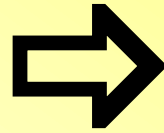


Safety and health of posted workers (European & national legislation and statistics)

Niculae Voinoiu
Romanian Labour Inspection



Directive 96/71/EC of the European Parliament and of the Council concerning the posting of workers in the framework of the provision of services



Law no. 344/2006 on the posting of workers in the framework of transnational provision of services

Article 6. All employees posted to Romania under the framework of transnational provision services benefit from labour conditions established by Romanian law on: ...

e) occupational health and safety;

f) protective measures applicable to working conditions of pregnant women or those who have recently given birth and also for children and young people;



Standards for the implementation of the Methodological Norms for implementing the provisions of the Law no. 319/2006 on occupational safety and health of workers at work contain **provisions additional to those of the EU directives** in force.

Article 83 - Introductory and general and training and Article - 90 Workplace training shall also be provided to:

- Workers posted from an undertaking/enterprise and/or establishment (entity) to another;
- Worker posted by a temporary work agency.

Article 116 The investigation of the events likely to cause temporary incapacity to work to foreign citizens is carried out by the territorial labour inspectorate within whose jurisdiction the event occurred.

Article 136

(1) An accident at work occurred while providing **services based on a contract, order** or other legal documents concluded by the enterprise/undertaking and/or establishment of an employer other than the one that has hired the victim, shall be recorded according to the terms set out in this regard in the documents signed/concluded.

(2) Where the document concluded does not provide clauses to this effect, the are clauses are not enough cover all situations or they are contrary to the provisions of these methodological norms, **an accident work shall be recorded by the employer which, following its investigation, is found responsible for that accident.**





SECTION NO. 4

Notification, investigation and recording of events produced outside the Romanian territory, involving workers of Romanian employers who are fulfilling their State related tasks of public interest or service duties

Article 143

(3) Any event occurred in the territory of another country which involves Romanian workers, posted or hired out by Romanian employers to foreign employers or users for carrying out work activities in the territory of that State, **shall immediately be notified by the Romanian employer to the diplomatic mission or the Romanian consular office in that country.**

(4) Romanian employers that post or hire out workers to foreign employers or to users have the obligation to include the **clauses concerning the notification of events** in the content of international conventions and bilateral agreements concluded with foreign partners.

Therefore, according to provisions of Article 144, when such events occur, the investigation team may include representatives of:

- the Romanian diplomatic mission or consular office by that country
- the Labour Inspection

The investigation file of accidents suffered by insured Romanian workers under Law no. 346/2002 will include:

- **documents drawn up by the investigation authorities of the country** where the event took place, and
- **medical records from health care units which provide specialized care.**

All necessary expenses for their translation into Romanian will be incurred by the employer where the event took place.



SECTION NO. 5

Notification and investigation of events produced in the territory of Romania which involve foreign workers during their duties

The Romanian Labour Inspection notifies the diplomatic mission or consulate of the country of origin of the injured person about any event occurred in the territory of Romania, which involves foreign nationals in the exercise of their duties.
(under Article 147)

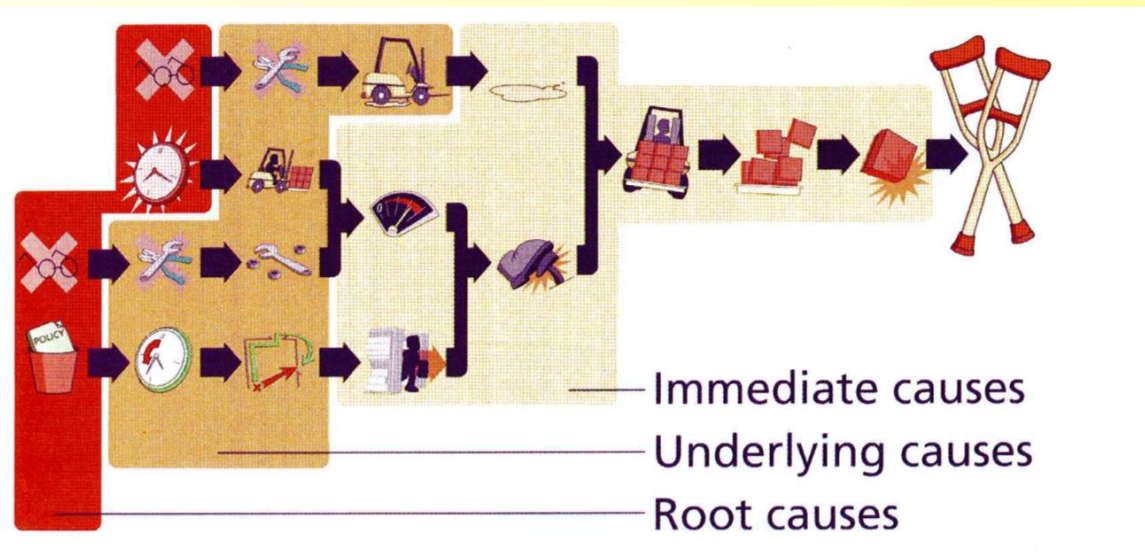


The investigation of such events is carried out by:

- the territorial labour inspectorate / Labour Inspection, together with
- other competent authorities/agencies and also with
- representatives of the foreign employer involved in the event

The investigation team may also include a **representative of the embassy** or consulate of that country.

A copy of the original investigation file shall be send to the embassy or consulate of the country of origin of the victim.





EU workers injured in Romania after Romania's accession to the EU (2007 – 2016)

Total: 61 of which 8 fatalities

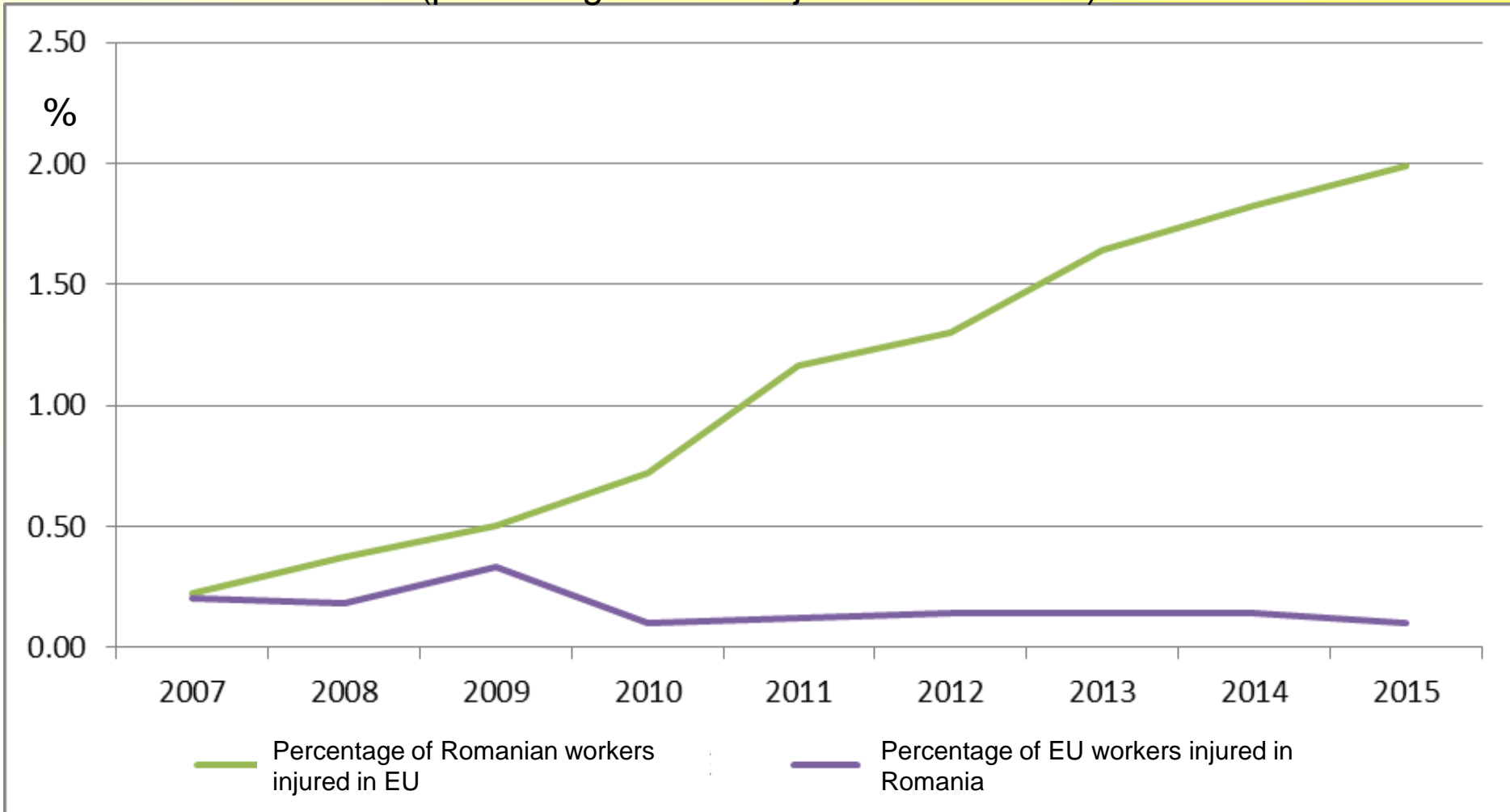
Romanian workers injured in the EU after its accession to the EU (2007 – 2016)

Total: 480 of which 47 fatalities

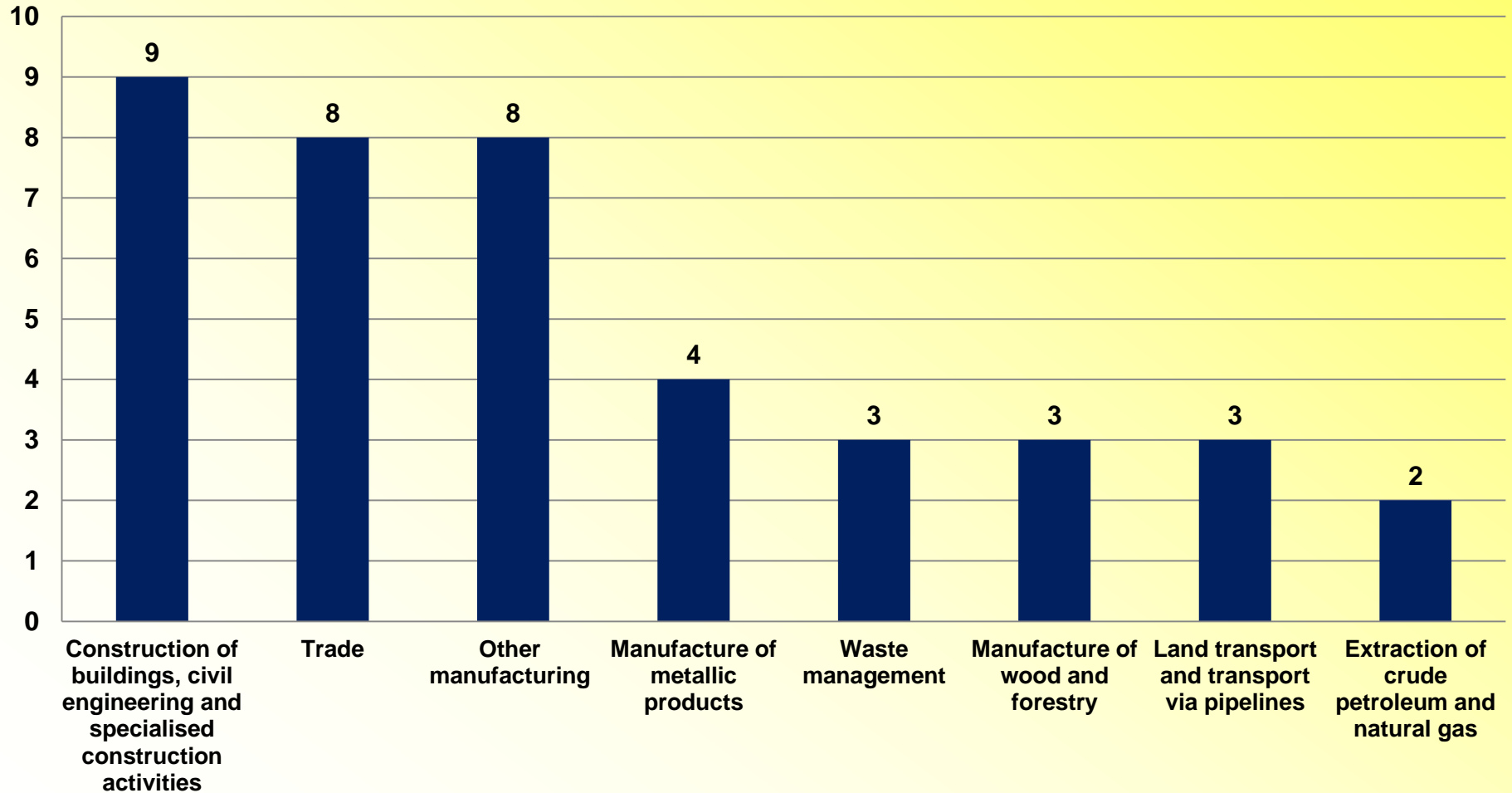
N.B.! The data for 2016 have not been finalized yet.

EU workers injured in Romania and Romanian workers injured in the EU

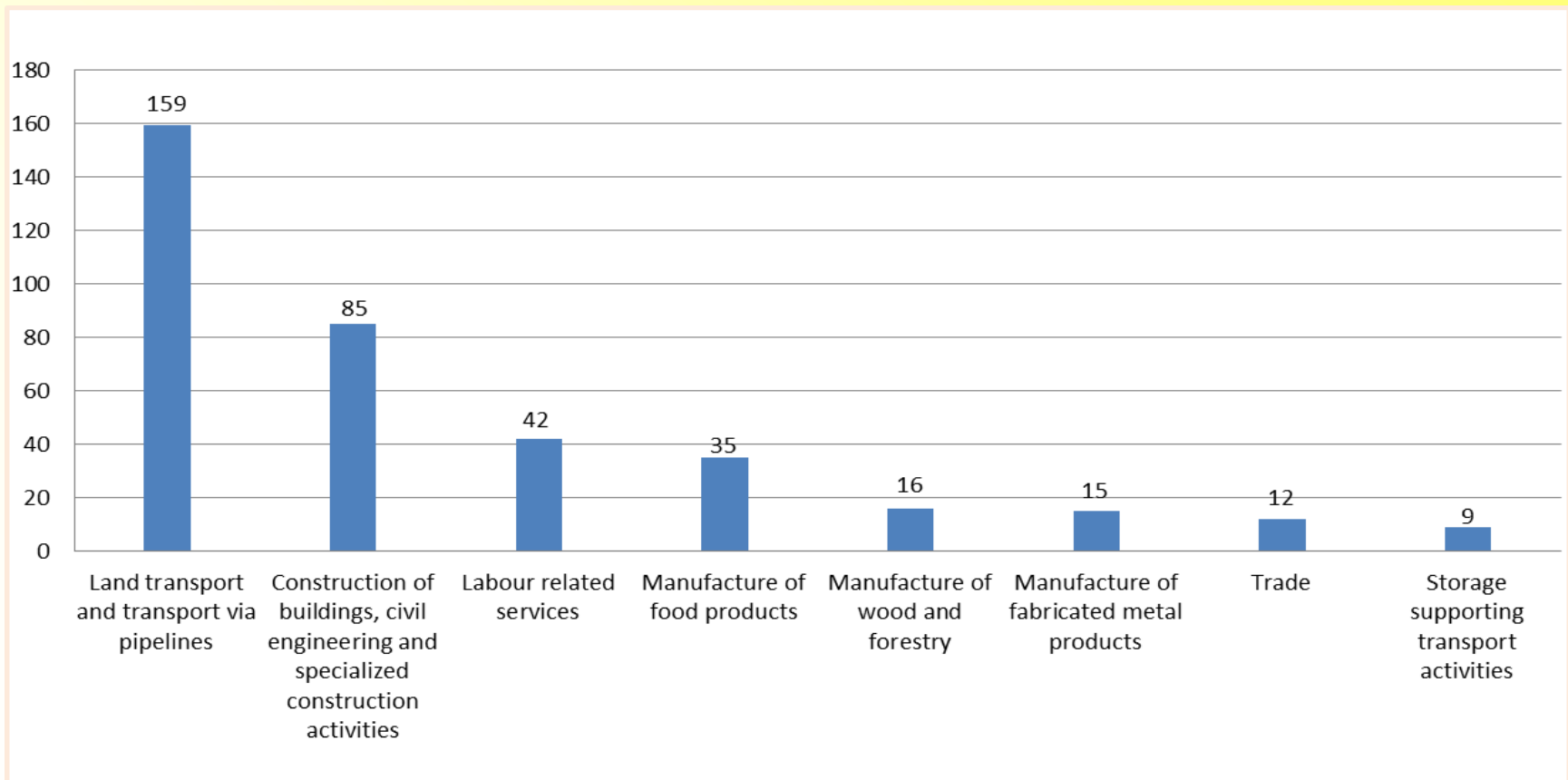
(percentage of total injured in Romania)



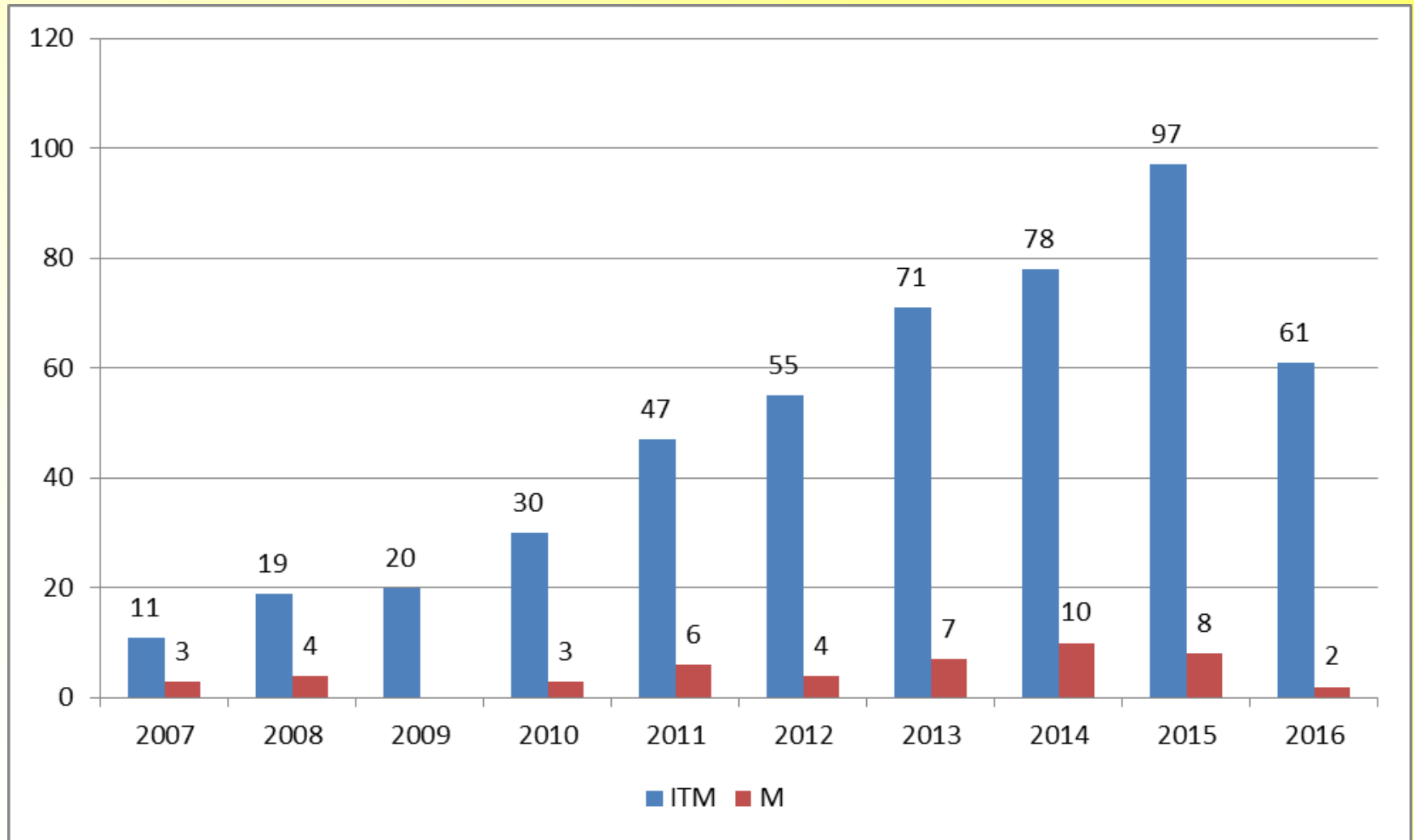
Economic sectors that recorded EU workers injured in Romania after the country's accession to EU



Economic sectors that recorded injured Romanian workers in the EU after the country's accession to the EU



Number of Romanian workers injured in the EU after the country's accession to the EU



ITM (TIW) = temporary incapacity to work
M = fatality

Number of Romanian workers injured in the EU after the country's accession to the EU

	Total		Construction		Wood and Forestry		Land transportation and via pipelines		Trade		Labour relations services		Storage and support activities for transportation		Manufacture of food products		Manufacture of fabricated metal products	
	TIW	F	TIW	F	TIW	F	TIW	F	TIW	F	TIW	F	TIW	F	TIW	F	TIW	F
2007	11	3						1					1					
2008	19	4	3	2	2		4	2	1		1							
2009	20		2		1		2				5		1					
2010	30	3	5	4	2		9		1		2				3		1	1
2011	47	6	11	1	4	1	14	2		2	3	1			5		2	1
2012	55	4	15		1		20	2	2		3		1	1	6		3	
2013	71	7	6	1	1		28	4	3		6		2		6		1	
2014	78	10	19	1	1		25	4	1		11	1	2		6		1	2
2015	97	8	14		3		38	4	2		9	1	3		9		3	

TIW = temporary incapacity to work

F = fatality

Law no. 344/2006 on the posting of workers in the framework of transnational provision of services

Article 12 (1) The Labour Inspection is the public authority in charge with the **liaison office**, which performs the exchange of information with the competent authorities in the Member States of the European Union or the European Economic Area.

Annually:

- It answers at approximately 270 requests of information, most of them from Belgium, France and Italy;
- It formulates more than 10 requests



Government's Decision no. 104/2007 regulating a specific procedure concerning the posting of workers within the transnational provision of services in the territory of Romania

Article 6

Undertakings/ Enterprises are required to submit a notification on the posting of workers to the territorial labour inspectorate in the jurisdiction of which the activity is to be performed, at least five days prior to the start of activity of the posted workers in the territory Romania, but not later than their first day of activity.

Dynamics of workers posted in the transnational provision of services

Workers notified	No. of registered employees	No. of EU workers	No. of non EU workers	No. of inspections carried out	No. of fines applied
2015	4013	5118	248	107	15
2016	5423	10353	434	134	21

Any questions?

Thank you for your attention!

www.inspectiamuncii.ro

