

## **Response of the Croatian Authorities regarding the Letter from the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes**

### 1. Existing national law and regulations that protect workers from hazardous substances

#### *List of national regulations*

#### 1. **The Occupational Health and Safety Act** ("Official Gazette", No. [71/2014](#) and [118/2014](#))

Article 12(1)(12) - Basic occupational health and safety rules (protection from physical, chemical and biological harmful effects).

Article 13(3)(3) – Specific occupational health and safety rules (special procedures while using or being exposed to physical harms, hazardous chemicals, i.e. biological harms)

Article 18 - The obligation of risk assessment at work.

Article 45 - The obligation of testing the working environment.

Article 46 - Employers' obligations regarding the use of hazardous chemicals at work.

Article 47 - Sequence of procedures related to hazardous chemicals.

Article 48 - Checking the concentrations of hazardous chemicals at work.

Article 49 - Other obligations of the employer when working with hazardous chemicals.

English version: <http://www.mrms.hr/wp-content/uploads/2015/08/OSHA.pdf>

Official Gazette: <https://narodne-novine.nn.hr/>

#### 2. **Ordinance on limits for exposure to hazardous substances at work and on biological limit values** ("Official Gazette", No. [13/2009](#) and [17/2013](#))

#### 3. **Ordinance on the protection of workers from the risk of exposure to hazardous chemicals at work** ("Official Gazette", No. [91/2015](#))

#### 4. **Ordinance on the protection of workers from the risk of exposure to carcinogens or mutagens at work** ("Official Gazette", No. [91/2015](#))

#### 5. **Ordinance on the protection of workers from risk related to exposure to asbestos** ("Official Gazette", No. [40/2007](#))

English version: <http://digured.srce.hr/arhiva/263/60779/www.mvpei.hr/zakoni/pdf/292.pdf>

#### 6. **Ordinance on preparing risk assessment** ("Official Gazette", No. [112/2014](#))

a) Under the jurisdiction of the Ministry of Labour and Pension System, there are no specific standards in place for the protection from hazardous substances in particular sectors of economic activity.

b) Except for the "Ordinance on the protection of workers from risk related to exposure to asbestos" (OG, No. 40/2007), there are no other specific standards in place for protecting

workers against specific risks, under the jurisdiction of the Ministry of Labour and Pension System.

- c) Permissible exposure levels of workers are defined in the "Ordinance on limits for exposure to hazardous substances at work and on biological limit values ("Official Gazette", No. 13/2009 and 17/2013)". The values were adopted from the Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001) issued by Health and Safety Authority, Ireland.

URL links:

[https://narodne-novine.nn.hr/clanci/sluzbeni/2009\\_01\\_13\\_300.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2009_01_13_300.html)

[https://narodne-novine.nn.hr/clanci/sluzbeni/2013\\_06\\_75\\_1507.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_75_1507.html)

**2. The Ministry of Labour and Pension System** (Ministry) is main authorities for carries out administrative and other professional activities dealing with occupational safety and health (OSH). Ministry creates the system for OSH implementation and monitoring, gives proposals for OSH improvements, creates expert opinions on the OSH provisions and cooperates with international and national OSH institutions and organizations.

The **Labour Inspectorate** of the Republic of Croatia is an administrative body within the Ministry. The Labour Inspectorate oversees implementation of laws and other regulations that govern the safety of workers at work. The sphere of operation of the body is specified in the Labour Inspectorate Act ("Official Gazette", No. [19/2014](#)) which regulate the organisation of the Labour Inspectorate, the management of the operations of the Inspectorate, the conditions for conducting inspections over the implementation of legislation within the scope of the activities of the Labour Inspectorate, the duties and powers of labour inspectors aimed at protecting public interests in the implementation of legislation, and misdemeanour responsibility.

English version of the Labour Inspectorate Act:

<http://digured.srce.hr/arhiva/1434/166431/www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/zakon-o-inspektoratu-rada-nn-19-14-eng.pdf>

**3. The Occupational Health and Safety Act** regulates the specific right of employees and of employees' commissioner to information on issues relating to their occupational health and safety.

Article 18(5) – The employer is obliged to involve the employees and their representatives in the risk assessment procedure.

Article 31 - The employer shall be obliged to inform and consult with his employees or their representatives on occupational health and safety issues in accordance with this Act and general regulations on work.

Article 32(3) - In the workplaces the employer shall be obliged to visibly display written instructions about the work environment, means of work, hazardous chemicals, biological harms, occupational hazards, sources of physical harms and other risks at work and in relation to work, in accordance with the risk assessment.

Article 34(1) - The employer employing 50 or more employees shall be obliged to set up an occupational health and safety committee as its advisory body for the improvement of occupational health and safety.

Article 49(2) - The employer shall be obliged to ensure that employees are familiar with the hazards or harms related to the use of hazardous chemicals, as well as about occupational health and safety rules i.e. measures.

Article 62 - Visibility and accessibility in the workplace.

Article 71(6) - The employees' commissioner for occupational health and safety shall be entitled to have access to and use the employer's documentation about occupational health and safety.

Article 72(1) - The employer shall ensure that the employees' commissioner for occupational health and safety has the necessary time and conditions for uninterrupted performance of his duties, provide all necessary information and access to all regulations and documents on occupational health and safety.

The **Right of Access to Information Act** ("Official Gazette", No. [25/2013](#) and [85/2015](#)) regulate the right of access to information and re-use of information in the possession of public authorities.

The right of access to information, through the Croatian Constitution and the Act on the Right of Access to Information, is the guaranteed right of all individuals and legal entities to obtain information held by public authorities in the Republic of Croatia, regardless of the purpose of that information's use.

English version of the Right of Access to Information Act:  
<http://digured.srce.hr/arhiva/263/33319/47253.pdf>

**4.** The Republic of Croatia does not have a law on whistleblowers. However, the Civil Servants Act (Official Gazette No. 92/05, 140/05, 142/06, 77/07, 107/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12, 37/13, 38/13, 01/15, 138/15, 61/17) contains provisions that define the right to protection of civil servants who report suspected corruption (Article 14 (a)). Furthermore, provisions relating to whistleblowers are also contained in the Labour Act, Article 117 and Article 135, para. 2 (Official Gazette No. 93/14, 127/17).

The Republic of Croatia is a Party to the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), which obliges states to, inter alia, ensure public access to environmental information. Also, Article 3, para. 8 of the Aarhus Convention specifies that „each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings“. To some extent, it reflects the so-called whistleblower protection principle and it goes beyond the usual employment protection aiming at preventing retribution of any kind.

**5.** An effective remedy for the workers exposed to asbestos is determined in the Act on the Compensation of Workers Exposed to Asbestos ("Official Gazette", No. [79/2007](#) and [139/2010](#)).

For other hazardous chemicals, the Mandatory Health Insurance Act ("Official Gazette", No. [80/2013](#) and [137/2013](#)) is applied on workers.

**6.** Annual reports of occupational safety and health are made by the Croatian Health Insurance Fund and the Croatian Institute for Health Protection and Safety at Work. These reports are published on their website.

**7.** To comply with COMMISSION DIRECTIVE (EU) 2017/164 of 31 January 2017 establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU, the Ministry of Labour and Pension System shall bring into force by 21 August 2018 the new Ordinance on limits for exposure to hazardous substances at work and on biological limit values.