

1 Description of national OSH regulatory framework

1.1 Description of OSH regulatory framework

Summary/citation

Pursuant to Article 5 of the Labour Code of the Russian Federation, labour relations and other directly linked relations are regulated according to the Constitution of Russia and federal constitutional laws, by labour legislation (including legislation on occupational safety and health) which consists of:

- the Labour Code,
- other federal laws on labour,
- laws the Russian Federation subjects containing labour provisions,
- decrees of the President of Russia,
- regulations of the Government of Russia,
- regulations of the federal executive authority bodies,
- regulations of the executive power bodies of the Russian Federation subjects,
- regulations of local self-government bodies.

The Acts of the Government and normative legal acts of the federal executive authority bodies contain OSH provisions. The OSH provisions include safety standards, rules and model instructions on occupational health, state sanitary-epidemiological rules and norms. These are issued by the Ministry of Labour and Social Protection of the Russian Federation after their consideration at a meeting of the Russian Tripartite Commission on the Regulation of Social and Labour Relations.

The Government establishes the requirements relating to the drafting, approval and modification of regulations on OSH.

The Constitution is on the top of the hierarchy of sources of law. In the sphere of OSH, it stipulates that “the labour and health of people shall be protected” (art. 7) and provides for “the right to labour conditions meeting the safety and hygiene requirements” (art. 37). Article 41 of the Constitution establishes that “the concealment by officials of facts and circumstances posing a threat to the life and health of people shall entail responsibility according to federal law”.

The Labour Code of 30 December 2001 is the main law on occupational safety and health. The aims of the Labour Code are to establish state guarantees of labor rights and freedoms of citizens, to create favourable working conditions, and to protect the rights and interests of workers and employers. According to the Labour Code, one of the basic principles of legal regulation of labor relations is to ensure the right of every worker to fair working conditions, including the working conditions which meet the requirements of occupational safety and health. Chapters 33 – 36 in Section X of the Labour Code are dedicated to occupational safety and health. Chapter 57 of the Labour Code establishes the basic powers, rights and duties related to the system of labour inspection. Moreover, the Labour Code provides for guarantees and compensations for workers employed in harmful or dangerous conditions, and rules on working time and rest periods.

Labour relations and other directly linked relations are also regulated by collective agreements and local normative legal acts containing labour law norms. Concerning the hierarchy of legislative acts, Article 5 of the Code provides that labour law norms contained in other federal laws must conform to the Labour Code and in case of conflict between this Code and another federal law containing labour law norm the Labour Code must be applied.

Legal provisions on protection of workers from specific occupational risks or hazards are contained in various separate legislative enactments such as: the Federal Act on Safe Handling of Pesticides and Agrochemicals, the Federal Act on Radiation Safety of Population, the Federal Act on Prevention of Spread in the Russian Federation of the Disease Caused by the Human Immunodeficiency Virus (HIV Infection), and the Federal Act on Fire Safety. The Code on Administrative Offences and the Penal Code of Russia provide for adequate penalties for violations of the laws and regulations concerning occupational safety and health.

On the level of the enterprise, the employer has to adopt rules and instructions on occupational health, which shall be drafted on the basis of cross-industry or sectorial model regulations on occupational health.

Remarks / comments

The Russian Federation includes the following subjects of the Russian Federation:

Republic of Adygeya, Republic of Altai, Republic of Bashkortostan, Republic of Buryatia, Republic of Daghestan, Republic of Ingushetia, Kabardino-Balkarian Republic, Republic of Kalmykia, Karachayevo-Circassian Republic, Republic of Karelia, Komi Republic, Republic of Crimea, Republic of Mari El, Republic of Mordovia, Republic of Sakha (Yakutia), Republic of North Ossetia - Alania, Republic of Tatarstan, Republic of Tuva, Udmurtian Republic, Republic of Khakassia, Chechen Republic, Chuvash Republic;

Altai Territory, Trans-Baikal Territory, Kamchatka Territory, Krasnodar Territory, Krasnoyarsk Territory, Perm Territory, Primorye Territory, Stavropol Territory, Khabarovsk Territory;

Amur Region, Arkhangelsk Region, Astrakhan Region, Belgorod Region, Bryansk Region, Chelyabinsk Region, Ivanovo Region, Irkutsk Region, Kaliningrad Region, Kaluga Region, Kemerovo Region, Kirov Region, Kostroma Region, Kurgan Region, Kursk Region, Leningrad Region, Lipetsk Region, Magadan Region, Moscow Region, Murmansk Region, Nizhny Novgorod Region, Novgorod Region, Novosibirsk Region, Omsk Region, Orenburg Region, Orel Region, Penza Region, Pskov Region, Rostov Region, Ryazan Region, Samara Region, Saratov Region, Sakhalin Region, Sverdlovsk Region, Smolensk Region, Tambov Region, Tomsk Region, Tver Region, Tula Region, Tyumen Region, Ulyanovsk Region, Vladimir Region, Volgograd Region, Vologda Region, Voronezh Region, Yaroslavl Region;

Moscow, St. Petersburg, Sevastopol - cities of federal importance;

References

Labour Code of the Russian Federation of 30 December 2001, as amended.

Act No. 3 of 9 January 1996 on protection of the population from radiation (Text No. 141).

Act No. 38-FZ of 30 March 1995 on the prevention of the spread in the Russian Federation of the disease caused by the human immunodeficiency virus (HIV).

Act No. 69-FZ on protection against fire (Text No. 3649).

Administrative Offenses Code of 30 December 2001 (Text No. 1).

Penal Code No. 63-FZ of 13 June 1996 (consolidation).

Federal Act of the Russian Federation on Safe Handling of Pesticides and Agrochemicals, No. 109-FZ of July 19 1997

Federal Law N 426-FZ "On a special assessment of working conditions" as amended 2013-12-30

Decree of the Ministry of Labour and Social Development of the Russian Federation N 290H, adopted 01.06.2009 On approval

Regulations of the drafting, approval and modification of normative legal acts containing state regulatory requirements of labour

The Constitution of the Russian Federation (with the Amendments and Additions of December 30, 2008)

2 Scope, coverage and exclusions

2.1 Health and safety covers physical and psychological health

Summary/citation

Russian OSH legislation explicitly covers only physical health. The provisions of the Labour Code do not define the notion of health. Safe working conditions are defined as working conditions which exclude the influence of harmful and/or dangerous industrial factors on employees or, if such factors are present, the level of their influence on employees does not exceed statutory norms.

References

The Decree of the Ministry of Labour and Social Protection N 33n, adopted on January 24, 2014 "On approval of the Methodolc

2.2 Definition of worker

Summary/citation

The worker is an individual who entered into labor relations with the employer.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (§ 20)

2.2.1 Coverage of particular categories of workers

Summary/citation

All employees are covered by the OSH provisions. However the employer is not obliged to undertake the special assessment of occupational hazards and risks in respect of home workers, remote workers and workers who have entered into an employment relationship with physical persons who are not individual entrepreneurs. The special assessment of working conditions in respect of civil servants and municipal employees shall be governed by special federal laws and other normative legal acts which are not adopted yet.

References

Federal Law N 426-FZ "On a special assessment of working conditions" as amended 2013-12-30 (art. 3)

2.2.1.1 Migrant workers

Summary/citation

Migrant workers fall under the definition of worker provided for in the Labour Code

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 20)

2.2.1.2 Domestic workers

Summary/citation

Domestic workers fall under the definition of worker provided for in the Labour Code

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 20)

2.2.1.3 Home workers

Summary/citation

Home workers fall under the definition of worker provided for in the Labour Code

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 20)

2.2.1.4 Self-employed persons

Summary/citation

Self-employed persons are not covered by the OSH provisions. However, accidents occurred during the work of the members of producers' cooperatives and members of peasant (farmer) households and in some cases during the work of people under civil law contracts, shall be investigated and registered.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 227)

2.3 Definition of employer

Summary/citation

The employer is an individual or a legal entity (undertaking), which entered into labor relations with the worker.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 20)

2.4 Exclusion of branches of economic activity

2.4.1 Agriculture

Summary/citation

Agriculture is not excluded from the scope of OSH legislation.

References

Decree of the Ministry of Agriculture of the Russian Federation N 889 adopted 20.06.2003 "On approval of rules of labour protection in agriculture"

2.4.2 Construction

Summary/citation

Construction is not excluded from the scope of OSH legislation.

References

Decree the Ministry of Labour N 336n, adopted 01.06.2015 "On approval of rules of labour protection in construction". 2015-08

2.4.3 Services

Summary/citation

Services are not excluded from the scope of OSH legislation

References

Federal Law N 426-FZ "On a special assessment of working conditions" as amended 2013-12-30 (art. 3)

2.4.4 Public sector

Summary/citation

Public sector is not excluded from the scope of OSH legislation. However, pursuant to article 10 of the Labour Code military service is excluded from the scope of labour legislation. Public and municipal employees are not covered by the rules of the Federal Law of the Russian Federation N 426-FZ, adopted December 28, 2013 "On a special assessment of working conditions" which introduced the new system of estimation of working conditions.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 10)

Federal Law N 426-FZ "On a special assessment of working conditions" as amended 2013-12-30 (art. 3)

2.4.5 Other

2.5 Definition of occupational accident

Summary/citation

Occupational accident subject to investigation and registration is an accident, which happen to employees and other persons, including those subject to mandatory social insurance against accidents in production and occupational diseases, when performing their labour duties and work assigned by their organization or employer, which is a physical person.

The following cases shall be investigated and registered as occupational accidents: injuries, including those caused by other persons; acute poisoning; thermal strokes; burns; frost-bites; drowning; shock - electrical, from lightning or radiation; bites from insects and reptiles; injuries caused by animals; injuries, which have been gotten as a result of explosions, accidents, destruction of buildings, structures, and installations; natural calamities and other emergencies, providing that they have caused the necessity to transfer the employee to a different job, temporary or standing loss of his ability to work or the employees' death,

if they have happened:

- during the working time in the premises of the organization or beyond them (including those, which occurred during the established intervals) and during the time required to bring in order the production tools and clothing prior to or after work, or when working overtime, at weekends or work-free holidays;
- when heading for the workplace or coming back using the transport granted by the employer or his representative, or in one's vehicle, if said vehicle is used for production purposes by the employer's (or his representative's) instruction, or by agreement between the parties to the employment contract;
- when going to the destination on a business trip or coming back;
- when driving a vehicle as a replacement driver during the rest between shifts (replacement driver, refrigerator unit attendant or mechanic on a train, etc.);
- when working by camp method - during the rest between shifts and staying on board of a ship in the time free of watch and on board

rd service;

- when the employee is assigned in line with the established order to participate in elimination of the aftermaths of a disaster, accident or other emergencies of natural or technical origin;
- when performing the actions, which are not part of the employee's labour duties, but carried out in favour of the employer or his representative, or aimed at prevention of an emergency or accident.

The Federal Law N 125-FZ (ed. 01.12.2014) "On compulsory social insurance against industrial accidents and occupational diseases", adopted 24.07.1998, defined occupational accident as an event in which the insured person has received injury or other impairment of health during the performance of his duties under the employment contract (and in other cases provided by this Law) on the territory of the insurer, and outside if the accident occurred during the journey to and from work in the transport provided by the insurer, and which resulted in the need to transfer the insured person

to another job, in the temporary or permanent occupational disability or has led to death.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 227)

Federal Law N125-FZ "On compulsory social insurance against industrial accidents and occupational diseases", as amended 1

2.6 Definition of occupational disease

Summary/citation

Occupational disease - chronic or acute illness of the insured arising from the exposure to harmful production factor (s) and resulting in the temporary or permanent loss of their capacity for work.

References

Federal Law N125-FZ "On compulsory social insurance against industrial accidents and occupational diseases", as amended 1

2.6.1 List of occupational diseases

Summary/citation

The list of occupational diseases was adopted by the Ministry of Health and Social Development

References

Decree ? 417n "On approval of the list of occupational diseases" 2012-05-23

2.6.2 Mechanism for compensating other diseases as occupational ones

Remarks / comments

The Federal Law "On compulsory social insurance against industrial accidents and occupational diseases" does not refer to the list of occupational diseases, therefore the disease, corresponding to the criteria, established by this law might be considered as occupational even in case of absence of such a disease in the list.

3 Institutions and programmes relating to OSH administration and/or enforcement

3.1 Competent national authority for safety and health at work

Summary/citation

The Ministry of Labour and social development is responsible for the policymaking and implementation of the national policy in the field of OSH.

The Federal Service for Labour and Employment (Rostrud) is the executive body in the structure of the Ministry of Labour and social development responsible for the OSH policy.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 216)

Decree of the GOVERNMENT OF THE RUSSIAN FEDERATION N 875, adopted on September 1, 2012 "On approval of the R

3.1.1 Objectives, roles and/or functions

Summary/citation

The basic tasks of the Federal Labour Inspection are the following:

- provision of observance and protection of labour rights and liberties, including the right to safe labour conditions;
- provision of observance of the Labour Code and other legal acts, containing labour regulations by an employer;
- provision of employers and employees with the information as to the most effective means and ways of observance of the provisions of the Labour Code and other legal acts, containing labour regulations;
- informing respective state bodies of the facts of infringements, actions (hibernations) or abuse, which are not subject to regulations and other legal acts.

While exercising their rights and duties, state labour inspectors are authorized representatives of the State and are therefore State-protected, acting independently of the state bodies and its officials, abiding only by the Constitution of the Russian Federation, federal laws and other legal acts.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 356)

3.1.2 Chairperson and composition

Summary/citation

The administration of the Federal Labour Inspection activity is carried out by the state Labour Inspector-General of the Russian Federation, who is the Head of the Federal Service for Labour and Employment.

The composition of the Federal Labour Inspection is established on the basis of the Decree of the Government of the Russian Federation N 875, adopted on September 1, 2012

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 354)

Decree of the GOVERNMENT OF THE RUSSIAN FEDERATION N 875, adopted on September 1, 2012 "On approval of the R

3.2 National OSH research programme or institute

Remarks / comments

Federal State Institute "All-Russia Research Institute for Occupational Safety and Labour Economics" is the main national institute in the field of OSH.

References

Order N 690 of 6 July 2011 of the Ministry of Health and Social Development on the All-Russia Research Institute for Occupatic

Website of the All-Russia Research Institute for Occupational Safety and Labour Economics

3.2.1 Objectives, roles and/or functions

Remarks / comments

The functions of the Institute are:

- scientific development and implementation of the main directions of the state policy in the sphere of OSH and labour economics;
- prevention and reduction of occupational accidents and diseases in organizations of all kinds of economic activities, including small businesses;
- improving the system of social security, elaboration of measures aimed at reducing occupational risks;
- development and implementation of modern teaching methods;
- development of activities and methods to increase productivity;
- collection and dissemination of national and international information on all the aspects of occupational safety and labour relations.

References

Website of the All-Russia Research Institute for Occupational Safety and Labour Economics

3.2.2 Governance board constitution and chairmanship

3.2.3 Source of funding

Remarks / comments

The institution is funded by the State.

References

Order N 690 of 6 July 2011 of the Ministry of Health and Social Development on the All-Russia Research Institute for Occupational Safety and Labour Economics

Website of the All-Russia Research Institute for Occupational Safety and Labour Economics

3.3 National OSH programme

Summary/citation

The Government of the Russian Federation and authorized federal executive power bodies must adopt federal target programmes aimed at the improvement of occupational safety and health conditions and ensure their enforcement. The Demographic Policy Concept of the Russian Federation for the period until 2025, approved by Presidential Decree N 1351, October 9, 2007, establishes that the reductions of occupational accidents and diseases on the basis of transition to the managing of professional risks is one of the main objectives of the demographic policy. This Concept acknowledged the need for the establishment of a system of identification, evaluation and control of occupational risks, as well as of introduction of economic incentives for employers in order to improve working conditions.

In order to provide guidance to subjects of the Russian Federation in the development of programs in the field of OSH The Ministry of health and social development adopts Model programs for the improvement of working conditions and occupational safety in the Russian Federation.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 216)

The Demographic Policy Concept of the Russian Federation for the period until 2025, approved by Presidential Decree N 1351.

Model program for the improvement of working conditions and occupational safety in the Russian Federation

3.3.1 Consultation on the national OSH programme

Summary/citation

Federal authorities have a duty to ensure the participation of the Tripartite Commission on regulation of social and labour relations in the elaboration of programmes of socio-economic development.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 35.1)

Act No. 92-FZ of 1 May 1999 on the Russian tripartite Commission for the Settlement of Social and Professional Relations (Text)

4 Employers' duties and responsibilities to protect the safety and health of workers and others

4.1 Duty to ensure the health and safety of employees

Summary/citation

The employer is under a duty to ensure occupational safety and health and provide working conditions which comply with laws and regulations on OSH at every workplace.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 212)

4.2 Duty to protect the health and safety of people other than their own employees

Summary/citation

The employer has a duty to provide introductory instruction on OSH rules in respect of the persons who receive education in accordance with the contract of apprenticeship; students undergoing practical training; seconded workers and employees of other organizations carrying out work in the enterprise.

The employer has a duty to provide means of individual protection to all persons, taking part in the production activities, including persons who receive education in accordance with the contract of apprenticeship; students undergoing practical training, and to persons who carried out the measures to control (supervision) in the established field of activity.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 212)

Decree of the Ministry of Labour and Social Development of the Russian Federation N 290H, adopted 01.06.2009 On approval

Decree of the Ministry of Labour and the Ministry of Education of the Russian Federation N 1/29 "On approval of procedure of t

4.3 Collaboration among two or more employers at the same workplace

4.4 Surveillance of workers' health in relation to work

Summary / Citation

The employer has a duty to organize, at his/her own expense, compulsory preliminary medical examinations (when hiring workers) and periodic medical examinations (during employment) of workers while preserving worker's job position and average wage for the time used to undergo the aforementioned medical examinations. Employees performing hard work and work under harmful and/or dangerous conditions (including underground workings), and work related to traffic flow undergo compulsory preliminary (at taking the job) and periodical (yearly for persons under 21) medical examinations (surveys) at the employer's expense in order to ascertain their suitability for performing the imposed work and prevent professional diseases. In compliance with medical comment the aforementioned employees also undergo urgent medical examinations (surveys).

Employees of food industry enterprises, public catering and trade, water-works, treatment-and-prophylactic and children's institutions, and of some other organi

zations undergo the aforementioned medical examinations (surveys) with population health protection and prevention of diseases origination and spreading in view.

Harmful and/or dangerous industrial factors and kinds of work that require preliminary and periodical medical examinations (surveys), as well as their procedures are defined in normative legal acts approved in the statutory order of the government of Russian Federation.

In case of necessity, individual enterprises may introduce, upon local government bodies decision, additional terms of and indications for employees' medical examinations (surveys).

Federal laws and other normative legal acts of the Russian Federation might provide the duty of certain categories of employees to undergo chemical-toxicological research in order to establish the presence of drugs, psychotropic substances and their metabolites.

Employees performing some kinds of work activities, including those related to hazard sources (harmful substances and adverse industrial factors), and employees working under hazardous conditions undergo compulsory psychiatric examination at least once in five years.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 212-213)

Decree of the Ministry of Health and Social Development of The Russian Federation N 302n "On approval of the list of harmful

Decree of the Government of the Russian Federation March 1, 1997 N 233 "On the list of medical contra-indications and the list

4.4.1 Specific hazards for which surveillance is required

Summary / Citation

Employers shall provide specific health surveillance to biological and chemical hazards, noise, vibration and radiation.

References

Decree of the Government of the Russian Federation N 695, adopted on September 23, 2002 "On compulsory psychiatric examination

Decree of the Ministry of Health and Social Development of The Russian Federation N 302n "On approval of the list of harmful

4.5 Surveillance of the working environment and working practices

Summary / Citation

The employer has the duty to ensure the compliance of working conditions at every workplace to the OSH requirements. According to the Federal Law "On a special assessment of working conditions" employer also has to ensure the special assessment of working conditions on every workplace (the law provides certain exclusions to this rule).

References

Federal Law N 426-FZ "On a special assessment of working conditions" as amended 2013-12-30 (art. 3)

4.6 Duty to provide personal protective equipment

Summary / Citation

The employer has a duty to purchase at his own expense and give workers who are working under harmful or dangerous conditions of labour, as well as working under specific temperature or in contaminated environments, special working clothes, boots, and other personal protective equipment, rinsing and neutralizing substances. The employer must ensure at his own expense storage, washing, drying, repair and replacement of special clothing, special shoes, and other personal protective equipment.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 212, 221)

Decree of the Ministry of Labour and Social Development of the Russian Federation N 290H, adopted 01.06.2009 On approval

4.7 Duty to ensure the usage of personal protective equipment

Summary / Citation

There is no explicit duty to ensure the usage of personal protective equipment, however, this duty can be deduced from the general obligation of employer to ensure the compliance of working conditions to the OSH rules and the duty of employee to use correctly the individual means of protection

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 212)

4.8 Duty to provide first-aid and welfare facilities

Reference

Labour Code of the Russian Federation of 30 December 2001, as amended.

4.8.1 Arrangements for first-aid

Summary / Citation

In case of workplace accident the employer has a duty to arrange immediately for first aid to the victim and his delivery to a health care establishment, if necessary. Transfer to medical treatment facilities or residences of the employees, which fell victims to accidents in production and occupational diseases or for other medical indications shall be either by the organization's transport or on its account.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 228)

4.8.2 Sanitary installations

Summary / Citation

The employer has a duty to provide employees with sanitary services. To this end, sanitary & utility rooms, rooms for meals, rooms for giving medical aid, rooms for recreation during the working time and psychic relaxation shall be fitted out in organization in line with the established norm; sanitary posts shall be set up with first-aid kits complete with a set of medicines and preparations for giving first medical aid.

Instructions for the sanitary maintenance of premises and equipment manufacturing enterprises N 658-66, approved by Deputy Chief Sanitary Inspector of the USSR on December 31, 1966

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 22)

Instructions for the sanitary maintenance of premises and equipment manufacturing enterprises N 658-66, approved by Deputy

4.8.3 Drinking water

Summary / Citation

The duty to provide employees with drinking water is deduced from the general obligation to ensure the provision of sanitary & utility services. The additional duty to provide employees of hot shops with soda water is fixed in the article 223 of the Labour code and in the Instructions for the sanitary maintenance of premises and equipment manufacturing enterprises N 658-66, approved by Deputy Chief Sanitary Inspector of the USSR on December 31, 1966

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 22)

Instructions for the sanitary maintenance of premises and equipment manufacturing enterprises N 658-66, approved by Deputy

4.8.4 Rest and eating areas

Summary / Citation

The employer has a duty to provide employees with rooms for meals and rooms for recreation during the working time. Requirements to these facilities are fixed in the Sanitary Rules and Norms (SanPiN) 2.2.3.1384-03.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 22, 108, 109)

Decree of the Chief State Sanitary Inspector of the Russian Federation N 141, adopted June 11, 2003 "On introduction of the s

5 Employers' duty to organize prevention formally along generally accepted OSH management principles and practices

5.1 Elements of an OSH management system

5.1.1 Policy or plan specifying responsibilities and arrangements for health and safety

Summary/citation

The employer has a duty to elaborate and adopt the rules and instructions on workplace safety for workers, taking into account the opinion of elected trade union body or other employees authorized bodies;

These acts must correspond to the cross-industry or sectoral model regulations on workplace safety. The revision of occupational safety rules and instructions must be carried out at least once every five years.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 212)

5.1.2 Appointment of a person for health and safety

Summary/citation

In order to assure compliance with the OSH requirements and exert control over their implementation the employer has a duty to create the occupational safety service or establish a post of the occupational safety expert with appropriate training or work experience in this field in every organization performing production activities with more than 50 employees.

In cases when the number of employees is less than 50, the employer adopts the decision on the establishment of occupational safety service with regard for the features peculiar to this organization's activities.

If such a service is not created and the post of occupational safety expert is not established their functions are carried out by the employer - individual entrepreneur (in person), the head of organizations, other authorized employee or an organization or an expert, providing services in the field of occupational safety under civil law agreement.

The system of the occupational safety service in the organization

and the number of its employees must be determined by the employer according to the recommendations, issued by the federal executive body.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 217)

Decree of the Ministry of Labour and Social Development N 14 of February 8, 2000 approving the Recommendations on the or

5.1.3 Written risk assessment

Summary/citation

The employer has a duty to ensure the special assessment of working conditions on every workplace in order to identify occupational risks and hazards and take measures to bring labour conditions into conformity with national laws and regulations on OSH (excluding home workers, remote workers and workers who have entered into an employment relationship with employers - natural persons who are not individual entrepreneurs). The special assessment of working conditions in respect of civil servants and municipal employees shall be governed by special federal laws and other normative legal acts which are not adopted yet.

Article 216.1 stipulates the conditions for the State examination of the working conditions which can be carried out by the executive body in the field of labour in order to control the quality of the special assessment of working conditions; the correctness guarantees and compensation provided to workers for work in harmful and (or) hazardous working conditions; the actual working conditions of workers.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 209, 212)

Federal Law N 426-FZ "On a special assessment of working conditions" as amended 2013-12-30

Decree of the Ministry of Labour of Russia N 549n, adopted on 12.08.2014 "On approval of the procedure of the state expertise

5.1.4 Safe operating work systems and procedures

Summary/citation

The projects of construction and reconstruction of production facilities, machinery, tools and other production equipment, production processes must comply with state regulatory requirements on occupational safety. Machinery, tools and other industrial equipment, vehicles, manufacturing processes, materials and chemical substances, individual and collective protection of workers, including foreign production must comply with national regulatory requirements of occupational health and have a declaration of conformity and (or) a certificate of conformity. This article prohibits the use of harmful or dangerous substances, materials, products without prior toxicological (sanitary and hygienic, medico- biological) evaluation.

The occupational safety requirements are fixed in the safety standards (Occupational Safety Standards), in the construction norms and regulations (SNIP), in the state sanitary-epidemiological rules and norms (SanPiN), sanitary rules (SP), hygienic standards (GN), sanitary rules and norms.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 215)

5.1.5 Training and information on risks

Summary/citation

All employees, including the heads of the organizations, as well as employers - individual entrepreneurs, are required to undergo occupational safety training and testing of knowledge of OSH requirements. There are five types of training: introductory, primary, secondary, unscheduled and targeted.

Procedures and terms of instructing employees are fixed in the Decree of the Ministry of Labour and the Ministry of Education.

These rules are binding on all employers and employees.

The employer has a duty to inform employees of the working conditions and of occupational safety in the workplace, of the risk of damage to health, and provide information about due compensations and the means of individual protection.

The employer must inform workers about the results of the special assessment of working conditions at their workplaces no later than 30 calendar days after the date of approval of the report of the commission.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 212, 225)

Federal Law N 426-FZ "On a special assessment of working conditions" as amended 2013-12-30

Decree of the Ministry of Labour and the Ministry of Education of the Russian Federation N 1/29 "On approval of procedure of t

5.1.6 Review or assessment of the results of preventive measures

5.1.7 Consultation with workers in health and safety

Summary/citation

The employer has a duty to take into account the opinion of elected trade union body or other employees authorized bodies in the process of elaboration and adoption of occupational safety instructions.

It is possible to establish occupational safety committees/commissions at the initiative of the employers and/or at the initiative of the employees or their representative body. Such committee must include on a par the representatives of employers, trade unions or other representative bodies commissioned by employees.

According to the Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Labour and Social Protection N 412n, adopted on June 24, 2014, the committee is an integral part of the local health and safety management and represents one of the forms of workers' participation in management of the organization.

The labour protection committee/commission shall organize joint actions of the employer and employees to assure t

he labour protection requirements, prevent production accidents and occupational diseases. It shall also organize and conduct inspections of the conditions and protection of labour, inform the employees on the results of these inspections and gather proposals on the relevant part of the collective labour protection agreement.

References

Act No. 10-FZ on trade unions, their rights and guarantees for performance of their activities. (art. 20)

Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Labour and So

5.2 Obligation to implement a specific OSH management system or standard

Remarks / comments

ILO-OSH 2001 "Guidelines on occupational safety and health management systems" (IDT) was adopted in Russia as a voluntary standard on 01.07.2009. According to it, the employer should show strong leadership and commitment to OSH activities in the organization, and make appropriate arrangements for the establishment of an OSH management system. The system should contain the main elements of policy, organizing, planning and implementation, evaluation and action for improvement.

References

GOST 12.0.230-2007 Standard on Occupational safety and health management systems

6 Employers' duty to ensure availability of expertise and competence in health and safety

6.1 OSH competence

Reference

The Rules of accreditation of organizations providing services in the field of occupational safety, approved by the Decree of the Health Ministry of the Russian Federation N 205n, adopted on 01.04.2010.

6.1.1 Requirement to access expert advice and/or support in health and safety

Summary / Citation

If there is no OSH service/specialist in the undertaking, OSH functions must be carried out by the employer, the worker authorized by the employer, or the employer must bring in specialists or undertakings providing OSH services from outside the undertaking and under a civil-law agreement.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 217)

6.1.1.1 Qualifications of experts or professional services

Summary / Citation

Organizations providing services in the field of occupational safety are subject to mandatory accreditation. The rules of such accreditation, provisions on supervision of the activities of these organizations were approved by the Decree of the Health Ministry of the Russian Federation N 205n, adopted on 01.04.2010. Such organizations should hire specialists with higher education who have experience of practical work in the field of occupational safety and health. Internal expert should have appropriate training or experience of practical work in the field of occupational safety and health.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 217)

The Rules of accreditation of organizations providing services in the field of occupational safety, approved by the Decree of the Health Ministry of the Russian Federation N 205n, adopted on 01.04.2010.

6.2 Appointment of an OSH practitioner

Summary/citation

In every undertaking performing production activities with more than 50 workers the employer must set up an OSH service or establish the position of OSH specialist who needs to have appropriate training or work experience in this field.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 217)

6.2.1 Workforce size threshold for the appointment of OSH practitioners

Summary/citation

In every undertaking performing production activities with more than 50 workers the employer must set up an OSH service or establish the position of OSH specialist who needs to have appropriate training or work experience in this field.

According to the Recommendations of the Ministry of Labour at the position of OSH specialist might be appointed, as a rule, those who have higher professional (technical) education in OSH without relevant work experience, or specialist who have finished vocational training on OSH and has 3 years of experience as an OSH technician of the first category, or 5 years of experience in other job position relevant to OSH. OSH specialist must undergo special training in occupational safety and health.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 217)

Decree of the Ministry of Labour and Social Development N 14 of February 8, 2000 approving the Recommendations on the org

7 Workers' rights and duties

7.1 Duty to take reasonable steps to protect their own safety and health

Summary / Citation

No such a duty is explicitly fixed in the legislation: employees are obliged to comply with OSH rules established by the law and other legal regulations as well as by occupational safety rules and instructions and use the means of individual and shared protection correctly.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 21)

7.2 Duty to take reasonable steps to protect the safety and health of others

Summary / Citation

No such a duty is explicitly fixed in the legislation, however, model instructions on occupational safety fix certain duties of employees in respect of occupational safety of other employees, such as to warn other workers about the starting-up of equipment or about the fulfilment of certain operation.

References

Decree of the Ministry of Labour N 9 of 12 February, 2002 approving the Inter-industry model regulations on occupational safety

7.3 Supervisors' duty to take reasonable steps to protect the safety and health of others

7.4 Senior officers' duty to take reasonable steps to protect the safety and health of others

7.5 Self-employed persons' duty to take reasonable steps to protect their own and other people's health and safety

7.6 Duty to comply with OSH-related requirements

Summary / Citation

The worker has a duty to observe laws and regulations on occupational safety and health, as well as to use correctly means of personal and collective protection.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 214)

7.7 Right to enquire about risks and preventive measures

Summary / Citation

Every worker has the right to receive from the employer, relevant state agencies and public organizations true information about the labour conditions and occupational safety and health at his/her workplace, existing health hazards, as well as about protective measures against the impact of occupational risks or hazards.

the employer has a duty to inform employees of the working conditions and of occupational safety in the workplace, of the risk of damage to health, and provide information about due compensations and the means of individual protection.

According to the Federal Law "On a special assessment of working conditions" the employer must inform workers about the results of the special assessment of working conditions at their workplaces no later than 30 calendar days after the date of approval of the report of the commission.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 219)

Federal Law N 426-FZ "On a special assessment of working conditions" as amended 2013-12-30 (art. 15)

7.8 Right to remove themselves from a dangerous situation

Summary / Citation

A worker must not be subject to disciplinary penalty for his/her refusal to carry out work, in case a danger to his/her life or health arises due to a violation of OSH requirements, or to carry out hard work and work under hazardous and/or dangerous labour conditions not prescribed by the employment agreement.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 220)

7.9 Right to be reassigned to non-hazard work

Summary / Citation

An employee has a right to be reassigned to non-hazard work when their health has shown signs of alteration if the need of such reassignment was confirmed by a medical certificate issued in accordance with the procedure established by federal laws and other normative legal acts of the Russian Federation, however the employer has a relevant duty to provide another job only in cases when he has relevant vacancies.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 73)

7.9.1 Right to withdraw with compensation when workers are not reassigned to non-hazard work

8 Consultation, collaboration and co-operation with workers and their representatives

8.1 National OSH committee, commission, council or similar body

Summary / Citation

According to the Federal Act "On the Russian tripartite commission on regulation of social - labour relations" this Commission is responsible for the consultations on the issues related to drafting of federal laws and other normative legal acts of the Russian Federation regulating relations in the field of employment, labour migration, social security.

References

Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Labour and So

Decree the Ministry of Labour Of The Russian Federation N 30, adopted on April 8, 1994 "On Approval Of The Recommendatic

Act No. 92-FZ of 1 May 1999 on the Russian tripartite Commission for the Settlement of Social and Professional Relations (Tex

8.1.1 Objectives, roles and/or functions

Summary / Citation

The objectives of the Commission are stipulated by law and include the participation in the collective bargaining and the drafting of general agreement between the national associations of trade unions, the national associations of employers and the Government of the Russian Federation; consultations on the issues related to drafting of federal laws and other normative legal acts of the Russian Federation regulating relations in the field of employment, labour migration, social security; coordination of the parties' positions in the key areas of social policy; dissemination of the experience of social partnership on the lower levels of social partnerships, providing sectoral (intersectoral) and other regional commissions on regulation of social - labour relations with the information on the activities of the Commission.

According to the provisions of the Labour Code the opinion of the Commission must be taken into account in the process of drafting by the Federal Executive bodies of the following documents relevant to occupational safety:

1. The procedure for assessing the level of occupational risk (article 209)
2. The procedure for drafting, approval and amendment of subordinate legislation, containing state occupational safety regulations, including safety standards (article 211)
3. The rules and conditions of the issuance of free milk or other equivalent food products of preventive nutrition (article 222)
4. The procedure for training on occupational safety and for testing knowledge of occupational safety requirements (article 225)
5. The lists of plants, works and positions with harmful and (or) dangerous working conditions where the employment of women is limited, and maximum permissible norms for loads lifted and moved manually by women (article 253)
6. The list of works, where the employment of workers under the age of eighteen is prohibited and the maximum permissible norms for loads lifted and moved manually by persons under the age of 18 (article 265)
7. The procedure of medical examinations of workers engaged in underground work (article 330.3)

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 35, 209, 211, 22, 225, 253, 265.)

Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Labour and Social Protection of the Russian Federation

8.1.2 Constitution and chairmanship modalities**Summary / Citation**

The Commission consists of representatives of All-Russian associations of trade unions, All-Russian associations of employers and the Government of the Russian Federation. The Commission's decision can be adopted if approved by all three parties.

The work of the Commission is organized by the Coordinator of the Commission appointed by the President of the Russian Federation. Coordinator of the Commission presides at its meetings, but is not a member of the Commission.

References

Presidential Decree of 25.06.2012 N 895 "On the coordinator of the Russian tripartite commission on regulation of social and labour relations"

8.2 Employers' duty to consult workers on risks**Summary / Citation**

Employers have a duty to take into account the opinion of the elected trade union body or other employees authorized bodies in cases of elaboration and adoption of Occupational safety instructions for employees and in adoption of norms more favourable than Model standards of free issuance to employees of special clothing, footwear and other personal protective equipment.

References

Act No. 10-FZ on trade unions, their rights and guarantees for performance of their activities. (art. 20)

Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Labour and So

8.3 Workers' right to select their representatives for health and safety matters

Summary / Citation

Labour Code fixes the right of trade unions to control the employer's compliance with labour legislation and other legal acts containing norms of labour law, and the implementation of collective agreements. It does not provide the procedure for the election of the representatives for health and safety matters, but stipulates his rights in the article 370 of the Labour Code. The recommendation on the organization of work of representatives for health and safety matters was approved by the Ministry of Labour Of The Russian Federation N 30, adopted on April 8, 1994

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 370)

Decree the Ministry of Labour Of The Russian Federation N 30, adopted on April 8, 1994 "On Approval Of The Recommendatic

8.3.1 Workforce size conditions for workers' representation in health and safety

Summary / Citation

Labour law does not stipulate any workforce size conditions for workers' representation in health and safety.

8.3.2 Conditions of eligibility to represent workers in health and safety

Summary / Citation

Labour law does not stipulate any Conditions of eligibility to represent workers in health and safety

8.4 OSH representatives' functions, rights and powers

Reference

Labour Code of the Russian Federation of 30 December 2001, as amended.

8.4.1 Right to inspect the workplace

Summary / Citation

OSH representatives have a right to supervise the employer's compliance with the Labour Code and other legal acts, containing labour regulations and carry out independent expertise of work conditions and occupational safety safety regulations;

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 370)

8.4.2 Right to access OSH information

Summary / Citation

OSH representatives have a right to obtain information from the heads and other officials of organizations, referring to the state of work conditions and occupational safety, as well as to all industrial accidents and professional diseases.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 370)

8.4.3 Right to be present at interviews

Summary / Citation

OSH representatives have a right to participate in investigation procedures of industrial accidents and professional diseases

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 229)

8.4.4 Right to receive professional assistance from OSH experts

8.4.5 Right to accompany inspectors

8.4.6 Right to use facilities

Summary / Citation

Employers shall provide workers' representatives with specific OSH responsibilities with the necessary means to enable such representatives to exercise their rights and functions

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 377)

8.4.7 Right to have time off work with pay to perform duties

Summary / Citation

OSH representatives have time off work with pay to perform their duties and to undergo relevant training. The conditions of exemption from work and the procedure must be determined by collective agreement

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 374)

8.4.8 Right to issue remedial notices

8.4.9 Right to resolve OSH issues in consultation with employers

Summary / Citation

OSH representatives have a right to participate as independent experts in the work of commissions, testing and approving the exploitation of industrial objects and production facilities and participate in the procedures of resolution of labour disputes, connected with the infringement of occupational safety laws, conditions, provided by collective contracts and agreements, as well as with the alternation of work conditions.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 370)

8.4.10 Right to direct that dangerous work cease

Summary / Citation

OSH representatives have a right to charge employers with the directives to stop works in cases of immediate threat for the life and health of employees

References

Act No. 10-FZ on trade unions, their rights and guarantees for performance of their activities. (art. 19)

8.5 Right of workers' representatives from outside the undertaking to address OSH issues at the workplace

8.5.1 Right to enter the workplace

Summary / Citation

Trade union labour inspectors have a right to enter any enterprise where works the member of the relevant trade union and control the compliance with OSH norms at the workplace.

References

Act No. 10-FZ on trade unions, their rights and guarantees for performance of their activities. (art. 19, 20)

8.5.2 Right to investigate suspected non-compliance with OSH legislation

Summary / Citation

Trade union labour inspectors have a right to carry out independent expertise of work conditions and occupational safety regulations and participate in investigation procedures of industrial accidents and professional diseases

References

Act No. 10-FZ on trade unions, their rights and guarantees for performance of their activities. (art. 20)

8.5.3 Right to consult with workers

8.5.4 Right to advise workers

8.5.5 Right to initiate enforcement action

Summary / Citation

Trade union labour inspectors have a right to petition respective bodies with charges referring to persons, guilty of infringement of laws and other legal acts, containing labour regulations and of concealment of industrial accident

References

Act No. 10-FZ on trade unions, their rights and guarantees for performance of their activities. (art. 20)

8.6 Joint OSH Committee

Summary / Citation

Occupational safety committees/commissions can be established at the initiative of the employers and/or at the initiative of the employees or their representative body (Article 218).

According to the Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Health and Social Development of the Russian Federation on May 29, 2006, N 413, the committee is an integral part of the local health and safety management and represents one of the forms of workers' participation in management of the organization.

The labour protection committee/commission shall organize joint actions of the employer and employees to assure the labour protection requirements, prevent production accidents and occupational diseases. It shall also organize and conduct inspections of the conditions and protection of labour, inform the employees on the results of these inspections and gather proposals on the relevant part of the collective labour protection agreement.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 218)

Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Labour and Social Protection of the Russian Federation

8.6.1 Participation of workers' representatives in joint OSH committee

Summary / Citation

OSH committees (commissions) must be set up in undertakings at the initiative of the employer and/or at the initiative of workers. The workers' representatives are nominated by decision of the elected trade union body if the trade union unites more than half of the workers, or at the meeting (conference) of employees of the organization. The composition of the Committee is approved by the order of the employer, however, the employer does not have authority to disapprove the nominated persons.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 218)

8.6.2 Conditions for establishing a joint OSH committee

Summary / Citation

There are no conditions for the establishment of the OSH Committee, it shall be created on the initiative of employees or their representative body or the employer.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 218)

8.6.3 Objectives, roles and/or functions of joint OSH committees

Summary / Citation

The committee (commission) on occupational safety and health must organize joint actions by the employer and workers to ensure compliance with requirements of occupational safety and health, prevent occupational injuries and diseases, as well as organize examinations of working and safety and health conditions at workplaces, inform workers of the results of these examinations, and collect proposals for the specific section on occupational safety and health of the collective agreement.

The functions of the Committee are listed in the Model Regulations on Occupational safety Committee (Commission). In particular, the Committee is created in order to:

- a) consider the proposals of the employer, employees, trade unions for the elaboration of recommendations on the improvement of working conditions and occupational safety;
- b) assist the employer in the organization of occupational safety training as well as in the organization of examination of knowledge of occupational safety requirements;
- c) participate in the supervision of working conditions and occupational safety, consideration of results, elaboration of proposals to the employer on amendment of working conditions in order to bring them in compliance with national OSH regulations;
- g) inform employees about the on-going measures of improvement of working conditions and occupational safety, prevention of occupational injuries, occupational diseases;
- d) inform employees about the results of a special assessment of working conditions at their workplaces;
- e) prepare and submit to the employer the proposals on the improvement of occupational safety, on creation of incentives for workers who comply with OSH rules;

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 218)

8.6.4 Keeping record of the work of joint OSH committees

Summary / Citation

The Committee carries out its activities in accordance with regulations adopted by them and the work plan approved by the Chairman of the Committee. The duty of keeping the records is not stipulated in the Labour Code and normative legal acts of federal executive authority bodies.

References

Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Labour and So

8.6.5 Sharing the minutes of joint OSH committees meetings

8.7 Mandatory training for members of joint OSH committee(s)**Summary / Citation**

Members of the Committee shall undergo occupational safety training.

Decree of the Ministry of Labour of Russia N 580n, adopted December 10, 2012 "On approval of rules Regulation on financing of preventive measures aimed at reduction of workplace injuries and occupational diseases and sanatorium treatment of employees engaged in work with harmful and (or) dangerous production factors.

References

Model Regulations on Occupational safety Committee (Commission), approved by the Decree of the Ministry of Labour and So

Decree of the Ministry of Labour of Russia N 580n, adopted December 10, 2012 "On approval of rules Regulation on financing

8.8 Protection against reprisals**Summary / Citation**

Disciplinary sanctions might be imposed upon the member of the Occupational safety committee (commission) with the prior consent of the trade union body, the prior consent of the trade union body is also needed in case of transferring an employee to another job or dismissal.

References

Act No. 10-FZ on trade unions, their rights and guarantees for performance of their activities. (art. 27)

8.9 Immunity from civil and criminal liability for exercising OSH related rights and duties**9 Specific hazards or risks****9.1 Biological hazards****Summary / Citation**

The list of biological hazards is stipulated in the Classifier of harmful and (or) dangerous production factors, approved by the Decree of the Ministry Of Labour and Social Protection of The Russian Federation.

References

The Decree of the Ministry of Labour and Social Protection N 33n, adopted on January 24, 2014 "On approval of the Methodolc

9.2 Chemical hazards**Summary / Citation**

The list of chemical hazards is stipulated in the Classifier of harmful and (or) dangerous production factors, approved by the Decree of the Ministry Of Labour and Social Protection of The Russian Federation.

References

The Decree of the Ministry of Labour and Social Protection N 33n, adopted on January 24, 2014 "On approval of the Methodolc

9.2.1 Handling, storage, labelling and use

Summary / Citation

Occupational safety provisions on Handling, storage, labelling and use of chemicals are established in the Decree of the Ministry of Labour.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art.16-24)

Decree of the Ministry of Labour N 44, adopted 17.09.1997 "On approval of occupational safety rules in the use of chemicals

9.2.2 Duty of manufacturers, suppliers and importers of chemicals in relation to the safety and health of users

Summary / Citation

Each chemical must be provided with Safety Data Sheet

References

Decree of the Ministry of Labour N 44, adopted 17.09.1997 "On approval of occupational safety rules in the use of chemicals

9.2.3 Pesticides

Summary / Citation

Specific requirements on occupational safety in the work with Pesticides are established by the Federal Law. Particular measures are listed in the Sanitary-epidemiological rules and norms (SanPin)

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 22)

Federal Law N 109-FZ, adopted on 19.07.1997 "On the safe handling of pesticides and agrochemicals" 1997-07-25

9.3 Ergonomic hazards

Summary / Citation

Ergonomic requirements to the workplaces are stipulated in the Occupational safety standards.

References

Sanitary-epidemiological rules and norms (SanPin) "Hygienic requirements for enterprises manufacturing construction materials

9.4 Physical hazards

Reference

The Decree of the Ministry of Labour and Social Protection N 33n, adopted on January 24, 2014 "On ap

9.4.1 Ionising radiation

Summary / Citation

For workers exposed to radiation an average annual effective dose of radiation is fixed. Particular requirements on occupational safety are established in the sanitary rules, approved by the Chief state sanitary inspector of the Russian Federation.

References

Act No. 3 of 9 January 1996 on protection of the population from radiation (Text No. 141). (art. 9)

Decree of the Chief state sanitary inspector of the Russian Federation N 40, adopted on April 26, 2010 ""On approval of the Ba

9.4.2 Vibration and noise

Summary / Citation

Provisions on protection from vibration and noise are stipulated in the sanitary and epidemiological rules and norms.
Special requirements to the level of vibration and noise at the workplace is established for women and minors

References

Hygienic requirements for the organization of technological processes, production equipment and tools (SP 2.2.2.1327-03), app

9.4.3 Working at height

Summary / Citation

Special requirements to occupational safety of employees working at height are established by Regulations on occupational safety when working at height.

References

Regulations on occupational safety when working at height, approved by the Decree of the Ministry of Labour and Social Prote

9.4.4 Working in confined spaces

9.4.5 Risks arising from poor maintenance of workplace facilities

Summary / Citation

General measures to protect the health and safety of workers at workplace include the regular maintenance of premises, equipment, facilities, in particular with regard to safety devices in accordance with manufacturers' instructions.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 215)

9.4.6 Exposure to extreme temperatures

Summary / Citation

The level of temperature at the workplace is one of the physical hazards.
Special requirements to the microclimate at work are established by Sanitary rules and norms.

References

Hygienic requirements to occupational microclimate (SanPin 2.2.4.548-96), Approved by the Decree of the State Committee for

9.4.7 Fire risks

Summary / Citation

The head of the enterprise shall comply with the requirements of fire safety and with the instructions, regulations and requirements of officers of fire protection service; develop and implement measures to ensure fire safety; ensure the training of employees on fire safety; include in the collective agreement provisions on fire safety; provide access to officials of fire protection service on the territory, to the buildings, structures and other objects of the enterprises.

References

Act No. 69-FZ on protection against fire (Text No. 3649). (art. 37)

9.4.8 Tobacco

Summary / Citation

Smoking at the workplace is prohibited.

References

Federal Law N 15-??, adopted 23.02.2013 "On Health Protection from the tobacco smoke and from the consequences of tobacco"

9.4.9 Asbestos

Summary / Citation

Special measures of protection from the exposure to asbestos are recognized.

References

Cross-industry regulations on occupational safety in the production of asbestos and asbestos-containing materials and products

9.4.10 Risks related to nanotechnology

9.4.11 Contraction of HIV in the workplace

Summary / Citation

The list of employees who are at risk of contraction of HIV at the workplace is established by normative legal provisions. These employees shall undergo preliminary and periodic mandatory medical examination for HIV infection.

References

Act No. 38-FZ of 30 March 1995 on the prevention of the spread in the Russian Federation of the disease caused by the human immunodeficiency virus (HIV)

The list of employees of certain professions, industries, enterprises, institutions and organizations who are subject to preliminary medical examination

9.5 Psychosocial hazards

9.5.1 Psychosocial risks

Remarks / comments

No definition of this type of risks. In certain cases protection from harassment at work might be obtained through criminal law provisions, which sanction bringing a person to commitment of a suicide or to an attempt of a suicide by threats, cruel treatment or systematic humiliation of the human dignity of the victim (art. 110 of the Russian Criminal Code). Criminal provisions as well as the provisions of the Code of administrative offences, sanctioning insults might be also applicable.

References

Administrative Offences Code of 30 December 2001 (Text No. 1). (art. 5.61)

Penal Code No. 63-FZ of 13 June 1996 (consolidation). (art. 130)

9.5.2 Occupational violence

Summary / Citation

The infliction of physical or mental suffering by means of systematic beating or by any other violent actions shall be punishable by restraint of liberty for a term of up to three years, or by compulsory labour for a term of up to three years, or by deprivation of liberty for the same term.

Compulsion of a person to enter into illicit relations, pederasty, lesbianism, or the commission of other sexual actions by means of blackmail, threat of destruction, damage, or taking of property, or with the use of material or any other dependence of the victim, shall be punishable by a fine in the amount of up to one hundred and twenty thousand roubles or in the amount of a wage/salary or other income of the convicted person for a period of up to one year, or by obligatory labour for a term of up to four hundred and eighty hours, or by corrective labour for a term of up to two years, or by compulsory labour for a term of up to one year, or by deprivation of liberty for the same term.

Remarks / comments

Employment law does not mention this type of risk, it does not address bullying, psychological harassment, discriminatory harassment or sexual harassment. However, violence at work might constitute criminal offence.

References

Penal Code No. 63-FZ of 13 June 1996 (consolidation). (art. 117, 133)

9.6 Other hazardous substances**9.7 Machineries****Reference**

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 215)

The Decree of the Ministry of Labour and Social Protection N 33n, adopted on January 24, 2014 "On ap

9.7.1 Risks related to machinery and tools**Summary / Citation**

In the process of special assessment of working conditions the employer has to provide technical (operational) documentation on equipment (machines, equipment, tools and accessories) used in the workplace, and declarations of conformity, and (or) the certificates of conformity of equipment, machines, tools and devices, processes, substances, materials, raw materials requirements with the established requirements.

References

The Decree of the Ministry of Labour and Social Protection N 33n, adopted on January 24, 2014 "On approval of the Methodolc

9.7.2 Duty of designers and/or manufacturers of machineries in relation to the occupational safety and health of operators of machineries**Summary / Citation**

Manufacturers shall ensure the compliance of machineries to the OSH standards and provide declaration of conformity and (or) a certificate of conformity.

References

The federal law N 184-FZ, adopted 27.12.2002 on Technical Regulation (as amended)

Decree of the Government of the Russian Federation ? 982, adopted on 1 December 2009 "On Approval of the unified list of pr

9.7.3 Duty of designers, manufacturers, importers or suppliers of machineries to provide machineries information**9.7.4 Duty to purchase machineries from authorised/certificated suppliers or only if approved/certificated**

Summary / Citation

Machinery, gear as well as other production equipment must be in alignment with requirements established in national laws and regulations on OSH and must have a declaration of conformity and (or) must have a certificate of conformity.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 215)

9.7.5 Maintenance of machinery and equipment

Summary / Citation

The employer shall take all the necessary measures to ensure:
the appropriate maintenance of machinery and equipment and its compliance with the requirements of OSH.

9.7.5.1 List of equipment where applicable

9.8 Provisions to protect workers in specific condition of vulnerability

Reference:

Labour Code of the Russian Federation of 30 December 2001, as amended.

Government Decree No. 163 of 25 February 2000 to approve the list of arduous jobs and jobs with harm

Ordinance No. 105 on new standards concerning maximum loads to be taken or displaced by women.

Government Decree No. 162 of 25 February 2000 to approve the list of arduous jobs and jobs with harm

9.8.1 Protection of pregnancy at work

Summary / Citation

Rates of output and service standards must be reduced for pregnant women in accordance with a medical report and upon their request, or they must be transferred to another job free of occupational hazards and risks, and maintaining the average salary from the previous position.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 254)

9.8.2 Protection of lactating women at work

Summary / Citation

Women who have children under the age of 1.5 years and are not able to perform previous work must be transferred to another job upon their request maintaining their average salary from the previous position, up to the time when their child reaches the age of 1.5 years. In addition to standard breaks the working women who have children under the age of 1.5 years must be granted additional breaks of 30 minutes each for feeding of child (children) in not less than every three hours of continuous work.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 254, 258)

9.8.3 Limits to women's access to specific occupations, undertakings or shifts

Summary / Citation

Employment of women who will be subjected to hard and hazardous and (or) dangerous working conditions, including underground works, except for non-physical work or work related to health and consumer services, is limited.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 253)

9.8.4 Limits to workers' access to specific occupations, undertakings or shifts by reason of age

Summary / Citation

It is prohibited to employ persons under 18 years of age in hazardous and (or) dangerous working conditions, including underground works and those which may be detrimental to their health and moral development (gambling, work in night cabarets and clubs, production, transportation and sale of alcoholic drinks, tobacco products, narcotic and other toxic substances).

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 265)

10 Recording, notification and investigation of accidents/incidents and diseases

10.1 Duty to record and/or investigate the causes of work accidents, near misses incidents and cases of occupational diseases

Reference

Labour Code of the Russian Federation of 30 December 2001, as amended.

Federal Law N125-FZ "On compulsory social insurance against industrial accidents and occupational diseases"

10.1.1 Work-related accidents

Summary / Citation

The employer has a duty to investigate and record occupational accidents. The employer immediately has to create a commission, which shall comprise at least 3 persons. The commission must include representatives of employer, OSH representative and the trade union representative. In certain cases a State Labour Inspector and the representatives of the executive authorities shall be included in Commission.

The requirements to the structure and content of the registration book of occupational accidents are established by the Ministry of Labour and Social Development of the Russian Federation.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (§ 212)

Decree of the Ministry of Labour and social development of Russia N 73, adopted 24.10.2002 (as amended) "On approval of forms for recording occupational accidents and diseases"

10.1.2 Near miss incidents

10.1.3 Occupational diseases

Summary / Citation

The employer has a duty to investigate and record occupational diseases. He has to create a commission for the investigation of the circumstances and causes of the employee's occupational disease and ensure its work. The commission includes representatives of employer, an expert on occupational safety, the representative of health agencies, and trade union representative

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (§ 212)

10.2 Employers' duty to notify OSH authorities of work related death and/or injuries to health

Summary / Citation

The employer has a duty to notify the federal organ of executive power authorized to oversee compliance with labour laws and regulations in case of occupational accidents involving a group of two or more people, a major or a fatal accident, as well as when such accidents take place on board of a vessel. The forms of notification was established by the Ministry of Labour and social development of Russia.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (§ 228(1))

Decree of the Ministry of Labour and social development of Russia N 73, adopted 24.10.2002 (as amended) "On approval of fo

11 OSH inspection and enforcement of OSH legislation

11.1 Appointment of OSH inspectors

Summary / Citation

The Federal Labour Inspectorate is a unified centralized system consisting of the federal authority of executive power authorized to exercise federal state supervision over compliance with labour laws and regulations, and its territorial bodies (state labour inspectorates).

While exercising their rights and duties, state labour inspectors are authorized representatives of the State and are therefore State-protected, acting independently of the state bodies and its officials, abiding only by the Constitution of the Russian Federation, federal laws and other legal acts.

The state Labour Inspector-General of the Russian Federation, who is the Head of the Federal Service for Labour and Employment and is appointed and acquitted of the position by the government of the Russian Federation.

Heads of the state Labour Inspections - the chief state labour inspectors are appointed and acquitted of their positions by the Labour Inspector-General of the Russian Federation.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 354)

11.2 OSH inspectors' powers

Reference

Labour Code of the Russian Federation of 30 December 2001, as amended.

Decree of the GOVERNMENT OF THE RUSSIAN FEDERATION N 875, adopted on September 1, 2012

11.2.1 Power to enter workplaces

Summary / Citation

State labour inspectors when exercising federal state supervision of compliance with labour laws and regulations have the power to visit and carry out examination in workplaces, including organizational, legal and ownership forms, at any hour of the day or night.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 357)

11.2.2 Power to inspect and carry out any examination, test or enquiry

Summary / Citation

State labour inspectors when exercising federal state supervision of compliance with labour laws and regulations have the power to take for the purpose of analysis samples of used or handled materials and substances, notifying the employer or his representative and drawing up the appropriate statement.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 357)

11.2.3 Power to investigate

Summary / Citation

Labour inspectors have a right to investigate occupational accidents.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 357)

11.2.4 Duty to provide advice on OSH

Summary / Citation

In accordance with the functions assigned to it, the Federal Labour Inspectorate shall supply information and advice to employers and workers related to compliance with labour laws and regulations.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 356)

11.3 OSH inspectors' enforcement powers

11.3.1 Power to issue orders or notices

Summary / Citation

State labour inspectors when exercising federal state supervision of compliance with labour laws and regulations have the power to issue mandatory injunctions to the employers and their representatives on the elimination of violations of labour laws and regulations and restoration of violated workers' rights.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 357)

11.3.2 Power to impose financial penalties

Summary / Citation

In accordance with the functions assigned to it, the Federal Labour Inspectorate deals with cases on administrative offenses and imposes administrative penalties

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 356)

Administrative Offenses Code of 30 December 2001 (Text No. 1). (art. 5.27.1)

11.3.3 Power to revoke or suspend licenses or authorisations

Summary / Citation

Such power is not stipulated in Russian law. However, State Labour Inspector has a power to bring before the court the requirement of the liquidation or cessation of activities of organizations' structural units due to the violations of occupational safety requirements

References

Administrative Offenses Code of 30 December 2001 (Text No. 1). (art. 5.27.1)

11.3.4 Power to require the cessation of dangerous work

Summary / Citation

State Labour Inspector can require the temporary cessation (until the consideration of the case by the court) of activities in exceptional cases where it is necessary to prevent an imminent threat to life or health.

References

Administrative Offenses Code of 30 December 2001 (Text No. 1). (art. 27.16)

11.3.5 Power to initiate prosecutions

Summary / Citation

In accordance with the functions assigned to it, the Federal Labour Inspectorate has a power to send relevant information, following an established procedure, to federal executive authorities, local governments, law enforcement agencies and courts in order to initiate administrative or criminal prosecutions.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 356)

Administrative Offenses Code of 30 December 2001 (Text No. 1). (art. 23.12)

11.3.6 Power to conduct prosecutions

Summary / Citation

According to the Code of administrative offences the State Labour inspector has a power to conduct administrative prosecutions.

References

Administrative Offenses Code of 30 December 2001 (Text No. 1). (art. 23.12.)

11.3.7 Other enforcement powers

Summary / Citation

State labour inspectors when exercising federal state supervision of compliance with labour laws and regulations have the power to issue orders on suspension from work of persons who have not passed in the established order occupational safety training and verification of knowledge of occupational safety requirements; to prohibit the use of personal and collective protective equipment of workers, which do not have certificates of conformity or declarations on conformity or do not meet the requirements of state regulations on occupational safety and health.

References

Labour Code of the Russian Federation of 30 December 2001, as amended. (art. 357)

11.4 Application of sanctions by courts

11.4.1 Financial penalties for legal persons

Summary / Citation

Financial penalty for violation of OSH legislation for legal persons is from 100 000 to 200 000 Russian rubles (1 596 – 3200 USD).

References

Administrative Offenses Code of 30 December 2001 (Text No. 1). (art. 5.27.1)

11.4.2 Financial penalties for natural persons

Summary / Citation

Financial penalty for violation of OSH legislation for the officials and entrepreneurs is from 30 000 to 40 000 Russian roubles (478- 638 USD).

References

Administrative Offenses Code of 30 December 2001 (Text No. 1). (art. 5.27.1)

11.4.3 Non-financial sanctions

Summary / Citation

In case of commitment of the violation of the OSH legislation by the person, previously subjected to administrative penalty for a similar administrative offense, officials might be subject to disqualification for a period of one to three years; entrepreneurs and legal persons – to the administrative suspension of activity for up to ninety days.

References

Administrative Offenses Code of 30 December 2001 (Text No. 1). (art. 5.27.1.)

11.4.4 Criminal liability

Summary / Citation

According to article 143 of the Criminal Code the violation of occupational safety requirements, committed by a person who has the duty of observing these rules, if this entailed by negligence the infliction of grave injury to the victim, shall be punishable with a fine in an amount of maximum 400 thousand rubles (6 385USD) or in the amount of a wage/salary or other income of the convicted person for a term of 18 months, or by community service for the term of minimum 180 and maximum 240 hours, or by compulsory labour for the maximum term of one year or by deprivation of freedom for the same term with the deprivation of the right to hold specific offices or engage in specific activity (or without it).

If the violation of occupational safety requirements entailed, by negligence, the death of a person, such a crime is punishable with by compulsory labour for the maximum term of four years or by deprivation of freedom for the same term with (or without) the deprivation of the right to ho

ld specific offices or engage in specific activity for the term of three years.

If the violation of occupational safety requirements entailed, by negligence, the death of two or more persons, such a crime is punishable with by compulsory labour for the maximum term of five years or by deprivation of freedom for the same term with (or without) the deprivation of the right to hold specific offices or engage in specific activity for the term of three years.

References

Penal Code No. 63-FZ of 13 June 1996 (consolidation). (art. 143)

11.4.5 Terms of imprisonment for natural persons

Summary / Citation

The general minimum term of imprisonment is two months, the maximum terms of imprisonment for the violation of OSH rules vary from 1 to 5 years.

References

Penal Code No. 63-FZ of 13 June 1996 (consolidation). (art. 56, 143)