health.

Cooperation
Article 52

Health Insurance Fund, the Pension and Disability Insurance Fund of Montenegro, authorized medical institutions for health care of employees and other health care facilities are required to, in connection with the submission of data on occupational injuries, occupational and work related diseases and disabled employees, cooperate with the state authority in charge of labour and provide the information at the request and on monthly basis, and for each calendar year no later than 28th February next year.

VII. SUPERVISION

Inspection supervision
Article 53

The inspection supervision of the implementation of this law, by application of regulations adopted thereunder, and technical and other measures relating to the safety and health at work shall be performed by the Labour Inspection, through inspectors working in the field of safety and health at work, unless the law stipulates that supervision in the implementation of these regulations in certain activities shall be carried out by other bodies.

Supervision of professional work
Article 54

Supervision of professional work of authorized organizations shall be performed by the the public authority responsible for labour affairs, in accordance with this Law.

Within the supervision of professional work it shall be determined whether the conditions are met in terms of personnel, organization, technical and other requirements imposed by the government body responsible for labour affairs, as well as in relation to the quality of the performance of professional duties on the basis of the documentation and insight into the process of provision and the effects of services.

Duties and powers of labour inspectors in the field of safety and health at work
Article 55

In the inspection the inspector in the field of safety and health at work, in addition to the duties and powers defined by law, shall have the obligation and authority to conduct the investigation of serious, collective and fatal injuries at work.

VIII. PENALTY PROVISIONS

Fines for offense of the legal person, responsible person or entrepreneur
Article 56

A fine of EUR 500 to EUR 15,000 shall be imposed on a legal entity, if:

- 1) as an investor it does not obtain an audit (assessment) from an authorized legal entity or entrepreneur that the technical documentation is prepared in accordance with the regulations relating to the safety and health at work, technical regulations and standards (Article 9, paragraph 2);
- 2) it does not examine the working environment conditions, i.e. if, in the design, construction of new and reconstruction of existing, use and maintenance of the technological processes with the accompanying facilities and work equipment it failed to provide employees to perform work in a safe and healthy manner, while the chemical, physical (except for ionizing and non-ionizing radiation) and biological hazards, explosive atmosphere, asbestos, microclimate and lighting in the workplace and working and auxiliary premises do not comply with the prescribed measures and standards for the activity performed in these workplaces and premises (Article 10, paragraph 1)
- 3) in the construction, reconstruction or demolition of the structures, the employer doing the work fails to make a plan of safety and health at work measures (Article 10, paragraph 3)
- 4) provides the means to the employees to work, and does not possess expert finding and report on tests and checks carried out on them, with the assessment that they meet the required safety and health at work measures (article 11, paragraph 2);
- 5) the rights, obligations and responsibilities of safety and health at work of employees are not defined within an act or contract entered into with the employee (Article 16 paragraph 1);
- 6) it does not issue an act on the risk assessment of all workplaces, fails to establish the methods and measures to eliminate risk and fails to ensure their implementation (Article 17 paragraph 1);
- 7) it fails to change the risk assessment act in the case of adaptation, reconstruction, disaster, overhaul, serious, collective and fatal injuries at work and change of activities (Article 7, paragraph 1, items, 3, 4 and 5);
- 8) it fails to provide access to the place of work in a work environment threatened by a risk of serious and/or specific risk of injury or damage to health only to those persons who are trained to work in this workplace, who received adequate instructions for working in such a place and are equipped with the appropriate tools and personal protective equipment (Article 18, paragraph 2);
- 9) it fails to provide medical examination to employees who are assigned to jobs with special conditions or at increased risk in cases of reengagement of employee who was absent from work in this job for more than one year (Article 19, paragraph 2).
- 10) at the request of the employee it fails to provide medical examination at least once every three years (Article 19, paragraph 3);
- 11) the employee is not assigned to another job that suits his medical abilities (Article 19, paragraph 6);
- 12) it fails to train employees for the safe and healthy work (Article 20, paragraph 1).
- 13) it fails to develop a program of training for employees (Article 20, paragraph 2);
- 14) it fails to conclude a separate agreement on the organization and implementation of safety and health at work measures and mutual rights, obligations and responsibilities prior to the commencement of the works, in case two or more employers are executing works concurrently and fails to submit the same to the Labour Inspectorate no later than five days prior to the commencement of works (Article 22);
- 15) it fails to notify the employee or employees' representative in writing about issues related to the Safety and health at work, or fails to allow access to the data referred to in Article 23, Paragraph 3 of this Law (Article 23 paragraph 1);
- 16) it fails to cooperate and consult with the employee, representative of employees and the union in determining the rights, duties and responsibilities pertaining to the safety and health at work (Article 24 paragraph 1);

- 17) it places employees or employees' representative in a less favourable position because of their respective activities referred to in Article 24 of this Law (Article 26, paragraph 1)
- 18) it fails to grant adequate absence from work, without loss of pay, and does not provide all the necessary means to carry out tasks related to safety and health at work (Article 26, paragraph 2);
- 19) it fails to procure, issue for use and fails to ensure that employees use the work equipment and personal protective equipment necessary for their work in accordance with their purpose (Article 27, paragraphs 2 and 4);
- 20) it fails to take necessary measures and designate persons to provide first aid, fire fighting and evacuation of employees (Article 28 paragraph 1);
- 21) it fails to inform all employees who are or might be exposed to a serious or imminent danger on the type of risk and the safety and health at work measures, and on that occasion through measures and instructions fails to allow employees to suspend work and proceed to a place of safety (Article 29 paragraphs 1 and 2);
- 22) fails to insure employees against industrial accidents, occupational and work-related diseases (Article 30 paragraph 1);
- 23) for the purpose of organizing and carrying out technical activities under Article 38, paragraph 1 of this Law fails to appoint expert or organize professional service or hire a legal person or entrepreneur who is authorized to perform professional activities (Article 38, paragraph 2);
- 24) fails to provide to the qualified person or professional services rights under Article 39 of this Law;
- 25) fails to familiarize authorized organization about technological process, the risks in the work process, the safety and health at work measures taken to avoid any risk, and fails to allow it free access to the relevant data on the safety and health at work measures, and the employees (Article 45)
- 26) as an authorized organization within 30 days of the completed inspection and/or testing, fails to make expert finding or report, including an assessment of whether safety and health at work measures have been provided, and fails to deliver it to the employer that required inspection and/or test (Article 46, paragraph 1);
- 27) fails to inform the Labour Inspectorate in writing immediately and not later than 24 hours of occurrence of the death, collective, and other serious injury at work which causes the employee's absence from work for more than three days, and of the dangerous occurrence that could jeopardize safety and health of employees (Article 51, paragraph 3);
- 28) fails to issue employee who is injured and medical facility where the examination of the employee was taken a report on the injury of the employee at work (Article 51, paragraph 4).

For the offense referred to in paragraph 1 of this Article, the responsible person of a legal entity shall be fined with a fine of 30 Euros to 1,000 Euros.

For the offense referred to in paragraph 1 of this Article, the entrepreneur shall be fined with a fine of 250 Euros to 10,000 Euros.

Fines for offense of the investor Article 56a

A fine amounting from EUR 500 to EUR 15,000 shall be imposed on investor as a legal entity, if:

- it does not ensure that a safety and health at work plan is drawn up, prior to the setting up of a construction site (Article 9d paragraph 1);
- required amendments to the plan of safety and health at work measures have not been made, if any changes occurred which influence the application of safety and health at work measures at the construction site, not later than five days before the beginning of works and if no

corrections to the health and safety and health at work measures are made in accordance with the adjustments (Article 9d paragraph 2 and 3);

- a copy of the Notice of commencement of works is not kept at the construction site, nor updated in case of any changes and fails to deliver the updated Notice to the Labour Inspectorate not later than five days from the date of the update and the copy of updated Notice was not kept at the construction site (Article 10, paragraphs 5 and 6);
- one or more coordinators for the project design and one or more coordinators for the execution of works were not appointed, when works on the site have already started, or when it is planned to have two or more contractors perform the tasks (Article 22, paragraph 3);
- measures concerning safety and health at work were not taken into account during the all stages of designing and preparing the project, in particular when architectural, technical and/or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession and estimate the period required for completing such work or work stages (Article 49a, paragraph 1);
- safety and health at work plan and the complementary documentation or its amendments were not taken into account during the various stages of designing and preparing the project (Article 49a, paragraph 2).

A fine amounting from EUR 300 to EUR 12,000 shall be imposed on investor with a status of an entrepreneur for the offense referred to in paragraph 1 of this Article.

A fine amounting from EUR 300 to EUR 4,000 shall be imposed on the investor with a capacity of a natural person for the offense referred to in paragraph 1 of this Article.

A fine amounting from EUR 30 to EUR 4,000 shall be imposed on the responsible person for the offense referred to in paragraph 1 of this Article.

Fines for misdemeanour of coordinator for safety and health at work during the project design stage

Article 56b

A fine amounting from EUR 200 to EUR 2,000 shall be imposed on the Project Design Coordinator, if:

- coordination of the implementation of the safety and health at work measures in cases as referred to in Article 13 of this Law was not provided, nor the plan of safety and health at work measures was drawn up setting out the rules applicable to the organization of the construction site concerned and safety and health at work measures, taking into account the industrial activities taking place in the vicinity and on the site (Article 49b, paragraph 1, items 1 and 2);
- documents in line with the characteristics of the project containing relevant safety and health at work information to be taken into account during any subsequent works (usage, maintenance, demolition of buildings etc.) was not prepared (Article 49b, paragraph 1, item 3).

Fines for misdemeanour of coordinator for safety and health at work during the project execution stage

Article 56c

A fine amounting from EUR 200 to EUR 2,000 shall be imposed on the Project Execution Coordinator, if he/she:

- has failed to coordinate implementation of the general principles in cases when technical, technological and/or organizational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession and when estimating the period required for completing such work or work stages and implement planned activities with in

order to ensure that employers apply safety and health at work measures in a consistent manner as well as measures from the plan of safety and health at work measures, where required (Article 49d, paragraph 1, item 1 and 2);

- has failed or has not ensured amendments the plan of safety and health at work measures and complementary documentation and provision of data needed to introduce these amendments, taking into account the changes which have occurred at the construction site and organize cooperation and reciprocal information between all employers, including successive employers on the same construction site, coordination of their activities regarding the implementation of safety and health at work measures to prevent the occurrence of occupational injuries, occupational diseases and diseases related to work (Article 49d, paragraph 1, item 3 and 4);

- has failed to ensure that all employers and other individuals at the construction site are informed about the plan of safety and health at work measures, i.e. its amendments and to coordinate arrangements to check that the working procedures are being implemented correctly and to take the steps necessary to ensure that only authorized persons are allowed onto the construction site (Article 49d, paragraph 1, items 5, 6 and 7).

Fines for minor offense of the legal person or responsible person

Article 57

A fine of EUR 500 to EUR 15,000 shall be imposed on a legal entity, if:

1) fails to submit to the authority in charge of the inspection report on the commencement of work at least five days before works begins, if planning works to last for longer than 30 working days, while employing more than 20 employees, or if the planned scope of work includes more than 500 employees i.e. works are planned to last longer than 500 days (Article 10, paragraph 4);

2) as the technical reviewer for technical inspection of the constructed, reconstructed or adapted buildings, it fails to establish whether the safety and health at work measures in the technical documentation are provided and prescribed conditions for the process to be conducted at the facility (Article 12);

3) fails to label the place of work and work equipment with labels, warnings in the official language and languages in official use, and signs of Safety and health at work (Article 18, paragraph 4);

4) fails to provide appropriate employees' representative for safety and health at work adequate forms of training (Article 25 paragraph 1);

5) fails to maintain and keep detailed records of safety and health at work (Article 50);

For the offense referred to in paragraph 1 of this Article, the responsible person of a legal entity shall be fined with 50 Euros.

For the offense referred to in paragraph 1 of this Article contractor shall be fined 150 Euros.

Fines for offense of the employee

Article 58

A fine of 30 Euros to 1,000 Euros shall be imposed on employee if:

1) he refuses to perform health checks appropriate for the risk to safety and health at workplace, that the employer instructs him to do (Article 32, paragraph 3);

2) during operation he fails to implement safety and health at work measures, does not take care about his and health and safety of other employees who are affected by his work or actions while on duty, does not use work equipment or hazardous materials properly, and personal safety equipment and safety devices, fails to cooperate and consult with the employer and the qualified person in order to implement safety measures at jobs he performs (Article 35, paragraph 1, item 1);

3) in accordance with his findings, fails to immediately notify the employer in writing or orally, or through employees' representative of irregularities, deficiencies, hazards, dangers or other occurrence that could jeopardize his health at the workplace or health and safety of other employees and fails to cooperate and consult with the employer and the qualified person for as long as the employer manages to provide safe and healthy working conditions (Article 35, paragraphs 1, items 2 and 3);
4) he initiates and carries out work under the influence of psychoactive substances (alcohol, drugs, etc.) and fails to undergo a check of whether he is under the influence of psychoactive substances (Article 36).

IX. TRANSITIONAL AND FINAL PROVISIONS

Harmonization

Article 59

Existing authorized organizations are required to bring their business in line with the provisions of this Law within six months from the date of enactment of this Law.

If an authorized organization fails to comply with the terms of paragraph 1 of this Article it shall be removed from the register of authorized organizations.

Adoption of bylaws

Article 60

Act referred to under Article 47 of the present Law shall be adopted within six months from the date of the entry into force of this Law.

The bylaws for implementation of this Law shall be adopted within two years from the date of entry into force of this Law.

The adoption of bylaws

Article 60a

Bylaws for the implementation of this Law shall be adopted within two years from the date of entry into force of this Law.

Deferred application

Article 60b

Employers shall harmonize their operations with the provisions of this Law within one year from the date of entry into force of this Law.

Application of regulations

Article 61

Until the regulations consistent with this Law are passed, the regulations referred to in Article 48 and Article 49, paragraph 1 of the Law on Protection at Work ("Official Gazette of RM", No. 79/04 and "Official Gazette of Montenegro", No. 26/10) shall apply.

Until the regulations on safety and health at work measures in accordance with Article 13 of this Law are passed, safety measures (rules) prescribed by by-laws referred to in Article 69 of the Law on Protection at Work ("Official Gazette of Montenegro", No. 35/ 98) shall be effective.

Deferred Application
Article 62

The provisions of Article 19, paragraph 3 of this Article shall apply from the date of accession to the European Union.

Termination
Article 63

Upon the entry into force of this Law, the Law on Protection at Work ("Official Gazette of RM", No. 79/04 and "Official Gazette of Montenegro", No. 26 /10) and Article 172 of the Law on amendments to the law prescribing fines ("Official Gazette of Montenegro", No. 40/ 11) shall cease to be valid.

Entry into force
Article 64

This Law shall enter into force on the eight day from the day of its publication in the "Official Gazette of Montenegro".

*This Law includes Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of employees at work (OJ No L 183 of 29 June 1989, p.1), as amended by Regulation (EC) no. 1137/2008 of the European Parliament and of the Council of 22 October 2008 on the adaptation of certain acts involving the use of the procedure provided for in Article 251 of the Treaty, Council Decision 1999/468/ES related to the regulatory procedure with the review- Customizing the regulatory procedure with the review - the first part (OJ L no. 311 of 21 November 2008, page 1) and Directive of the European Parliament and of the Council 92/57/EEC as of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites.