



97. Zakon o ratifikaciji Protokola iz leta 2002 h Konvenciji o varnosti in zdravju pri delu, 1981 (MPVZD)

Na podlagi druge alinee prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

**o razglasitvi Zakona o ratifikaciji
Protokola iz leta 2002 h Konvenciji o varnosti in zdravju pri delu, 1981 (MPVZD)**

Razglašam Zakon o ratifikaciji Protokola iz leta 2002 h Konvenciji o varnosti in zdravju pri delu, 1981 (MPVZD), ki ga je sprejel Državni zbor Republike Slovenije na seji 17. decembra 2009.

Št. 003-02-11/2009-15

Ljubljana, dne 28. decembra 2009

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N

**O RATIFIKACIJI PROTOKOLA IZ LETA 2002 H KONVENCIJI O VARNOSTI IN ZDRAVJU PRI DELU,
1981 (MPVZD)**

1. člen

Ratificira se Protokol iz leta 2002 h Konvenciji o varnosti in zdravju pri delu, 1981, sprejet na 90. zasedanju Generalne konference Mednarodne organizacije dela v Ženevi 20. junija 2002.

2. člen

Protokol se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

Protocol 2002

**PROTOCOL TO THE OCCUPATIONAL SAFETY
AND HEALTH CONVENTION, 1981**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 90th Session on 3 June 2002, and

Noting the provisions of Article 11 of the Occupational Safety and Health Convention, 1981, (hereinafter referred to as »the Convention«), which states in particular that:

»To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

...
(c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;

...
(e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work«,

and

Having regard to the need to strengthen recording and notification procedures for occupational accidents and diseases and to promote the harmonization of recording and notification systems with the aim of identifying their causes and establishing preventive measures, and

Protokol 2002

**PROTOKOL H KONVENCIJI O VARNOSTI
IN ZDRAVJU PRI DELU, 1981**

Generalna konferenca Mednarodne organizacije dela,

ki jo je v Ženevi sklical Administrativni svet Mednarodnega urada za delo in se je 3. junija 2002 sestala na svojem 90. zasedanju, in

ob upoštevanju določb 11. člena Konvencije o varnosti in zdravju pri delu, 1981 (v nadaljevanju konvencija), v kateri je posebej navedeno, da:

»za uveljavitev politike, omenjene v 4. členu te konvencije, pristojni organ ali organi zagotovijo postopno izvajanje naslednjih nalog:

...
(c) delodajalci, in kadar je ustrezno, zavarovalnice in drugi, na katere se to neposredno nanaša, uvajajo in uporabljajo postopke za obveščanje o nezgodah pri delu in poklicnih boleznih ter izdelujejo letne statistike o nezgodah pri delu in poklicnih boleznih;

...
(e) vsako leto se objavijo informacije o sprejetih ukrepih za izvajanje politike, omenjene v 4. členu te konvencije, ter o nezgodah pri delu, poklicnih boleznih in drugih okvarah zdravja med delom ali v zvezi z njim;«

in

glede na potrebo po krepitvi postopkov evidentiranja nezgod pri delu in poklicnih boleznih in obveščanja o njih ter po spodbujanju usklajevanja sistemov evidentiranja in obveščanja, da se prepoznajo njihovi vzroki in sprejmejo preventivni ukrepi, in

Having decided upon the adoption of certain proposals with regard to the recording and notification of occupational accidents and diseases, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a protocol to the Occupational Safety and Health Convention, 1981; adopts this twentieth day of June two thousand and two the following Protocol, which may be cited as the Protocol of 2002 to the Occupational Safety and Health Convention, 1981.

I. DEFINITIONS

Article 1

For the purpose of this Protocol:

(a) the term "occupational accident" covers an occurrence arising out of, or in the course of, work which results in fatal or non-fatal injury;

(b) the term "occupational disease" covers any disease contracted as a result of an exposure to risk factors arising from work activity;

(c) the term "dangerous occurrence" covers a readily identifiable event as defined under national laws and regulations, with potential to cause an injury or disease to persons at work or to the public;

(d) the term "commuting accident" covers an accident resulting in death or personal injury occurring on the direct way between the place of work and:

- (i) the worker's principal or secondary residence; or
- (ii) the place where the worker usually takes a meal; or
- (iii) the place where the worker usually receives his or her remuneration.

II. SYSTEMS FOR RECORDING AND NOTIFICATION

Article 2

The competent authority shall, by laws or regulations or any other method consistent with national conditions and practice, and in consultation with the most representative organizations of employers and workers, establish and periodically review requirements and procedures for:

(a) the recording of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and

(b) the notification of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases.

Article 3

The requirements and procedures for recording shall determine:

(a) the responsibility of employers:

(i) to record occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases;

(ii) to provide appropriate information to workers and their representatives concerning the recording system;

(iii) to ensure appropriate maintenance of these records and their use for the establishment of preventive measures; and

(iv) to refrain from instituting retaliatory or disciplinary measures against a worker for reporting an occupational accident, occupational disease, dangerous occurrence, commuting accident or suspected case of occupational disease;

(b) the information to be recorded;

(c) the duration for maintaining these records; and

(d) measures to ensure the confidentiality of personal and medical data in the employer's possession, in accordance with national laws and regulations, conditions and practice.

Article 4

The requirements and procedures for the notification shall determine:

(a) the responsibility of employers:

(i) to notify the competent authorities or other designated bodies of occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases; and

po odločitvi, da sprejme nekatere predloge v zvezi z evidentiranjem nezgod pri delu in poklicnih boleznih ter obveščanjem o njih pod peto točko dnevnega reda zasedanja, in

po odločitvi, da se ti predlogi oblikujejo kot protokol h Konvenciji o varnosti in zdravju pri delu, 1981,

sprejema dvajsetega junija leta dva tisoč dva ta protokol z naslovom Protokol 2002 h Konvenciji o varnosti in zdravju pri delu, 1981.

I. POMEN IZRAZOV

1. člen

V tem protokolu:

(a) »nezgoda pri delu« pomeni dogodek, ki izvira iz dela ali nastane med delom in ima za posledico smrt ali telesno poškodbo;

(b) »poklicna bolezen« pomeni bolezen zaradi izpostavljenosti dejavnikom tveganja, ki izvirajo iz dejavnosti pri delu;

(c) »nevaren pojav« pomeni lahko prepoznaven dogodek, kot je opredeljen po notranji zakonodaji in ki lahko povzroči poškodbo ali bolezen oseb pri delu ali javnosti;

(d) »nezgoda na poti na delo ali z dela« pomeni nezgodo, ki ima za posledico smrt ali telesno poškodbo, do katere pride neposredno na poti med delovnim mestom in

- (i) glavnim ali drugim prebivališčem delavca ali
- (ii) krajem, kjer se delavec običajno prehranjuje, ali
- (iii) krajem, kjer delavec običajno prejema plačilo.

II. SISTEMI EVIDENTIRANJA IN OBVEŠČANJA

2. člen

Pristojni organ z zakoni ali predpisi ali na kakršen koli drug način, skladen s pogoji in prakso v državi, ter ob posvetovanju z najprezentativnejšimi organizacijami delodajalcev in delavcev uvede in periodično pregleda zahteve in postopke za:

(a) evidentiranje nezgod pri delu, poklicnih boleznih, in kadar je ustrezno, nevarnih pojavov, nezgod na poti na delo ali z dela ter suma poklicne bolezni in

(b) obveščanje o nezgodah pri delu, poklicnih boleznih, in kadar je ustrezno, nevarnih pojavih, nezgodah na poti na delo ali z dela ter sumu poklicne bolezni.

3. člen

Zahteve in postopki za evidentiranje določajo:

(a) odgovornost delodajalcev, da:

(i) evidentirajo nezgode pri delu, poklicne bolezni, in kadar je ustrezno, nevarne pojave, nezgode na poti na delo ali z dela ter sum poklicne bolezni;

(ii) delavcem in njihovim predstavnikom zagotovijo ustrezne informacije o sistemu evidentiranja;

(iii) zagotovijo ustrezno vodenje teh evidenc in njihovo uporabo pri sprejemanju preventivnih ukrepov in

(iv) ne uvajajo povračilnih ali disciplinskih ukrepov proti delavcu, ker je prijavil nezgodo pri delu, poklicno bolezen, nevaren pojav, nezgodo na poti na delo ali z dela ter sum poklicne bolezni;

(b) informacije, ki jih je treba evidentirati;

(c) čas hranjenja teh evidenc in

(d) ukrepe za zagotavljanje zaupnosti osebnih in zdravstvenih podatkov, ki jih ima delodajalec, v skladu z notranjo zakonodajo, pogoji in prakso.

4. člen

Zahteve in postopki za obveščanje določajo:

(a) odgovornost delodajalcev, da:

(i) pristojne ali druge pooblaščenice organe obvestijo o nezgodah pri delu, poklicnih boleznih, in kadar je ustrezno, nevarnih pojavih, nezgodah na poti na delo ali z dela ter sumu poklicne bolezni in

- (ii) to provide appropriate information to workers and their representatives concerning the notified cases;
- (b) where appropriate, arrangements for notification of occupational accidents and occupational diseases by insurance institutions, occupational health services, medical practitioners and other bodies directly concerned;
- (c) the criteria according to which occupational accidents, occupational diseases and, as appropriate, dangerous occurrences, commuting accidents and suspected cases of occupational diseases are to be notified; and
- (d) the time limits for notification.

Article 5

The notification shall include data on:

- (a) the enterprise, establishment and employer;
- (b) if applicable, the injured persons and the nature of the injuries or disease; and
- (c) the workplace, the circumstances of the accident or the dangerous occurrence and, in the case of an occupational disease, the circumstances of the exposure to health hazards.

III. NATIONAL STATISTICS

Article 6

Each Member which ratifies this Protocol shall, based on the notifications and other available information, publish annually statistics that are compiled in such a way as to be representative of the country as a whole, concerning occupational accidents, occupational diseases and, as appropriate, dangerous occurrences and commuting accidents, as well as the analyses thereof.

Article 7

The statistics shall be established following classification schemes that are compatible with the latest relevant international schemes established under the auspices of the International Labour Organization or other competent international organizations.

IV. FINAL PROVISIONS

Article 8

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force 12 months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member 12 months after the date on which its ratification has been registered by the Director-General and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

Article 9

1. A Member which has ratified this Protocol may denounce it whenever the Convention is open to denunciation in accordance with its Article 25, by an act communicated to the Director-General of the International Labour Office for registration.

2. Denunciation of the Convention in accordance with its Article 25 by a Member which has ratified this Protocol shall *ipso jure* involve the denunciation of this Protocol.

3. Any denunciation of this Protocol in accordance with paragraphs 1 or 2 of this Article shall not take effect until one year after the date on which it is registered.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol shall come into force.

- (ii) delavcem in njihovim predstavnikom zagotovijo ustrezne informacije o primerih, o katerih so bili obveščeni;
- (b) kako zavarovalnice, službe medicine dela, zdravniki in drugi organi, na katere se to neposredno nanaša, uredijo obveščanje o nezugodah pri delu in poklicnih boleznih;

- (c) merila za obveščanje o nezugodah pri delu, poklicnih boleznih, in kadar je ustrezno, nevarnih pojavih, nezugodah na poti na delo ali z dela ter sumu poklicne bolezni in

- (d) roke za obveščanje.

5. člen

Obvestilo vsebuje podatke o:

- (a) podjetju, obratu in delodajalcu;
- (b) odvisno od primera, poškodovanih osebah in naravi poškodb ali bolezni in
- (c) delovnem mestu, okoliščinah nezgode ali nevarnega pojava in pri poklicni bolezni o okoliščinah izpostavljenosti nevarnosti za zdravje.

III. DRŽAVNA STATISTIKA

6. člen

Vsaka članica, ki ratificira ta protokol, na podlagi obvestil in drugih razpoložljivih informacij letno objavlja statistične podatke o nezugodah pri delu, poklicnih boleznih, in kadar je ustrezno, nevarnih pojavih, nezugodah na poti na delo ali z dela ter sumih poklicnih bolezni, zbrane tako, da so reprezentativni za celotno državo, ter njihove analize.

7. člen

Statistični podatki se vodijo v skladu s klasifikacijskim sistemom, ki je združljiv z najnovejšimi mednarodnimi sistemi, vzpostavljenimi pod pokroviteljstvom Mednarodne organizacije dela ali drugih pristojnih mednarodnih organizacij.

IV. KONČNE DOLOČBE

8. člen

1. Članica lahko ta protokol ratificira hkrati s konvencijo ali kadar koli pozneje, tako da uradno ratifikacijo pošlje generalnemu direktorju Mednarodnega urada za delo v registracijo.

2. Protokol začne veljati 12 mesecev po dnevu, ko je generalni direktor registriral ratifikaciji dveh članic. Potem začne ta protokol za članico veljati 12 mesecev po dnevu, ko je njeno ratifikacijo registriral generalni direktor, konvencija pa je od takrat za to članico zavezujoča z dodatkom od 1. do 7. člena tega protokola.

9. člen

1. Članica, ki je ratificirala ta protokol, ga lahko odpove, ko je mogoče odpovedati konvencijo v skladu z njenim 25. členom, z listino, ki jo pošlje generalnemu direktorju Mednarodnega urada za delo v registracijo.

2. Če članica, ki je ratificirala ta protokol, odpove konvencijo v skladu z njenim 25. členom, to ipso iure pomeni tudi odpoved tega protokola.

3. Odpoved tega protokola v skladu s prvim ali drugim odstavkom tega člena začne veljati šele po preteku enega leta od dneva registracije.

10. člen

1. Generalni direktor Mednarodnega urada za delo uradno obvesti vse članice Mednarodne organizacije dela o registraciji vseh ratifikacij in odpovedi, ki mu jih pošljejo članice organizacije.

2. Ko generalni direktor uradno obvesti članice organizacije o registraciji druge ratifikacije, jih opozori tudi na dan začetka veljavnosti tega protokola.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 12

The English and French versions of the text of this Protocol are equally authoritative.

The foregoing is the authentic text of the Protocol duly adopted by the General Conference of the International Labour Organization during its Ninetieth Session which was held at Geneva and declared closed on 20 June 2002.

IN FAITH WHEREOF we have appended our signatures this twenty-first day of June 2002.

The President of the Conference,
JEAN-JACQUES ELMIGER

The Director-General of the International Labour Office,
JUAN SOMAVIA

11. člen

V skladu s 102. členom Ustanovne listine Združenih narodov generalni direktor Mednarodnega urada za delo sporoči generalnemu sekretarju Združenih narodov zaradi registracije vse podatke o vseh ratifikacijah in odpovedih, ki jih je registriral v skladu z določbami prejšnjih členov.

12. člen

Angleška in francoska različica besedila tega protokola sta enako verodostojni.

Zgornje besedilo je verodostojno besedilo protokola, ki ga je pravilno sprejela Generalna konferenca Mednarodne organizacije dela na svojem devetdesetem zasedanju, ki je bilo v Ženevi in se je končalo 20. junija 2002.

V POTRDITEV TEGA sva to podpisala enaindvajsetega junija 2002.

predsednik konference
JEAN-JACQUES ELMIGER

generalni direktor Mednarodnega urada za delo
JUAN SOMAVIA

3. člen

Za izvajanje protokola skrbi Ministrstvo za delo, družino in socialne zadeve.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 160-01/09-2/9
Ljubljana, dne 17. decembra 2009
EPA 746-V

Državni zbor
Republike Slovenije
dr. Pavel Gantar l.r.
Predsednik

VSEBINA

97. Zakon o ratifikaciji Protokola iz leta 2002 h Konvenciji o varnosti in zdravju pri delu, 1981 (MPVZD) 2481

