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Government  
5 April 2018

**Response to  
the Questionnaire of the Special Rapporteur on the Implications for Human Rights of  
the Environmentally Sound Management and Disposal of Hazardous Substances and  
Wastes**

1. The existing national laws and regulations that protect workers from hazardous substances and establish the right of workers to safe and healthy working conditions:
  - Law on Occupational Safety and Health (“Official Gazette of RS”, Nos. 101/05, 91/15 and 113/17- other law);
  - Regulation on Preventive Occupational Health and Safety Measures for Underground and Surface Exploitation of Mineral Raw Materials (“Official Gazette of RS”, No. 65/10);
  - Regulation on Preventive Occupational Safety and Health Measures for Exposure to Asbestos (“Official Gazette of RS”, No. 108/15);
  - Regulation on Preventive Occupational Health and Safety Measures for the Use of Sharp Medical Devices in Healthcare (“Official Gazette of RS”, No. 101/16);
  - Regulation Determining Hazardous Child Labour (“Official Gazette of RS”, No. 53/17);
  - Rulebook on the Manner and Procedure for Workplace and Working Environment Risk Assessment (“Official Gazette of RS”, Nos. 72/06, 84/06-corrigendum, 30/10 and 102/15);
  - Rulebook on Procedures for Inspection and Testing of Working Equipment and Working Environment Conditions (“Official Gazette of RS”, Nos. 94/06, 108/06-corrigendum, 114/14 and 102/15);
  - Rulebook on Pre-Employment and Periodic Medical Examination for Employees at High-Risk Jobs (“Official Gazette of RS”, nos. 120/07, 93/08 and 53/17);
  - Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Carcinogens or Mutagens (“Official Gazette of RS”, No. 96/11);
  - Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Chemicals (“Official Gazette of RS”, No. 106/09);
  - Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Artificial Optical Radiation (“Official Gazette of RS”, Nos. 120/12 and 29/13-corrigendum);
  - Rulebook on Preventive Occupational Safety and Health Measures for Young Workers (“Official Gazette of RS”, No. 102/16);
  - Rulebook on Occupational Safety and Health Measures for employed pregnant women, women who have recently given birth and women workers who are breastfeeding (“Official Gazette of RS”, No. 102/16);



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Regulations regarding medical waste, which can be hazardous or non-hazardous depending on its properties, are following:

- Law on Waste Management (“Official Gazette of RS”, Nos. 36/09, 88/10 and 14/2016)
- Rulebook on Medical Waste Management (“Official Gazette of RS”, No. 78/2010)
- Rulebook on Waste Categories, Testing and Classification (“Official Gazette of RS”, No. 56/2010)
- Waste Management Strategy for the period 2010-2019 (“Official Gazette of RS”, No. 29/2010)
- Law on Environmental Protection (“Official Gazette of RS”, Nos.135/04,36/09- other law 72/09- other law and 43/2011- decision of CC and 14/2016)
- Law on Environmental Impact Assessment (“Official Gazette of RS”, Nos.135/04 and 36/09)
- Law on Strategic Environmental Impact Assessment (“Official Gazette of RS”, Nos.135/2004 and 88/2010)
- Law on the Protection of Population from Communicable Diseases (“Official Gazette of RS”, Nos.125/04,36/15 and 15/2016)
- Law on Health Care (“Official Gazette of RS”, Nos.107/2005,72/2009-other law, 88/2010, 99/2010, 57/2011, 119/2012, 45/2013 – other law, 93/14, 96/15 and 106/15)
- Law on Public Health (“Official Gazette of RS”, No.15/2016)
- Law on Health Documentation and Records (“Official Gazette of RS”, Nos. 123/2014 and 106/2015)
- Law on Carriage of Dangerous Goods (“Official Gazette of RS”, No. 104/2016)
- Rulebook on Hazardous Waste Manifest Form, Prior Notice Form, Method of Their Delivery and Instructions for Completion (“Official Gazette of RS”, No.17/2017), effective since 14 March 2017

a) Specific standards for the protection of health and safety in particular sectors of economic activity:

- Regulation on Preventive Occupational Safety and Health Measures for the Use of Sharp Medical Devices in Healthcare ("Official Gazette of RS", No. 101/16);
- Rulebook on Specific Protective Measures in Forestry Work ("Official Gazette of RS", No. 33/88) - 8. Forestry and breeding works (Articles 65-67);
- Rulebook on Occupational Safety in Agriculture ("Official Gazette of SFRY", No. 34/68) - 11. Work with mineral (synthetic) fertilizers and plant protection products (Articles 92 to 123).

b) Specific standards for protecting workers against specific risks such as the exposure to radiation, toxic substances (including industrial chemicals, pesticides and building materials), and air pollution, among others:



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- Regulation on Preventive Occupational Safety and Health Measures for Exposure to Asbestos ("Official Gazette of RS", No. 108/15);
- Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Carcinogens or Mutagens ("Official Gazette of RS", No. 96/1 1);
- Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Chemical Substances ("Official Gazette of RS", No. 106/09);
- Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Artificial Optical Radiation ("Official Gazette of RS", Nos. 120/12 and 29/13-corrigendum);
- Rulebook on Occupational Safety in Agriculture ("Official Gazette of SFRY", No. 34/68).

c) Specific information on permissible exposure levels of workers to such risks:

- Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Carcinogens or Mutagens;
- Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Chemical Substances;
- Rulebook on Preventive Occupational Safety and Health Measures for Exposure to Artificial Optical Radiation.

2. Inspection oversight over the implementation of the Law on Occupational Safety and Health, regulations adopted pursuant to this Law, technical and other measures relating to occupational safety and health, as well as over the implementation of occupational safety and health measures established by the risk assessment instrument, general instrument of the employer, collective agreement or employment contract, shall be performed by the Labour Inspectorate, a body within the Ministry of Labour, Employment, Veterans and Social Policy.
3. During the inspection oversight, the labour inspector shall have the right and duty to undertake actions to control safety and health at work, and in particular hygiene and working conditions, production, placing on the market, utilization and maintenance of instruments of labour, means and equipment for personal protection at work, hazardous substances, etc., as well as to: 1) review general and individual acts, records and other documentation; 2) interview and take statements from responsible and interested persons; 3) inspect business premises, buildings, plants, machines, means and equipment for personal protection, items and goods, etc.; 4) take samples for analysis, expertise, etc.; 5) order measurements to be performed by another professional organization when the employer independently or through a particular professional organization perform measurements in respective fields, and the results of performed measurement justify that; 6) provide employers, employees, their representatives and trade unions with information and advice in the field of occupational health and safety; 7) inform employer and employees or employees' representatives about performed inspection supervision and



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established condition, in accordance with the submitted request; 8) undertake all other actions authorized by other regulation.

Article 15 (1) 3) of the Law on Occupational Safety and Health stipulates that employer shall inform employees and their representatives about the introduction of new technologies and instruments of labour, as well as about hazards from injury and damage to health resulting from their introduction, i.e., to adopt adequate instructions for safe working conditions in such cases.

Article 24a of the Law stipulates that employer may require employees to use hazardous chemicals and other substances for which the obligation to draw up and submit a safety data sheet is prescribed, only if he has made the safety data sheet accessible to employees in accordance with the regulations on chemicals, and if he has applied all measures that arise from the contents of the safety data sheet. The employer shall have the safety data sheet in Serbian language, provide translation of the safety data sheet into the language comprehensible to the employee, and enable the employee to access the data contained in the safety data sheet.

Article 45 of the Law stipulates that employer shall enable the employees' representative, i.e., the Committee to: 1) inspect all acts related to safety and health at work; 2) participate in consideration of all issues related to safety and health at work, to propose and be consulted. The employer shall inform the employees' representatives, i.e., the Committee, about all the data related to safety and health at work.

4. Law on Whistleblower Protection ("Official Gazette of RS", No. 128/14).
5. Article 69 (1) 1), 2), 23), 24a), 28) and (2) and (3) of the Law on Occupational Safety and Health stipulates misdemeanor penalties for employer, i.e., private entrepreneur, or responsible person with the employer: if he fails to provide the workplace and working environment with applied safety and health at work measures (Article 9, (1)); if he fails to apply preventive measures during the organization of work and working process in order to protect life and health of employees, and if he fails to provide necessary financial means for implementation thereof (Article 11 (1)); 23) if he provides the employee with instruments of labour, i.e. means and equipment for personal protection at work, with not applied prescribed measures for safety and health at work, or if he fails to ensure the control over their intended use (Article 23); 24a) if he requires employees to use hazardous chemicals and other substances for which the obligation to draw up and submit a safety data sheet is prescribed, and failed to make the safety data sheet accessible, or if all the measures arising from the content of the safety data sheet were not implemented (Article 24a); 28) if he fails to provide pre-employment or periodical medical examination to the employee at a high-risk workplace (Article 43 (1)).

Penal provisions of Articles 20 to 22 of the Regulation on Preventive Occupational Safety and Health Measures for Exposure to Asbestos ("Official Gazette of RS", no. 108/15).



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6. The Labour Inspectorate analyses the situation in the field of occupational health and safety through monthly and annual reports.
7. The Republic of Serbia is planning to adopt a new Law on Occupational Safety and Health in order to fully comply with the Council Directive 89/391/EEC and to overcome problems from practice. Also, secondary pieces of legislation are planned to be revised by 2021.