

# Country Legislation Review

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Country: Russia  (November 2011) v2.0

## Definition

Occupational Safety and Health in Russian legislation is defined as a system of life and health preservation of employees during their labor activity, including legal, socioeconomic, organisational, sanitational, treatment and prophylactic measures, rehabilitational and other measures.

## Main legislation

The major legal instruments in the field of work safety and health in Russia include:

- Constitution of the Russian Federation.
- Labor Code of the Russian Federation.
- Acts on Occupational Safety and Health of Subjects of the Russian Federation.

## Regulations on Occupational Safety and Health

Whereas the above mentioned legal instruments form the legal basis, detailed regulations on occupational safety and health provide the specific requirements for enterprises, employees, industrial processes and equipment. The relevant regulations include:

- Inter-branch safety regulations and inter-branch instructions on safety (approved by the Ministry of Labor and Social development).
- Branch safety regulations and branch standard instructions on safety (approved by federal executive bodies).
- Safety rules, rules of structure and safe operation, safety operation, safety instructions (approved by federal inspection bodies).
- State standards of Russia (approved by Gosstandard, Gosstroy and the State Committee for Construction and Architecture).
- Building Regulations (approved by Gosstroy).
- Sanitary regulations, hygienic criteria, sanitary norms, norms and rules (approved by the Ministry of Health RF).

***\*There are some 3,000 regulations on occupational safety and health requirements\****

## Target Group

Safety requirements are compulsory for legal and natural persons when carrying out any kind of economic activity. The above mentioned legislation regulate the relationship between employers and employees and are aimed at creation of working conditions meeting requirements of preservations of life and health of workers during their activity.

Duties of the employer are specified in the above mentioned legislation. For this report the relevant legislation is listed on pages 6-13 for Fire Legislation and on pages 13-15 for H&S Legislation. You should be aware that the application of Fire and H&S standards in the Russian Federation are very different than in the EU. However there are some areas where EU Directives and RF Legislation have similarities. This is shown below (pages 2 – 6)

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## Enforcement

State enforcement of labor legislation are implemented by Federal Labor Inspection entities and carried out by the State Labor Inspectorate.

Labor Technical Inspection within the trade unions have the right to control legislation on Occupational Safety and Health independent of the State Labor Inspectorate.

## Occupational Safety and Health Legislation in the EU and Russia – Differences and Similarities

EU Directive	RF Legislation
Aim: Harmonisation of national legislation in Member States within the field OSH in order to improve working conditions and create and level playing field.	Aim: To provide a system of life and health preservation of employees during their labour activity, including legal, socioeconomic, organisational, sanitational, treatment and prophylactic measures, rehabilitational and other measures.
Means: Transposition of EU Directives into national legislation (acts and executive orders). These may vary from Member State to Member State depending on the respective legal and administrative structure. A Directive may be transposed into a number of national legal provisions as long as its overall scope and aim are covered.	Means: Legal instruments at different administrative levels (federal, regional and local level) and different branches of the economy.
Scope: Defined by the Directive, while the national transposition depends on the legal and administrative structure of the Member State.	Scope: Defined by the legal instrument.
Duty: The Member States are obliged to transpose the Directives to national legislation, through consultation and involvement of social partners. Member States must define the addressee of the provisions in the national legislation.	Duty: Employers to ensure OSH at work and employees to follow instructions.

It is important to be aware of and note that given the diverse geographical and political landscape of the former Soviet Union and the present Russian Federation it is impossible within the scope of this report to define and list by State or local government a conclusive list of legislation and regulations. However there are areas of both EU and RF legislation where there is a 'matching' of desired outcomes.

The selected EU Directives have been matched with their corresponding Russian legislation.

The matching is divided into four themes:

- Working conditions - include topics such as working time, equal treatment and vocational training.
- Framework - include topics such as workplace, safety signs, personal protective equipment, pregnant women, young persons, temporary workplaces, display screen equipment and manual handling.
- Chemical agents - include topics such as chemical agents, plant protection products and biocidal products, carcinogens, asbestos, vinyl chloride, monomer, occupational exposure limits and general air pollution, explosives and ATEX.
- Machinery - include topics such as construction materials, machinery, equipment, etc.

The comparison is made through an assessment of aim, means, scope of the legislation and the duty of the addressee of the provision.