

*POOSH - Occupational Safety and Health of Posted Workers:
Depicting the existing and future challenges in assuring decent working conditions and wellbeing
of workers in hazardous sectors*

Safety at work of workers posted to Croatia



Basic Regulation:

Occupational Health and Safety Act

Official Gazette no. 71/14, 118/14 and 154/14

Art. 4, Par. 1:

The provisions of this Act shall apply to all activities in which employees perform work for the employer.

Art. 4, Par. 2:

The provisions of this Act shall not apply when performing certain work to which, due to its uniqueness and inevitable conflict with the provisions of this Act, the Act cannot be fully applied, such as activities of the Croatian Armed Forces, police activities, protection and rescue activities, protection of persons and property and activities of firefighters and deminers.

Section 12. Foreign employees

Occupational health and safety implementation for foreign employees

Article 54

- (1) Foreign employees must, under the conditions prescribed by special regulations, meet both the requirements laid down by the provisions of this Act and the regulations adopted in pursuance thereof.
- (2) The employer which uses the services of an assigned employee, or a foreign national employee who has been posted to work for the employer shall check whether this employee has the necessary training referred to in paragraph 1 of this Article.

Art. 62

(2) The employer shall ensure that the employee is provided with:

- 1) risk assessments for the workplace and tasks to be performed in that workplace
- 2) instructions for safe working practices for the workplace and tasks to be performed at that workplace
- 3) a written document as evidence that the employee has been trained in safe working practices
- 4) a written document showing that the employee fulfills the requirements to perform tasks with special working conditions
- 5) a record of the checks carried out on the work equipment, installations and work environment.

Art. 62

(3) By way of derogation from paragraph 2 of this Article, risk assessment, documents and records need not be kept on a work site at which work is scheduled to last NO longer than 30 days, but must be made available within a period specified by a competent inspector.

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AD 3:

All workers who perform tasks must be trained to work in a safe manner for that tasks, in theoretical and practical part.

Proof of the conducted procedure of training is the written record, undersigned by worker, OSH specialist and employer

Workers from EU Member States who are trained to work in a safe manner in accordance with the valid regulations in home Member State and have a proof about that, should not be re-trained to work in a safe manner in Croatia

It is sufficient to check the practical part of this training (for concrete jobs) in the workplace in Croatia

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Ordinance on jobs with special working conditions

Official Gazette no. 5/84

Work with special working conditions is work for which the employee working has to, besides general requirements needed for concluding an employment contract, meet prescribed special requirements relating to age,

gender - *educational background*
professional qualifications, - *vocational training*

health, or

mental ability - *a specialist in occupational medicine*

Art. 36 of OHS Act

(1) The employer shall not permit an employee who does not meet the criteria prescribed by special regulation referred to in paragraph 6 of this Article, i.e. a special regulation for such works to perform work with special working conditions.

56 jobs are regulated

- ❑ handling and driving of self-propelled machines:
 - combine harvesters, graders, loaders, excavators, bulldozers, forklifts
- ❑ handling with cranes
- ❑ handling with devices on plants for storage and processing of flammable and explosive liquids and gases
- ❑ diving operations, firefighting, filling and detonating mines,
- ❑ work at height of more than 3 meters
- ❑ installation, testing and maintaining of electrical installations...

Electricians:

- over 18 years old
- educational background (secondary or vocational school)
- health status

requirements: good eyesight, recognition of colours...

contraindications : psychosis, epilepsy, alcoholism..

- psychic ability

- Proof:

- School certificate
- Health certificate

- Revalidation of H&P status: 48 months

⦿ **work at height:**

- Requirements:

Proof: health certificate

Revalidation of H&P status: 12 months

- ⦿ **handling and operating with cranes**

- ⦿ proof:

 - vocational certificate

 - health status

- ⦿ Revalidation of - Health status: 24 months
 - Psychic ability: 48 months

The most of posted workers comes from:

- 1. Slovenia*
- 2. Austria*
- 3. Italy*
- 4. Germany*
- 5. ...*

	Forklift operator		Crane operator	
Ordinance...	vocational training	health ability (medical examination)	vocational training	health ability (medical examination)
	adult education institution	a specialist of occupational medicine	adult education institution	a specialist of occupational medicine
HR	a certificate of competence	medical certificate	a certificate of competence	medical certificate

	Forklift operator		Crane operator	
Ordinance...	vocational training	health ability (medical examination)	vocational training	health ability (medical examination)
	adult education institution	specialist of occupational medicine	adult education institution	specialist of occupational medicine
HR	a certificate of competence	medical certificate	a certificate of competence	medical certificate
SLO	✗	✓	✗	✓

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SLO	✗	✓	✗	✓
AT	✓	✗	✓	✗

HOW TO PROVE ?

- *Which documents employer must have to prove the working/vocational ability of foreign EU worker?*
- On which language?

- *proof of expertise :*
 - proof which is valid in the MS from where the worker come*
 - *forklift or crane operator from SLO: NPK 'certificate'*
(national classification of occupations)
- *proof for health ability:*
 - *medical certificate issued by specialist of occupational medicine in MS*
 - *medical examination in Croatia*
- *Language: Croatian*
 - *certified translation*
 - *original issuer of the document, in the Croatian language*

more:

- *risk assesment*
- *training for work in a safe manner*
- *work with special working conditions*
- *means of work*
- *PPE and workplaces*
- *safety signs, notifications and instructions*
- *prevention of fire and explosion*
- *evacuation*
- *First aid*
- *....*

CONSTRUCTION SITE

- *notice to LI about beginning of work*
- *Plan of work on construction site*
- *coordinators for safety and health matters*

Occupational Health and Safety Act

<http://digured.srce.hr/arhiva/1507/130122/www.mrms.hr/wp-content/uploads/2012/11/occupational-health-and-safety-act.pdf>

Thank you for attention

miro.babic@mrms.hr



MINISTRY OF LABOUR
AND PENSION SYSTEM

Miroslav Babić, dipl. ing.