



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 05/L - 062

ON SAFETY AT WORK IN MINING ACTIVITY

Assembly of the Republic of Kosovo

Based on Article 65 (1) of the Constitution of the Republic of Kosovo

Adopts:

LAW ON SAFETY AT WORK IN MINING ACTIVITY

Article 1
Purpose of the Law

1. The purpose of this Law is to determine the general principles on prevention of risks at work and protection of health of the employees in mining sector, obligation of the employer, rights and obligations of the workers and persons responsible for the safety at work and health of the employees, to set the necessary standards for safety at work in mining activities. With this Law there is aimed the systematic improvement of safety and health of the workers at work, prevention of the injuries at work, occupational diseases and other diseases related to the work of mining sector.

2. This Law is in compliance with the Directive of the Council 89/391 EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and Directive of the Council 92/104 of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

Article 2

Scope

The provisions of this Law are applicable in the mining sector by all entities licensed to conduct mining activities such as exploration, exploitation and enrichment of mineral resources in the Republic of Kosovo.

Article 3

Definitions

1. The terms used in this Law shall have the following meanings:

1.1. **ICMM** – Independent Commission for Mines and Minerals;

1.2. **Mines Inspectorate** – Department within the ICMM, which exercises the functions and competences in accordance with the Law on Mines and Minerals;

1.3. **Accident at work or work-related** - unexpected event during the work process, causing body injuries of individuals, such as temporary or permanent disability or that causes death, and any other health impairment related to the work and exercise of work;

1.4. **Breakdown** – sudden failure of a machine, mechanism, equipment, plant or technological process during work or commuting;

1.5. **Rescue teams** - are mine specialists certified for rescue;

1.6. **Incident** - unexpected occurrence, usually unexplainable that hinders the work or impairs the regular state and performance of work;

1.7. **Inspector** – the qualified employee of ICMM who exercises the control on mining activity in implementation of this Law;

1.8. **Enterprise** – entity registered according to the Law on Business Organizations and equipped with license for exploration, exploitation or licensed for exploration and exploitation of mining activities by the ICMM in accordance with the Law on Mines and Minerals;

1.9. **Mineral residues** – residues of the material after the conclusion of a certain phase of an industrial process;

1.10. **Protecting the life of workers** - the purpose of protecting the life and health of workers from occupational injuries as well as occupational diseases, prevention of the causes of injuries and impairment of health at work and creation of the best possible working conditions in enterprise;

1.11. **Safety at work** - general and specific preventive measures, that influence in providing safe conditions of work, especially for determining the rights and obligations of workers, due to eventual violation of duties for safety at work, organization of tasks for safety at work, duties of government bodies, the procedures for approving plans and programs for safety at work, jobs with special conditions, training of employees for safety at work;

1.12. **Mine** – as defined in the Law on Mines and Minerals;

1.13. **Rehabilitation**- engagement in activities that need to be taken in the mining areas for the purpose of improvement of degraded areas of mining activities in accordance with the mining project;

1.14. **Mineral resources** - as defined in the Law on Mines and Minerals;

1.15. **Risk occurrence** - any unexpected occurrence in the process of exploitation of mineral resources and other activities, which endanger the life and health of workers, property and environment;

1.16. **Rescuer** - the certified member of a rescue team;

1.17. **Mining activity** –the entire activity carried out in underground and in the surface with the aim of exploration, discovery, exploitation and processing of the minerals;

1.18. **Explosive atmosphere**–the mixture of air with gas, steam, fog or flammable powder, when due to the atmospheric conditions, upon the initial firing, there is possible that the process of combustion to be conveyed to the whole area, and to bring in the potential source for explosion or fire at the workplace, and may cause injuries to the employees and material impairments;

1.19. **Work in specific working conditions** – works which in order to be realized, the employee should fulfil the general condition for employment and specific conditions which are related to the age, professional qualifications, health condition and psychic abilities;

1.20. **Prevention**–measures planned or undertaken in every working activity of the employer, with the purpose of prevention or reduction of the risk at work;

1.21. **Occupational disease**– any disease caused as a consequence of exposure of harmful and hazardous physical, chemical and biological elements at the workplace during the exercise of working activity;

1.22. **Risk assessment and prevention document** – the document in which there are described the characteristics of work process, identification and assessment of the risk source, determination that who may be endangered, from what and how he/she is endangered, assessment of the risk for the safety and health at work and determination of

the measures needed and necessary to be undertaken in order to prevent and to develop these measures in accordance with the reassessments carried out periodically.

1.23. **Ministry** – Ministry responsible for mining sector.

2. Other terms used in this Law which are not included in these definitions shall have the same meaning as the terms used in the legislation for mines and minerals and other legislation in force in the field of occupational safety and health.

Article 4 **General duties of an enterprise**

1. In order to protect the safety and health of workers, the enterprise shall take the necessary measures to ensure that:

1.1. workplaces are designed, constructed, equipped, functionalized, utilized and maintained in such a manner that employees can perform a particular job without risking their health and safety;

1.2. workplaces where the employees are engaged should be under the supervision of the responsible person;

1.3. work which involves special risks is entrusted only to qualified personnel that carries out activities in accordance with the given instructions;

1.4. personal protection equipment at work;

1.5. all safety and health instruction at work are understandable for all employees;

1.6. first aid equipment are provided;

1.7. any relevant training and coaching is conducted at regular intervals.

2. Besides the provisions of paragraph 1 of this Article, the employer is obliged to undertake all preventive and protective measures specified in the applicable Law No. 04 / L-161 on safety and health at work.

3. Without excluding the provisions of Article 16 of the applicable Law No. 04 / L-161 on safety and health at work, the document for risk assessment at workplaces, should also contain:

3.1. determination and assessment of the risks, to which the employees are exposed in the workplace;

3.2. adequate measures that are taken in order to achieve safety in mines;

- 3.3. design, use and maintenance of the workplace and equipment are safe.
4. The risk assessment and prevention document at the workplace should be drafted prior to the commencement of the work and should be reviewed if the workplace has undergone major changes.

Article 5
Risk assessment and prevention document at the workplace

1. The employer should care, that as a measure, according to paragraph 1 of Article 4 of this Law, to provide the risk assessment and prevention document at the workplace, before the beginning of the work. In the risk assessment and prevention document at the workplace, the employer should have into consideration all the circumstances, working conditions as well as all necessary measures that serve for the safety and health protection of the employees. The risk assessment and prevention document at the workplace should be available in the enterprise. In this document there should be included at least, that:

1.1. whether there are noticed the risks, where the employees and especially endangered employees' groups have been subject to such risks, at workplaces and respective worksites, whether they have been subject to the assessment and what are the results of assessment given on risks;

1.2. whether there have been taken respective technical, organizational and personal measures for the safety and health protection of the employees;

1.3. worksites and equipment are regulated, used and maintained in a safe manner;

1.4. the employees are notified in an appropriate way regarding the risks to safety and health, as well as regarding the protective measures and measures for prevention of risks in all respective worksites.

2. During the risk assessment according to paragraph 1.1 of this Article, firstly there should be taken into consideration those risks that may derive through:

2.1. the regulation and equipment of worksites and workplace;

2.2. regulation, selection and use of working tools, especially the machines, apparatuses and equipment, then work resources, as well as from the conduct with the working tools and work resources;

2.3. status of knowledge, volume of experiences and from the physical adjustment of the employees.

3. The employer should review and supplement the risk assessment and prevention document at the workplace according to paragraph 1 of this Article, in the following cases:

3.1. if the workplace or worksites have been subject to important changes, expansions or re-regulations; or

3.2. in order to avoid the repetition of the events in the enterprise, which are related to the sub-paragraphs 1.1 and 1.2 of Article 72 of the Law on Mines and Minerals.

4. The result of the regular verification according to paragraph 2 of this Article should be registered in writing in case of measures undertaken on the basis of the risk assessment and prevention document at the workplace.

Article 6

Technical and safety measures at work during mining works

1. During the realization of mining activities of exploration, opening, preparation and exploitation of mineral resources, as well as during surface and underground works, there are applied the protective measures established by legal provisions on technical measures and safety measures at work.

2. Mining facilities and other equipment that serve for workers should be in the condition pursuant to the applicable regulations and legal provisions as well as technical measures for safety at work, while conducting surface and underground works.

3. At workplaces endangered by the effect of aggressive mineral dust, the work is permitted only if the presence of aggressive dust in the premises of the mine does not exceed the allowed standards according to the legal provisions in force. The enterprise is obliged, at least twice a year to inspect every workplace where the aggressive dust can emerge and to determine the level of concentration in the premises of the mine. In high-risk premises, the enterprise is obliged to conduct permanent control of the presence of aggressive dust and determine its level of concentration.

4. Workers that apply technological operations during the construction of mining workplaces in case of the change of the worksite where work was not conducted before, prior commencing the work the person in charge shall notify them with the specific risks in the new workplace and with the technical measures and the safety measures at work that relate to the new workplace.

5. Mining areas where there are performed mining works or serve for the passage of people, information and signalistics, ventilation, transportation, removal of water, in terms of this Law shall be maintained and safe under the provisions in force.

6. Each mine should have a plan for protection and rescue from collective risks, which may occur in the mine. In the protection plan there are defined the actions in cases of occurrence of various risks according to the provisions in force.

Article 7
Search and rescue service, fire-fighting service and first aid service

1. In order to protect the lives and health of workers, the enterprise is obliged:
 - 1.1. to implement on time all the safety measures at work, set forth by the provisions of the legislation in force;
 - 1.2. by special acts on safety at work, to regulate the function of safety and the safety measures, in accordance with the organization of work, features and risks that may arise;
 - 1.3. to organize the work safety service, to provide to the workers personal protective equipments and collective protection;
 - 1.4. to organize the rescue service and first aid service, and protection services from fire and water and to protect the work premises.
2. The enterprise is obliged to organize the work safety service, according to their specific conditions.
3. The work safety service consists of the necessary number of workers with the superior or senior professional experience.
4. Works in direct control of the implementation of measures of safety at work can be performed by workers with professional secondary qualification, who have at least five (5) years of professional experience.
5. Work safety service is especially obliged to implement safety measures at work including education, monitoring the health status and controls of the workers.
6. The management of enterprise is responsible for organization of work safety service and its regular functioning and without obstacles.
7. Tasks, respectively work duties in rescue and first aid service, as well as fire protection service, are performed by the workers, who are specially certified for such tasks.
8. Two (2) or more mines, upon agreement may organize joint rescue and first aid service as well as fire protection service if the nature of the work permits so.
9. The special act of the enterprise, regarding the safety at work at the enterprise level, defines the:
 - 9.1. method of organization and the scope of work safety service;
 - 9.2. general measures of safety at work, of common interest to the whole enterprise;

9.3. rights and obligations of workers with regard to the application of protective measures at work.

10. In order to prevent accidents, incidents and breakdowns, the mining enterprise is obliged to issue the following internal acts:

10.1. Regulation for safety at work, health and working premises;

10.2. Regulation on emergency plans, functionalization of emergency and fire protection;

10.3. Regulation on vertical and horizontal transportation in underground mines;

10.4. Regulation on the use of machines, which use internal combustion engines;

10.5. Regulation on training the employees for safe works;

10.6. Regulation on the use of personal protective equipment (PPE) at work;

10.7. Regulation on the risk assessment of jobs with increased risk;

10.8. Plan for protection from water.

11. Management of the enterprise is obliged at least every three (3) months to review the state of safety at work; work of the service for safety at work; of rescue service and fire protection service; and determine the measures to be applied in order to improve and enhance the safety at work.

12. The governing body of the enterprise is obliged to review the findings of the mines inspectorate on the occasion of the regular and unannounced control and regarding the measures taken to notify in writing the ICMC and the competent body about the work of the mines inspectorate.

Article 8

Actions in case of occurrence of unexpected risks

1. Mining enterprise is obliged according to its specific circumstances, determined by the regulations and according to the conditions that prevail, to organize the rescue service and fire-fighting service, in case of occurrence of unexpected risks.

2. The rescue service and fire-fighting service works shall be carried out by workers who are certified.

3. Obligations of the rescue service and fire-fighting service are:

3.1. to promptly provide help to workers who are in danger in case of an explosion of methane, coal dust, fire in mines and other risks in the mine;

3.2. to enable the movement without hindrance and the possibility of performing the required tasks in mining areas where there is the presence of toxic gases;

3.3. upon the call from other mining enterprise, provide help to them with all the available means.

Article 9

Workers with special authorizations and responsibilities for performing technical professional tasks in the field of safety at work and workers' health

1. Mining works during the exploration and exploitation of mineral resources, in the field of safety at work and health of workers may be carried out only by the workers, who meet the conditions according to the provisions of this Law.

2. The tasks of mine supervisor can be performed by a worker, who has completed the secondary professional qualification of respective field, has at least 5 (five) years of work experience and is licensed for safety in mining activity.

3. The tasks of foreman in the mine can be performed by an engineer, who has a bachelor degree of relevant field, has at least two (2) years of work experience, and is licensed for safety in mining activity.

4. The tasks of technical management in underground mines can be performed by a worker who has a master degree in the relevant technical field; has at least three (3) years of work experience and is licensed for safety in mining activity.

Article 10

Obligations for taking measures

1. Enterprise is responsible for organizing the work safety service, fire protection, as well as search and rescue.

2. All workers in the enterprise are responsible for the implementation of measures of safety at work, within the scope of their work and in accordance with the rules and measures of safety at work.

3. Enterprise is obliged every month to report in writing to the Mines Inspectorate, about the number of cases of reported accidents and accidents with temporary or permanent disabilities, and analysis of financial costs that occurred as a result of accidents at work.

Article 11
Information of the employee about the regulations

1. The employee who establishes employment relationship in an enterprise, prior being assigned to a workplace should be informed about implementation of the regulations and measures of safety at work and measures for fire protection, about the risks that may be encountered at work, and about organization and implementation of safety measures at work within the enterprise.
2. The employee has the right to request from the persons responsible for implementing the regulations, to be informed about the risks of work, Laws and obligations related to safety at work and work conditions.

Article 12
The right of information in case of changing the workplace

An employee who is assigned with the task or in other workplace, before commencing the work must be informed about the work, rules and measures of safety at work, and risks that may occur in these new tasks and duties.

Article 13
Responsible bodies for inspection

1. Mines Inspectorate shall, in addition to the authorization provided by the Law on Mines and Minerals, be responsible for supervising the implementation of this Law.
2. Mines Inspectorate is authorized to order that:
 - 2.1. the evidenced irregularities and deficiencies should be eliminated within the deadlines prescribed by the inspector;
 - 2.2. to prohibit the work in the mining facility or performing certain activities if in due time there are not eliminated the identified irregularities and deficiencies.
3. In addition to taking measures referred to in paragraph 2 of this Article, the inspector is also authorized:
 - 3.1. to determine safety measures in case of risk to the life, health of people and work premises;
 - 3.2. to file a report to the competent authority for a criminal offense, and to initiate judicial procedure;
 - 3.3. to notify other authorities if there are reasons to undertake measures for which that authority is responsible.

4. Mining enterprise, which according to the decision of the inspector is ordered to eliminate the irregularities in accordance with this Article, shall be obliged to notify the Mines Inspectorate within eight (8) days from the date of implementation of the decision of the Inspectorate, that there have been eliminated all irregularities evidenced by the inspector's decision.

5. Mining enterprise is obliged to inform the Mines Inspectorate about all cases of disasters, accidents or serious injuries at work and to suspend mining activity where there has happened the injury or breakdown, and notify the inspector at latest within twelve (12) hours during working days and within twenty four (24) hours during weekends or state holidays.

6. Mines Inspectorate is obliged to immediately respond to the reporting of cases of disasters with fatality as well as other cases of accidents. At the scene it shall investigate the cause and source of the disaster, accident or accidental breakdown and in this case shall draft written report, which informs the responsible authorities within the shortest possible period.

7. Mines Inspectorate is obliged to carry out inspection visit of the mining works and facilities at least once a year, while for mining facilities in risk of methane and dangerous coal dust there should be conducted visits in accordance to the applicable Law on Mines and Minerals.

8. Without excluding paragraph 7 of this Article, the Mines Inspectorate can also conduct unannounced inspection visits.

9. The enterprise is obliged to enable the access of inspectors to the working premises, sampling the mineral resources and the working material, with the purpose of research and providing evidence.

Article 14 **The right to appeal**

1. The enterprise can appeal the decision of Mines Inspectorate to the Board of ICMM, within eight (8) days from receipt of the decision.

2. The appeal filed against the decision of the Mines Inspectorate shall not postpone the execution of the decision.

Article 15 **Fines**

1. With fines from five thousand (5,000) to ten thousand (10,000) Euros there shall be punished the enterprise and other legal entities if:

1.1. are not bound to the regulated safety measures and safety measures for people and property;

- 1.2. on the basis of measurements do not draft or meet the plans under which there could be proved the state of mining work and their mutual state; the situation regarding old mining activities and facilities and the water in surface; they do not possess the long-term plan, respectively annual operating plan, or if those plans or copies of plans and according to the requirement do not present or do not keep measuring books and mining oversight books;
- 1.3. perform the work of drafting technical documentation and does not meet the conditions prescribed in this Law;
- 1.4. while carrying out mining and other works before placing the equipment comes out of the approved projects without an agreement with the competent authority;
- 1.5. upon permanent completion or interruption of mining exploitation activities, does not inform the relevant ministry in due time, and the Mines Inspectorate, and environmental inspector about the measures of safety, remediation and restoration;
- 1.6. is verified that the drafting of technical documentation or revision of projects or conducting periodic controls, measurements and testing or performing the mining work of enterprise, or any other legal person, does not meet the conditions prescribed in this Law;
- 1.7. if after completion or permanent suspension of mining activities, according to the deadlines approved in the project does not carry out the final recovery of land degradation and re-cultivates the areas in the vicinity that is destroyed as a result of mining activity, and does not take appropriate measures to protect the human lives and property;
- 1.8. if they do not possess technical documentation;
- 1.9. if there is not organized their work safety service;
- 1.10. if the Mines Inspectorate and competent authorities are not notified on time about any case of death, collective injuries, serious injuries at work;
- 1.11. in certain periods do not inform the relevant ministry and the Mines Inspectorate about any temporary interruption of the mining work or the occurrence of any risk to human life and health of workers or the resumption of mining work;
- 1.12. they do not provide the performance of mining work according to technical documentation and regulations, as well as permanent oversight of all mining work, equipment and facilities;
- 1.13. in duty of technical oversight and management they appoint persons who do not fulfil the conditions set;
- 1.14. mining enterprise does not provide personal protective equipment and other equipments for safety at work, protection from fire as well as search and rescue.

Article 16
Sub-legal acts

1. Ministry upon the proposal of ICMM shall, within 6 (six) months, after the entry into force of this Law, issue the following sub-legal acts:

1.1. Regulation on keeping records and storage of documents, as well as on the content of annual reports from the field of safety of mining activities at work;

1.2. Regulation on measures and norms of safety at work, on the use of work equipment and tools;

1.3. Regulation on the content, duties and responsibilities of the rescue team;

1.4. Regulation on the form of the report on accidents at work in mines.

2. Relevant Ministry for internal affairs shall, upon the proposal of ICMM, within six (6) months after the entry into force of this Law, issue the Regulation on safety measures and technical norms during the use of explosive materials and mining in mines;

3. Relevant Ministry for labour and social welfare shall, upon the proposal of ICMM, within six (6) months after the entry into force of this Law, issue the Regulation on determining the basic duties and responsibilities of the work safety service for mining activities.

Article 17
Entry into force

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No.05/L - 062
10 March 2016

President of the Assembly of the Republic of Kosovo

Kadri VESELI