



PROPOSAL

LAW NO. /2022

of

SAFETY, HEALTH AND HYGIENE AT WORK

The gradual economic and social development of the country and the successive increase of industry, originated the increase of labour relations, so that the Timorese legal system felt the need to create a diploma, in which it can be ensured that all workers can perform their tasks in dignified work conditions that protect their physical and psychological well-being. From the employer's point of view, safety, hygiene and health at work are also essential for business success, as they will contribute to reduce absenteeism and accidents and increase productivity and competitiveness in the market.

In fact, industry has always been associated with the human aspect, but this has not always been treated as its preponderant component. In Timor-Leste, there is no legislation that safeguards the aspects related to environmental and safety conditions of each workstation. The awakening of awareness is fundamental and it was in this sense that the initiative to legislate on the issue of safety, health and hygiene at work and to establish preventive standards in order to avoid accidents at work and occupational diseases arose.

In fact, the right to safety and hygiene is a fundamental right and its importance is increasing, and its contemplation in article 50 of the Constitution of the Democratic Republic of Timor-Leste and in articles 34 to 37 of Law no. 4/2012 of 21 February requires further regulation in this area by the Timorese legal system.

The labour law requires employers to play an active role in worker protection, and article 34 of Law 4/2012 of 21 February provides that the employer shall ensure that the work provided by the worker is done in conditions of safety, hygiene and health, in order to prevent any adverse effects to their health arising from the risks associated with the work itself.

In this way, the proper implementation of occupational safety, hygiene and health measures, with a view to protecting workers in this respect, will only be achieved through close collaboration between the employer and the worker and a preventive approach that avoids accidents at work and occupational diseases by providing adequate and specific information and training to workers. Thus, the present diploma establishes that the employers' and workers' representative organisations responsible for the areas of working conditions and health, shall promote training actions in the area of protection and prevention of safety,

hygiene and health at work against occupational risks and diseases. Furthermore, it is also the employers' responsibility to organise work places, means and processes in such a way as to avoid risks to the health and safety of workers, ensure the existence of safety and health at work signs and protective equipment, among other preventive measures, as well as provide all appropriate information and training to workers.

In summary, the objective of Health, Safety and Hygiene at Work activities is to guarantee working conditions in any company "in a state of physical, mental and social well-being and not only the absence of disease and illness" (according to the World Health Organisation).

In accordance with the above grounds, the Government presents to the National Parliament, under paragraph e) of section 95.2 and paragraph a) of section 115.2 of the Constitution of the Republic, the following draft Law:

TITLE I GENERAL PROVISIONS

CHAPTER I GENERAL PROVISIONS

Article 1 Object

The present diploma establishes the general principles and rules that aim to promote occupational safety, health and hygiene.

Article 2 Scope of application

1. The present decree-law shall apply to all workplaces located in the territory of Timor-Leste, to workers and to national and international employers and their respective organisations.
2. The application of the present statute covers, in particular:
 - a) All branches of activity, in the private and cooperative sectors;
 - b) Workers or employees and their employers, including non-profit legal persons governed by private law;
 - c) Self-employed workers;
 - d) Trainees or apprentices;
 - e) Those who are economically dependent on the employer by reason of the means of work and the result of their activity, although they do not hold a legal relationship of public or private employment.
3. The principles set out in this law shall apply, whenever they are compatible with their specific nature, to agricultural holdings and family fishing activities, as well as to domestic service, which shall be regulated by special legislation, and to situations

where work is provided by one person to another, without legal subordination, when the provider of the work is to be considered economically dependent on the beneficiary of the activity.

Article 3

Definitions

Without prejudice to the provisions of the labour legislation, the following are considered for the purposes of the present diploma:

- a) Occupational accident - that which occurs in the course of work, at the workplace and during working hours, or in the worker's journey between his home and workplace and vice versa, in the service of the employer, causing bodily injury, functional disturbance or illness from which results in death, loss or reduction, permanent or temporary, of capacity for work.
- b) Biological agents - natural microorganisms, such as bacteria, viruses, fungi (yeasts and moulds) and parasites, or genetically modified which may cause infections, allergies or intoxications, which must be classified according to the risk they pose to health.
- c) Material components of work - the workplaces, work environments, tools, machinery and materials, chemical, physical and biological substances and agents, work processes and work organization;
- d) Occupational illness - all those directly resulting from work conditions, related to the profession, from which death, permanent or temporary loss or reduction of capacity for work may result
- e) Work equipment - any machine, apparatus, tool or installation used at work;
- f) Individual Protection Equipment (IPE) - any means or devices destined to be used by a person against possible risks threatening his health or safety during the exercise of a certain activity;
- g) Collective Protection Equipment (EPC) - is equipment used for safety protection while a group of people perform a certain task or activity;
- h) Workplace - all the places where the worker is, or must go in view of his work, or the place resulting from the agreement of the parties for the provision of work as foreseen in the employment contract or service provision contract, and which is directly or indirectly, subject to the supervision of the employer
- i) Members of the parity commission - workers and employers appointed to represent workers and employers in the fields of safety, hygiene and health at work;
- j) Danger - the intrinsic property of an installation, activity, equipment, an agent or other material component of work with the potential to cause damage;

- k) Prevention - the set of actions aimed at avoiding or diminishing occupational risks through a set of provisions or measures to be taken in the licensing and in all phases of the activity of the company, establishment or service;
- l) Risk - the probability of damage occurring as a result of the conditions of use, exposure or interaction of the material component of the work that presents danger;
- m) Dangerous or nuisance substances - any explosive, inflammable, corrosive, high temperature, carcinogenic, toxic, asphyxiating, irritating and infective substances or agents;
- n) Self-employed worker - the individual who exercises an activity as a self-employed person;
- o) Pregnant worker - a worker in the state of pregnancy who informs the employer of her condition, in writing, upon presentation of a medical certificate;
- p) Lactating worker - a worker that breastfeeds her child and informs her employer of her condition, in writing, upon presentation of a medical certificate;
- q) Use of work equipment - every activity of the worker that implies contact with work equipment, putting it into service or out of service, use, transport, repair, transformation, maintenance and conservation, including cleaning;
- r) Escape routes - traffic routes specially designed and dimensioned to direct, quickly and safely, all those inside the workplaces to the exterior or to an area free from danger;
- s) Dangerous zone - any zone within or around work equipment where the presence of an exposed worker subjects him to risks to his safety or health
- t) Working time - in addition to the normal working period, any period during which the worker carries out the activity or remains engaged in the performance of the service, as well as interruptions and breaks.

Article 4

General Principles

1. Every worker has the right to work in safe, hygienic and healthy conditions, which shall be ensured by the employer.
2. The implementation of safety, hygiene and health measures shall take into account the differences existing between workers and shall, in particular, be adapted as far as possible to workers with special needs.

3. The prevention of occupational risks shall be developed in accordance with principles, norms and programmes aimed, in particular, at
 - a) the promotion and surveillance of the health of workers, in particular of workers with chronic illnesses;
 - b) b) Education, training and information to promote safety, hygiene and health at work
 - c) Raising the awareness of society in order to create a true culture of prevention
 - d) The efficiency of the public system for inspecting compliance with legislation on safety, hygiene and health at work.
4. The worker shall have the right to compensation for damages arising from accidents at work and occupational diseases under the terms provided for by law.
5. If the death of a worker results from an accident at work or an occupational illness as referred to in the preceding paragraph, compensation for damages shall be made under the terms of the law in force.

CHAPTER II PREVENTION OF OCCUPATIONAL RISKS

Article 5 Integrating elements

1. The government bodies responsible for the areas of working conditions and health shall be responsible for proposing and defining the policy for the promotion and supervision of occupational safety, hygiene and health and a national system for the prevention of occupational risks.
2. The proposals referred to in the preceding paragraph shall seek to develop complementarities and interdependencies between the areas of safety, hygiene and health at work.
3. In the definition of a policy for the promotion and supervision of occupational safety, hygiene and health, the establishment of a national system for the prevention of occupational risks, and in matters related to occupational safety, hygiene and health, tripartite cooperation and consultation between the State, the representative organisations of employers and the representative organisations of workers must be ensured.

Article 6

Policies, coordination, evaluation and results

The government entity responsible for the area of working conditions is in charge of coordinating the application of policy measures and evaluating the results, namely with respect to inspection activity.

Article 7

National system for the prevention of occupational risks

The State shall promote the creation of a national system for the prevention of occupational risks aimed at the realisation of the right to safety, hygiene and health at work, by safeguarding the coherence of measures and the efficacy of the intervention of public, private or co-operative entities that exercise competencies in the areas of regulation, licensing, certification, standardisation, research, training, information, consultation and participation, technical services for prevention and health surveillance and inspection.

CHAPTER III

RIGHTS, DUTIES AND GUARANTEES OF THE PARTIES

SECTION I

EMPLOYEES

Article 8

General obligations of the employer

1. Without prejudice to the provisions of labour legislation, the employer is obliged to ensure that workers enjoy conditions of safety, hygiene and health in all aspects related to their work, and shall implement the necessary measures, taking into account the following principles of prevention:
 - a) Proceed, in the design of installations, workplaces and processes, to identify foreseeable risks, combating them at source, annulling them or limiting their effects, so as to ensure an effective level of protection;
 - b) Integrate in all the activities of the company, establishment or service and at all levels the evaluation of the risks to the safety, hygiene and health of workers, with the adoption of the most appropriate prevention measures;
 - c) Ensure that exposure to chemical, physical and biological agents in the workplace does not constitute a risk to the health of workers;
 - d) Plan prevention in the company, establishment or service within a coherent system which takes into account the technical component, work organization, social relationships and material factors inherent to the work

- e) take into account, in organising the means, not only the workers, in particular the workers with special needs, but also third parties liable to be affected by the risks in carrying out the work, either on the premises or outside;
- f) Give priority to collective protection over individual protection measures;
- g) Organise the work, namely seeking to eliminate the harmful effects of monotonous work and slack work on the health of the workers;
- h) Ensure appropriate health surveillance of workers, in particular of workers with chronic illnesses, in accordance with the risks to which they are exposed in the workplace
- i) Establish, in terms of first aid, fire fighting and evacuation of workers, the measures to be adopted and the identification of the workers responsible for their application, as well as ensure the necessary contacts with the external entities competent to carry out those operations and those of medical emergency
- j) Substitute what is dangerous for what is harmless or less dangerous;
- k) To give adequate instructions to the workers;
- l) Only allow workers who are suitably skilled and trained, and only when and for as long as necessary, access to areas of serious risk;
- m) Adopt measures and give instructions enabling workers, in the event of serious and imminent danger which cannot be avoided, to cease their activity or to leave the workplace immediately without being able to resume their activity while such danger persists, save in exceptional cases and provided that adequate protection is ensured
- n) Take into consideration whether the workers have knowledge and skills in matters of safety and health at work that enable them to carry out the tasks assigned to them safely;
- o) Ensure that the work equipment is adequate or suitably adapted to the work to be done and guarantees the safety and health of workers, as well as ensuring its maintenance
- p) Provide workers with appropriate information, in a language that they understand, on the equipment and tools used at the work place;
- q) Provide workers entrusted with such tasks with appropriate training in the use, repair, transformation, maintenance or cleaning of equipment that presents specific risks to safety or health
- r) Supply individual and collective protection equipment, guarantee its correct functioning, ensure training and information on its use and on the risks against which

the individual and collective protection equipment is intended to protect, and control its use by the workers

- s) Ensure that all types of equipment existing in the workplace, from work equipment to collective and individual protection equipment, are in good working order and are regularly checked and maintained within the standards or conditions of use;
 - t) Ensure the existence of adequate safety and health signs at work, whenever these risks cannot be avoided or sufficiently diminished with technical means of collective protection or with measures, methods or processes of work organisation.
- 2. In implementing preventive measures, the employer shall mobilise the necessary means, in particular in the fields of preventive techniques, training and information, and appropriate services within or outside the undertaking, establishment or service, as well as the protective equipment that becomes necessary, taking into account technical developments.
 - 3. When several companies, establishments or services simultaneously carry out activities with their respective workers in the same workplace, the employers, taking into account the nature of the activity each one carries out, shall cooperate with a view to the protection of safety and health, the obligations being ensured by the following entities:
 - a) The user enterprise, in the case of workers on a temporary work or labour assignment basis;
 - b) The company on whose premises other workers provide services as self-employed or independent workers, or under contracts for the provision of services.
 - 4. In the remaining cases, the company adjudicating the work or service shall ensure the coordination of the other employers, without prejudice to each employer's obligations in respect of its own workers.
 - 5. For the purposes of the provisions of this article and with the due adaptations, the independent worker is equated to the employer.
 - 6. Breach of the provisions of this article constitutes a very serious administrative offence.

Article 9

Joint Committee

- 1. In order to fulfil the obligations provided for in the present statute, the employer shall ensure the organisation of occupational safety, hygiene and health activities through the establishment of a joint commission in accordance with the Labour Law.
- 2. For the purposes of the provisions of the preceding paragraph, the joint commission shall approve its internal regulations, promote the awareness of workers for the observance of occupational safety, hygiene and health rules and approve

recommendations for the elimination of risks to the safety, hygiene and health of workers.

3. The Joint Commission meets ordinarily, four times a year, in order to:
 - a) make available the results of special risk assessments concerning the groups of workers exposed to them;
 - b) Make available the list of work accidents that have caused incapacity for work for more than three days;
 - c) Discuss measures for the elimination or reduction of risks inherent to the work
 - d) Promote the awareness of the workers on the risks inherent to the work.
4. The Joint Commission shall meet extraordinarily whenever a work-related accident occurs or whenever working conditions are altered in such a way as to worsen the risks of occupational illnesses.
5. The deliberations taken by the joint commission are recorded in minutes and duly signed by those present.
6. The appointed members of the joint commission shall carry out their specific functions with zeal and shall not be prejudiced by the exercise of these activities, and the employer shall provide them with the necessary time, information and adequate means for the exercise of their functions.
7. For the purposes of the provisions of this article, whenever compatible with their specific nature, agricultural holdings shall adopt the system laid down in the previous numbers.
8. The composition of the Joint Commission shall be formed under the terms laid down in the Labour Act.
9. The appointment of members of the Joint Commission shall observe gender balance, under the terms of the Constitution.
10. Violation of the provisions of this article shall constitute a minor administrative offence.

Article 10

Communications and Communications

1. The employer shall notify the General Labour Inspectorate as soon as possible of the occurrence of an occupational accident or illness which results in harm to the health of the worker.
2. In the event of death or a particularly serious occupational accident causing incapacity for work, even on a temporary basis, the employer shall suspend work and

immediately call the General Labour Inspectorate and the police authority or the Public Prosecutor's Office for inspection of the site and investigation into the causes of the accident, under the terms of the law in force.

3. Breach of the preceding paragraphs shall constitute a serious administrative offence.

SECTION II WORKERS

Article 11 Information and consultation of employees

1. Workers shall be provided with up-to-date information on:
 - a) the assessment of risks to safety and health at work, including those concerning groups of workers subject to special risks;
 - b) The risks to safety, hygiene and health, as well as the protection and prevention measures and the way in which they are applied, whether related to the workstation or function, or, in general, to the company, establishment or service;
 - c) The measures and instructions to be adopted in the event of serious and imminent danger;
 - d) The measures of first aid, fire-fighting and evacuation of workers in case of accidents, as well as the workers or services in charge of implementing them
 - e) The designation of the workers responsible for the application of the first aid, fire-fighting and workers' evacuation measures, their respective training and the material available
 - f) The protection material to be used.
2. Without prejudice to appropriate training, the information referred to in the previous point shall be provided to the worker in the following cases:
 - a) Admission to the company;
 - b) Change of job position or functions;
 - c) Introduction of new work equipment or alteration of existing equipment;
 - d) Adoption of a new technology;
 - e) Activities involving workers from several companies.
3. Workers shall be consulted on:
 - a) health and safety measures before they are put into effect or, as soon as practicable, in the event of their urgent implementation;

- b) measures which, owing to their impact on technology and functions, have an impact on safety and health at work
 - c) The programme and organization of training in the field of safety, hygiene and health at work;
 - d) The designation of the workers responsible for implementing first aid, fire-fighting and worker evacuation measures.
- 4. The workers may present proposals so as to minimise any occupational risk.
 - 5. Breach of the provisions contained in paragraphs 1, 2 and 3 of this Article shall constitute a serious administrative offence.

Article 12

Training of employees

- 1. Workers shall receive appropriate and sufficient training in occupational safety, hygiene and health, taking into account their respective functions and posts.
- 2. The employer shall provide workers with appropriate training on the risks of occupational accidents and diseases, irrespective of the duration of the employment relationship.
- 3. Without prejudice to the training referred to in the preceding paragraph, workers shall always receive new training in the following cases:
 - a) Change of work function;
 - b) Adoption of a new technology;
 - c) New installation of equipment, materials or alteration of existing ones in the same or another business establishment or in the place where it results from an agreement between the parties;
 - d) Activities involving trainees both formal and non-formal education students, apprentices and first-time job seekers.
- 4. The employer shall also provide conditions for the members of the joint commission to receive adequate training, granting, for that purpose, if necessary, leave with pay or without pay, in cases where a specific allowance is granted to those workers by another entity.
- 5. For the purposes of the provisions of this article, the employer and the respective representative associations may request the support of the competent authorities when they lack the means and conditions necessary for training, as well as the workers' representative organisations with regard to the training of their respective representatives.
- 6. Worker training on safety, hygiene and health at work shall be provided for workers or their representatives in such a way that no harm may result to them.

7. The employer shall, taking into account the size and specific risks existing in the undertaking or establishment, train the workers responsible for implementing first aid, fire-fighting and worker evacuation measures in sufficient numbers and provide them with appropriate equipment.
8. Breach of the provisions of points 1 to 4, 6 and 7 constitutes a serious administrative offence.

Article 13

General Obligations of Workers

1. Without prejudice to the provisions of the Labour Law, the general obligations of workers shall be:
 - a) To comply with the safety, hygiene and health at work prescriptions laid down in legal or conventional instruments and the instructions determined to that end by the employer;
 - b) Ensure their own safety and health, as well as the safety and health of others who may be affected by their actions or omissions at work;
 - c) Use correctly, and according to the instructions given by the employer, machinery, vehicles, apparatus, instruments, dangerous substances and other equipment and means put at their disposal, namely collective and individual protection equipment, as well as comply with the work procedures established
 - d) Cooperate, in the company, service or establishment, in the improvement of the safety, hygiene and health system at work;
 - e) Immediately report to their superior any malfunctions and deficiencies they detect that could create serious and imminent danger, as well as any defects found in protection systems;
 - f) Use correctly and keep in good condition the individual protection equipment in accordance with the instructions given to them
 - g) Participate in any training activities promoted by the employer or by governmental entities responsible for the areas of working conditions and health or others of a public or private nature in coordination with the former.
2. Breach of the obligations set out in the preceding paragraphs may render the worker liable to disciplinary or civil action.
3. The obligations of workers with regard to safety and health in the workplace shall not exclude the employer's responsibility for their safety and health in every aspect related to the work.

**CHAPTER IV
OTHER INSTRUMENTS FOR ACTION**

**SECTION I
EDUCATION, TRAINING AND INFORMATION**

Article 14

Education, training and information for safety, hygiene and health at work

1. The State shall promote the integration of content on safety, hygiene and health at work in school curricula at various levels of education, with a view to a culture of occupational risk prevention as preparation for working life.
2. The State shall promote the integration of content on safety, hygiene and health at work in vocational education and training activities so as to enable the acquisition of knowledge and habits of prevention of accidents at work and occupational illnesses.
3. The State shall promote training and information actions aimed at employers and workers, as well as public information and clarification actions on matters of safety, hygiene and health at work.

Article 15

Training for employers and workers

1. Organisations representing employers and workers responsible for the areas of working conditions and health shall promote training actions with a view to transmitting and acquiring knowledge in the area of protection and prevention of occupational safety, hygiene and health against occupational risks and diseases.
2. Training sessions shall have a minimum duration of forty hours per year and, in the case of specific areas of activities of greater complexity or demand, shall have a minimum duration of sixty hours per year.
3. The training for employers and workers is divided into two modalities:
 - a) Initial training;
 - b) Continuous training.
4. The initial training is obtained through specific training actions promoted by the entities referred to in number 1, namely during the initial phase of operation of the companies.
5. Continuous training shall be promoted by the employing entity itself in order to ensure that knowledge in this area is kept up-to-date, particularly in the situations described in sub-paragraphs b) to e) of point 2 of Article 11.
6. Breach of the provisions of the previous point shall constitute a light administrative offence.

SECTION II

LICENSING, INSPECTION AND STATISTICS

Article 16

Licensing and authorisation to operate

The procedures for licensing and authorisation to work shall be the object of specific legislation and shall integrate the appropriate specifications for the prevention of occupational risks and protection of health.

Article 17

General Labour Inspectorate

1. The inspection of compliance with legislation on occupational safety, hygiene and health, as well as the application of the corresponding sanctions, shall be the responsibility of the General Labour Inspectorate, without prejudice to specific powers attributed to other entities.
2. The General Labour Inspectorate may form joint operations with other relevant entities for the supervision of compliance with the rules of implementation of occupational safety, hygiene and health measures provided for in this Decree-Law.
3. It is also incumbent upon the General Labour Inspectorate, under the terms laid down in its Statute:
 - a) Carrying out mandatory enquiries in the event of a fatal work accident or one that evidences a particularly serious situation;
 - b) Receiving complaints from workers regarding working conditions and compliance with safety, hygiene and health norms at work.
4. The General Labour Inspectorate may participate in the elaboration of specific rules for specific branches or sectors of activities, as well as propose complementary regulations to the Government organ responsible for the area of labour.

Article 18

Statistics

1. The State, through the entities responsible for the areas of working conditions and health, shall ensure the regular publication and dissemination of annual statistics on occupational accidents and diseases.
2. The statistical information shall enable occupational accidents and diseases to be characterised, in order to enable the adoption of appropriate methodologies and criteria for the design of prevention programmes and measures of national and sectorial scope.

CHAPTER V SAFETY AND HEALTH SIGNS

Article 19 Types of signs

1. The employer shall signal the dangers and risks associated with the activity, situation or object that may affect the safety or health of the worker or both, through the use of signs, colours, luminous or acoustic signals, verbal communications or hand signals.
2. The norms that regulate the aforementioned will come into force as soon as specific legislation is published.

Article 20 Installation of signalling

1. The number and location of the signaling means or devices depend on the importance of the risks, dangers and the extension of the zone to be covered.
2. The means and signalling devices shall be regularly cleaned, maintained, checked and, if necessary, repaired or replaced.
3. Signs shall be installed in a well-lit place, at an appropriate height and position, taking into account impediments and their visibility.
4. The violation of the previous paragraphs constitutes a minor administrative offence.

Article 21 Efficiency of signs

1. The employer shall guarantee the accessibility and clarity of the message of safety and health signs, ensuring that they are located in visible places, exist in sufficient number and function properly.
2. Breach of the previous sub-paragraph shall constitute a minor administrative offence.

TITLE II OCCUPATIONAL SAFETY, HYGIENE AND HEALTH MEASURES AND ACTIONS

CHAPTER I PROTECTION OF THE ENVIRONMENT AND WORKPLACES

Article 22

Hygiene

1. In workplaces, good hygiene and health conditions of work facilities and equipment shall be maintained.
2. Workplaces shall be cleaned as often as the nature of the work requires.
3. Workplaces shall be constructed and maintained so as to prevent, as far as possible, the penetration of rodents and insects.
4. Workplaces shall have clean, ventilated toilet facilities, separated by sex and for workers with special needs.
5. The violation of the previous paragraphs constitutes a minor administrative offence.

Article 23 Lighting

1. Workplaces or work equipment maintenance rooms must be adequately lit with natural light according to the work to be performed, with additional recourse to artificial light if this is insufficient.
2. Violation of the previous number constitutes a minor administrative offence.

Article 24 Outdoor work

1. Workers performing work outside buildings must be protected against excessive exposure to the weather by wearing appropriate clothing, footwear and accessories.
2. Violation of the previous point constitutes a serious administrative offence.

Article 25 Fire fighting

1. Workplaces shall be equipped with appropriate fire-fighting material or equipment in good working order, within the validity period, accessible and duly marked for the purpose.
2. In addition to the provisions of the previous paragraph, evacuation routes, emergency exits and safety zones should be designed to facilitate the removal of workers from the fire zone.
3. The equipment and installations with high fire risks must, as far as possible, be constructed in such a way that, in case of fire, they can be easily isolated.

4. Buildings with high fire risk should have detection and alarm systems directly linked to the fire brigade's fire detection and automatic extinguishing system.
5. Violation of the previous paragraphs constitutes a serious administrative offence.

Article 26
Prohibition of smoking and fireworks

1. In places where explosive, inflammable or combustible materials are stored, stored or handled, smoking, lighting or holding matches, lighters or other objects that produce flame or spark shall not be allowed.
2. Violation of the previous number constitutes a very serious administrative offence.

CHAPTER II
USE AND MAINTENANCE OF WORK EQUIPMENT AND ACTIVITIES PROHIBITED OR
RESTRICTED TO PREGNANT OR BREASTFEEDING WORKERS

SECTION I
GENERAL RULES FOR USE

Article 27
General principle

The rules governing the use of work equipment provided for in this section shall apply in so far as the corresponding risk exists in the work equipment in question.

Article 28
Conditions for work equipment

1. Work equipment must:
 - a) be in good working order;
 - b) Be within the validity period stated in the equipment's manual;
 - c) Comply with minimum international quality standards;
 - d) Be certified by the competent authority under the terms of the law;
 - e) Be appropriate and conveniently adapted to the work to be done in order to ensure safety and health at work;
 - f) Be installed, arranged and used in such a way as to reduce risks
 - g) Be used only in operations or conditions for which they are appropriate.

2. Breach of the provisions of the previous subsection shall constitute a minor administrative offence.

Article 29

Safety Signalling

1. Work equipment shall be properly marked, with notices or other signs that are indispensable for ensuring the safety of workers, and shall contain adequate information on its use.
2. Violation of the provisions contained in the previous subsection constitutes a minor administrative offence.

Article 30

Work equipment

1. Whenever the use of work equipment may pose a specific risk to the safety or health of workers, the employer shall take the necessary measures to ensure that:
 - a) its use is reserved for the workers entrusted with it;
 - b) the workers carrying out repairs, modifications, maintenance or cleaning are specifically qualified to do so.
2. Breach of the provisions of the preceding paragraph shall constitute a minor administrative offence.

SECTION II

SPECIFIC RULES FOR USE

Article 31

Control systems

1. Work equipment control systems having an impact on safety must be clearly visible and identifiable and appropriately marked, where necessary, and must be located outside danger zones, where possible.
2. Control systems must be located in identified places and be dependent on voluntary action to start and stop them in a safe manner, together with an emergency stop device.
3. The violation of the provisions of the previous paragraphs constitutes a minor administrative infraction.

Article 32

Projections or emanations

1. Work equipment causing risks due to falling or projection of objects shall be provided with adequate safety equipment.
2. Work equipment causing risks due to emanation of gases, vapours, liquids or dusts shall have effective retention or extraction devices installed at the respective source.
3. Violation of the provisions of the previous paragraphs constitutes a serious administrative offence.

Article 33
Risks of mechanical contact

1. The moving parts of a work equipment that may cause accidents by mechanical contact shall have guards that prevent access to danger zones or devices that interrupt the movement of moving parts before accessing those zones.
2. The violation of the provisions of the previous number constitutes a very serious administrative offence.

Article 34
Electrical, Fire and Explosion Hazards

1. Work equipment must:
 - a) protect exposed workers against the risks of direct or indirect contact with electricity;
 - b) protect workers against the risks of fire, overheating or release of gases, dust, liquids, vapours or other substances produced by them or used or stored in them
 - c) prevent the risk of explosion of the equipment or of substances produced, used or stored therein.
2. The violation of the provisions of the previous number constitutes a very serious administrative offence.

Article 35
Energy Sources

1. All energy sources and their connection to work equipment must be clearly identified and isolated in order to ensure worker safety.

2. Breach of the provisions contained in the previous subsection constitutes a serious administrative offence.

Article 36

Equipment transporting workers and the risk of tipping over

1. Work equipment carrying one or more workers shall be adapted in such a way as to reduce risks to workers during displacement, namely the risk of contact of workers with the wheels or tracks or their entrapment by these parts.
2. Work equipment carrying workers must limit the risks of roll-over.
3. Where there is a risk of crushing between the equipment and the ground of workers being transported, a system for restraining the workers must be installed.
4. Violation of the provisions of the previous paragraphs constitutes a serious administrative offence.

Article 37

Mobile or self-propelled equipment

1. Self-propelled work equipment shall move only within work areas in compliance with the internal rules of the company.
2. Workers shall not move on foot in areas intended for moving self-propelled work equipment unless the movement is necessary for the execution of the work and there are adequate measures in place to prevent workers from being hit by the equipment.
3. Mobile work equipment with combustion engines may be used in working areas only where there is sufficient air to avoid risks to the safety or health of workers.
4. Violation of the provisions of the previous paragraphs constitutes a serious administrative offence.

Article 38

Lifting of Loads

1. Demountable or mobile work equipment for lifting loads must be used in such a way as to ensure its stability during use and under all foreseeable conditions, taking into account the nature of the ground, and respecting the rules and limits imposed by the manufacturer.
2. Lifting of workers is permitted only with equipment intended for that purpose.
3. Without prejudice to the provisions of the previous points, the lifting of loads must
 - a) be limited to the maximum volume permitted by law;

- b) Prevent the risk of falls and other associated risks
 - c) Ensure that workers in the surrounding areas are not subject to any hazards resulting from it.
- 4. The presence of workers under suspended loads or the movement of suspended loads above unprotected workplaces usually occupied by workers is prohibited unless proper safety measures are adopted.
 - 5. Load lifting operations must be properly planned, adequately supervised and carried out in such a way as to protect the safety of workers.
 - 6. The lifting of suspended loads must be monitored at all times, unless access to the danger zone is prevented and the load is safely secured and kept suspended.
 - 7. The infringement of the provisions laid down in paragraphs 2, 3, 5 and 6 of this article shall constitute a serious administrative offence.

Article 39

Dangerous and nuisance substances

- 1. Hazardous or bothersome substances and agents shall be replaced, as far as possible, by others that are not or to a lesser extent.
- 2. Containers containing, storing or transporting dangerous or nuisance substances shall be properly marked.
- 3. Operations involving high risks must be carried out in isolated places or buildings, with as few workers as possible, taking special precautions to avoid contact between persons and dangerous or noxious substances and agents.
- 4. In establishments where dangerous and troublesome substances are manufactured, handled or used, there must be at least two emergency exits with doors opening outwards and kept free from any obstacle.
- 5. Violation of the provisions of the previous paragraphs constitutes a serious administrative offence.

SECTION III MAINTENANCE RULES

Article 40 General Principle

1. The employer shall ensure periodic checking and maintenance of work equipment in order to ensure that it is in good working order and to avoid unnecessary risks and dangers.
2. The equipment shall be maintained every six months and in accordance with the manufacturing instructions certified by the competent authority under the terms of the law.
3. In case the equipment does not meet the conditions laid down in paragraph 1 above it shall be immediately replaced by other spare equipment available at the workplaces.
4. Breach of the provisions contained in the previous paragraphs constitutes a minor administrative offence.

SECTION IV

ACTIVITIES PROHIBITED OR RESTRICTED TO PREGNANT OR BREASTFEEDING WORKERS

Article 41 Pregnant workers

A pregnant worker shall be prohibited from:

- a) activities in which she is or may be exposed to ionising radiation or high pressure atmospheres, namely hyperbaric chambers or underwater diving;
 - b) any activity where they may come into contact with vectors of toxoplasma or rubella virus transmission, unless there is evidence that the pregnant worker has antibodies or immunity to those agents and is sufficiently protected;
 - c) The performance of any activity in which she may come into contact with dangerous chemical substances.
3. The violation of the provisions contained in the previous number constitutes a very serious administrative offence.

Article 42 Workers who are breastfeeding

A worker who is breastfeeding is prohibited from:

- a) the performance of any activity involving exposure to ionising radiation, to substances that may cause harm to children fed on breast milk and to lead and its compounds to the extent that these agents may be absorbed by the human body;
- b) the performance of underground work in mines.
- c) The violation of the provisions of the preceding number shall constitute a very serious administrative offence.

Article 43

Physical Agents

1. Pregnant workers are forbidden to engage in activities involving exposure to physical agents that may cause foetal lesions or placental abruption, namely:
 - a) Shocks, mechanical vibrations or movements;
 - b) Manual handling of loads that entail risks
 - c) Noise;
 - d) Extreme temperatures, cold or heat;
 - e) Movements and postures, movements both inside and outside the establishment, mental and physical fatigue and other physical overloads linked to the activity performed.
2. Violation of the provisions contained in the previous number shall constitute a very serious administrative infraction.

CHAPTER III

USE AND MAINTENANCE OF PERSONAL AND COLLECTIVE PROTECTION EQUIPMENT

SECTION I

GENERAL RULES FOR USE

Article 44

General principle

Personal and collective protection equipment shall be used when existing risks cannot be prevented or sufficiently limited by technical means of collective protection or by work organisation measures, methods or procedures.

Article 45

Conditions for equipment

1. The following conditions must be met by all personal and collective protection equipment:
 - a) conform to the safety and health standards applicable to its design and manufacture;
 - b) Be appropriate to the risks to be prevented and to the conditions existing at the work place, without in itself implying an increase of the risk;
 - c) Meet the ergonomic and health requirements of the worker;
 - d) be appropriate to its user.
2. The individual and collective protection equipment used simultaneously must be compatible with each other and must maintain their effectiveness with regard to the risks against which the worker is to be protected.
3. The violation of the provisions contained in the previous paragraphs constitutes a serious administrative offence.

SECTION II

SPECIFIC RULES FOR USE

Article 46

Personal and collective protection equipment

1. There shall be available to workers working clothes and individual and collective protection equipment against risks resulting from the operations carried out whenever the technical means of protection are insufficient.
2. Personal and collective protection equipment shall be efficient and adapted to the human body and shall be kept in a good state of repair.
3. Personal and collective protection equipment shall be adapted to the type of work and, as far as possible, to the specific health conditions of each worker.
4. After the daily use of this equipment, the employer shall ensure that it is stored and kept in an appropriate place.
5. Violation of the provisions contained in the previous paragraphs constitutes a minor administrative offence.

Article 47

Clothing

Work clothes shall be designed taking into account the risks to which workers may be exposed.

Article 48

Head Protection

1. Workers exposed to the risks of head trauma shall wear appropriate helmets.
2. Workers operating or passing in the vicinity of machinery or moving parts, flames or incandescent materials shall fully protect their hair by means of a nylon net or a close-fitting cap or equivalent protector.
3. Breach of the provisions of the previous paragraphs constitutes a serious administrative offence.

Article 49

Eye Protection

1. Workers carrying out work that may present any danger to their eyes due to the projection of splinters, hot or caustic materials, dangerous or bothersome dust or fumes, or who are subjected to dazzling by intense light or dangerous radiation, shall wear goggles adapted to the shape of their faces, visors or shields.

2. Breach of the provisions of the previous number constitutes a serious administrative offence.

Article 50 **Ear Protection**

1. Workers who work in an environment of intense and prolonged noise shall wear ear protectors.
2. Violation of the provisions of the previous subsection constitutes a serious administrative offence.

Article 51 **Protection of Upper Limbs**

1. Workers shall wear special gloves of suitable shape and materials whenever they perform activities that pose a risk of cutting, abrasion, burning or corrosion of the hands.
2. Workers handling toxic irritant or infectious substances shall wear high-cannon gloves so as to protect their forearms.
3. Breach of the provisions set out in the preceding paragraphs constitutes a serious administrative offence.

Article 52 **Protection of Lower Limbs**

1. In work involving risks of burns, corrosion or perforation or crushing of the feet, workers shall be provided with resistant safety shoes appropriate to the nature of the risk.
2. The legs and knees shall be protected, where necessary, by resistant gaiters or knee pads made of material appropriate to the nature of the risk and in such a way that they can be removed instantly in an emergency.
3. Violation of the provisions contained in the previous paragraphs shall constitute a serious administrative offence.

Article 53 **Protection of Other Parts of the Body**

1. Workers who are exposed to risks affecting other parts of the body shall be provided with appropriate clothing, aprons, hoods or bonnets of suitable shape and material.
2. Breach of the provisions set out in the previous subsection shall constitute a serious administrative offence.

Article 54
Protection of the respiratory tract

1. Workers exposed to the risk of inhaling noxious dust, gases or vapours shall be provided with masks or other devices appropriate to the nature of the risk.
2. Breach of the provisions of the previous subsection shall constitute a serious administrative offence.

Article 55
Protection against falls

1. Workers exposed to risks of free fall shall use safety belts of suitable shape and materials that are sufficiently resistant, as well as the mooring ropes and respective fixing elements.
2. Violation of the provisions set out in the previous subsection constitutes a very serious administrative offence.

SECTION III
MAINTENANCE RULES

Article 56
General Principle

1. The worker shall be responsible for maintaining individual and collective protection equipment in order to ensure that it is in proper condition for use and for preventing risks and dangers associated with work.
2. Whenever individual and collective protection equipment is not in the condition referred to in the previous subsection, the worker shall inform the employer so that it may be repaired or replaced.

CHAPTER IV
MISDEMEANOURS

Article 57
Administrative Offences against occupational safety, hygiene and health

1. It shall be an administrative offence to operate workplaces in disregard of the rules concerning minimum safety, hygiene and health requirements at work established under the terms set out in this statute.
2. Administrative offences shall be classified as:
 - a) Light;
 - b) Serious;

- c) Very serious.
3. In determining the applicable fine, the relevance of the interests violated and the gravity of the offence committed shall be taken into account.
 4. In setting the amount of the fine, the culpability of the offender and the recidivism of the employer shall be taken into consideration.
 5. The fine under the terms of the preceding paragraph shall be applied by the General Labour Inspectorate.

Article 58

Punishability of Negligence

Negligence in the administrative offences established in this statute is always punishable.

Article 59

Subject Liable for Administrative Offences

The Employer is liable for even if committed by its employees in the exercise of their respective functions, without prejudice to the liability attributed by law to other subjects.

Article 60

Values of Fines

1. The inspection of occupational safety, hygiene and health rules shall be the responsibility of the General Labour Inspectorate, as provided for in its Statutes, which shall also be responsible for imposing fines for failure to comply with the rules contained in this statute.
2. Without prejudice to the provisions of point 5 of Article 49 of the Statute of the General Labour Inspectorate:
 - a) The minimum and maximum limits for fines corresponding to light administrative offences are 2 to 4 base salaries defined as the minimum applicable in the civil service;
 - b) The minimum and maximum limits for fines corresponding to serious administrative offences are 5 to 8 base salaries, defined as the minimum applicable in the civil service;
 - c) The minimum and maximum limits for fines corresponding to very serious administrative offences are 9 to 10 base salaries, defined as the minimum applicable in the civil service.

TITLE III

FINAL AND TRANSITIONAL PROVISIONS

Article 61

Regulation of compensation for accidents at work and occupational diseases

The compensation for accidents at work and occupational diseases shall be regulated under the terms of the contributory social security system.

Article 62 Complementary legislation

1. Without prejudice to the provisions of the present statute, the government entity responsible for the area of work and health conditions shall be responsible for approving, by means of a specific ministerial statute
 - a) The legal limits for noise and vibration and emission of gases and dust as well as to propose, after consultation with other relevant entities, a list of occupational diseases;
 - a) The system of safety and health signs at work.
2. The ministerial diplomas referred to in the preceding paragraph must be approved within 90 days after this decree-law comes into force.

Article 63 Transitional Provisions

1. Until approval of the occupational accident and illness compensation regime, the Employer shall be liable for compensation and reparation for damages caused by the accident and or illness under the terms of the Labour Law.
2. The compensation referred to in the preceding paragraph shall be calculated under the general terms of civil liability.
3. The rules applicable to mining and petroleum activities within the scope of occupational safety, health and hygiene shall be laid down in separate legislation.
4. Until approval of the special legislation referred to in the preceding paragraph, the rules of this statute shall apply.

Article 64 Entry into force

The present diploma enters into force on the 60th day following its publication.

Approved by the Council of Ministers on ____, _____ 2022.

The Prime Minister

Taur Matan Ruak

The Coordinating Minister for Economic Affairs

Joaquim Amaral

Promulgated on ____ of _____ of ____

To be published.

The President of the Republic,

Dr. José Ramos Horta