

LAW 18 February 1998 n.31

Framework law on safety and health in the workplace

We Captains Regent

the Most Serene Republic of San Marino

We promulgate and order to publish the following law approved by the Great Council and General in the session of 18 February 1998.

TITLE I

generality'

Art.1

(Purpose of the law)

1. This law aims to:

- establish the fundamental principles regarding the protection of the worker and the external environment bordering the workplace, in application of the international conventions and resolutions to which the Republic of San Marino adheres, of the principles contained in the Declaration of the Rights of Citizens and Fundamental Principles of the San Marino Law, referred to in Law 8 July 1974 n. 59 and article 25 of Law 17 February 1961 n. 7;
- promote the improvement of safety and protect the health of workers at work, taking into account the principles established by Directive 89/391/EEC;
- promote the prevention and protection of the population from any major accidents that may arise from industrial activities and external environments bordering the places designated for such activities, also taking into account Directive 82/501/EEC.

Art.2

(Field of application)

1. This law applies to all sectors of public or private activity, with the exclusion of Uniformed Unit of the Fortress Guards, of the Gendarmerie Corps, of the Civil Police, and of the Civil Protection; specific regent decrees will be issued for these sectors based on the their specific function.

Art.3

(Definitions)

For the purposes of this law, the following definitions are adopted:

to) *Worker*: someone who works for an employer regardless of the employment regime, even for the sole purpose of learning a trade, an art or a profession, with the exclusion of domestic workers. For the same purposes, the following are treated as workers: administrators (not configurable as employers) and members of companies and entities that carry out their activities on behalf of the company or entity itself; family collaborators, students of Education and Training Institutes of any type started with an employer in order to complete their training; students of Education and Training Institutes of any type if they access laboratories or use work equipment.

b) *Employer*: the person in charge of the employment relationship with the worker or in any case the person who, according to the type and organization of the company, has responsibility for the company itself or for the production unit as defined pursuant to letter m), as holder of decision-making and spending powers. For the purposes of applying this law in the Public Administration, Autonomous Sectors and Autonomous State Bodies (Extended Public Sector), the attributions of competences and responsibilities will be identified with a specific regent decree.

c) *Workers' representative for health and safety*: elected or designated person by workers on their own behalf with regards to safety and health at work.

d) *Occupational doctor*: doctor in possession of specific qualifications in relation to workplace problems defined by regency decree.

And) *Prevention*: complex of provisions and measures, taken and foreseen in all phases of the company's activity, aimed at eliminating or reducing professional risks, those for the surrounding population and those for the external environment.

Danger: intrinsic property or quality of a certain entity (e.g. materials or f) work equipment, work methods and practices) having the potential to cause harm.

Risk: probability that the potential level of harm in the conditions will be reached g) of use and/or exposure, as well as possible dimensions of the damage itself.

h) *Risk assessment*: procedure for assessing the risks to the safety and health of workers, in the performance of their duties, deriving from the circumstances of the occurrence of a danger in the workplace.

^{the)} *Major accident*: accident capable of producing effects on people and the environment outside the company boundaries, with the exclusion of fires that do not involve or produce toxic substances.

l) *Small business*: a public or private structure, or a family-run business that has up to 20 employees, as well as artisan businesses as defined by Law no. 10 of 25 January 1990 and subsequent amendments;
medium enterprise: a public or private structure, or a family-run company that has from 21 to 50 employees;
large company: public or private structure, or a family-run company that has over 50 employees.

m) *Production unit*: establishment or structure aimed at the production of goods or services, with financial and technical-functional autonomy.

n) *Agent*: the chemical, physical or biological agent present during work and potentially harmful to health.

Art.4

(Concessional fund)

1. An annual subsidized fund may be established for small and medium-sized enterprises to be used for their adaptation to the directives of this law.

The methods of use and management of the subsidized fund and any non-repayable contribution to be paid to the requesting company will be defined by regent decree.

TITLE II

responsibilities and obligations

Art.5

(General protection principles)

1. The general principles of prevention of accidents and occupational diseases include the following aspects:

a) identify the dangers to the health and safety of workers, eliminate them if possible, reduce them as much as possible at the source taking into account technical progress, for example by replacing a dangerous substance with a non-dangerous one or at least reducing the quantities used;

b) evaluate the risks connected to the identified dangers, reducing them as much as possible based on technical progress and the organizational measures that can be adopted;

c) plan prevention, coherently integrating hygienic-technical aspects, organizational and management, such as, for example, the use of safety signs, correct maintenance (of environments, equipment, systems, safety systems) also taking into account the manufacturer's indications and the definition of procedures having the objective is maximum safety and healthiness;

d) promote collective and individual protection measures, giving priority to the former;

Andj limit the number of workers exposed to risk as much as possible;

f) adapting the work to the person, in particular with regard to the ergonomics of the workplace, the choice of equipment, methods, loads and work and production rhythms, also to mitigate monotonous or repetitive work;

g) subject workers to health surveillance based on specific risks, possibly removing them from them for health reasons relating to the person;

h) define the measures to be adopted in case of emergency;

i) inform and train workers on the risks associated with the company's activity in general and with each individual's specific job and on the appropriate procedures to be adopted to safely carry out the various phases of the work activity, promoting involvement and cooperation of all workers to maintain and improve safety levels.

2. Measures relating to safety, hygiene and health at work must under no circumstances entail financial burdens for workers.

Art.6

(Employer's obligations)

It is the employer's responsibility to ensure safety, health and moral character

1. of workers in all aspects related to work, according to the principles referred to in Article 5.

In exercising this responsibility, the employer may make use, pursuant to the provisions of article 10, of personnel and services, internal and external to the company, without this constituting exemption from its responsibilities.

Within the framework of these responsibilities, with regard to the safety and health of workers, the employer must provide for a constant evaluation of his company and/or work activity, in order to identify dangers, evaluate the risks corresponding to them, eliminate them or reduce them as much as possible based on consolidated technical progress in the production sector, implement the necessary organizational and prevention measures aimed at limiting risks in the event of an emergency, inform and adequately train workers. Special attention must be given to groups of workers exposed to particular risks.

2. Based on the assessment referred to in the first paragraph, the employer develops a document containing:

a) the assessment of risks to the safety and health of workers, with explicit indications the criteria adopted for the evaluation itself;

b) the measures to be adopted in relation to reducing the aforementioned risks and the implementation program for such measures.

3. In the event that risks of a major accident emerge from the assessment referred to in the first paragraph, the employer is required to notify the Civil Protection Service, providing the relevant technical and organizational information.

The employer is in any case obliged to transmit to the Civil Protection Service the information relating to the processes and substances used, according to the scheme reported in article 2 of Annex 1 to this law, if the company falls into the typology referred to in Article 1 of the same Annex

4. The employer appoints the Prevention and Protection Service - according to the methods set out in article 10, as well as appoints the occupational doctor referred to in article 17, in the cases provided for by law. The employer must inform the head of the Prevention and Protection Service and the occupational doctor in a complete and timely manner about the processes and dangers connected to the production activity.

5. To carry out the provisions of the first paragraph and the second paragraph, the employer avails itself of the collaboration of the manager of the Prevention and Protection Service and the occupational doctor, where required, and consults the workers' safety representative.

6. It is the employer's duty to make managers and supervisors aware of their responsibilities regarding safety and health in the workplace.

7. In addition to the obligations to report accidents at work and occupational diseases provided for by the Laws of 22 December 1955, n.42 and 11 February 1983, n. 15, the employer must communicate the accidents of its employees to the Environmental Health Service in the same way as provided for by the aforementioned laws;

The employer, in implementing the provisions of the previous paragraphs e

8. in article 5, in relation to the nature of the company's activity or production unit, must evaluate, in the choice of work equipment and the chemical substances or preparations used, as well as in the arrangement of the workplace, the risks for the safety and health of workers.

9. With one or more regent decrees to be issued within nine months of the entry into force of this law and in order to facilitate its application, specific sector guidelines for small businesses will be dictated. These provisions do not apply to companies falling within the scope of Annex 1, quarries and companies for the manufacture and separate storage of explosives, powders and ammunition.

10. The absence of the regent decrees provided for by this law does not exempt employers from the obligations envisaged.

Art.7

(Obligations of the employer, managers and supervisors)

Employer, managers and supervisors, within their respective duties and responsibilities,

1. implement the provisions established by the previous article 6, first paragraph and second paragraph, in compliance with the principles referred to in article 5.

2. In particular, the subjects referred to in the previous paragraph:

a) designate the workers responsible for implementing the emergency and ready procedures rescue;

b) update prevention and protection measures in relation to organizational and production changes and technological evolution;

c) when entrusting tasks to workers, they take into account their abilities in terms of safety and health;

d) provide workers with the appropriate means of protection, information and instructions relating to safety and health;

e) evaluate the risks to the safety and health of workers in relation to the nature of the company's activity or production unit in the choice of work equipment and substances, the chemical preparations used as well as in the arrangement of the workplace ;

f) take the necessary measures to ensure that access to areas presenting a serious and specific risk is possible only for authorized workers;

g) promptly inform workers of a serious and immediate danger and give the relevant instructions;

h) monitor workers' compliance with company laws, rules and regulations regarding health and safety, calling for compliance and activating disciplinary measures when necessary;

i) when workers from more than one company are present in the same workplace, employers, managers and supervisors of the different companies cooperate in the implementation of the provisions relating to safety, hygiene and health and, taking into account the nature of the activities, must coordinate risk protection and prevention methods, inform each other and their respective workers. In addition to the provisions of this law, the activity of temporary or mobile construction sites is regulated by a regency decree to be issued within six/nine months also taking into account the principles established by Directive 92/57/EEC (Construction Sites Directive);

l) keep a register of accidents reporting in it the information transmitted to the competent authorities referred to in Article 26 1st paragraph.

3. The subjects referred to in the first paragraph in case of assignment of work within the company, or of the production unit, contracting companies or self-employed workers must:

a) verify, also through the licence, the technical-professional suitability of contracting companies or self-employed workers in relation to the works to be entrusted under the contract or work contract;

b) provide the same subjects with detailed information on the specific risks existing in the environment in which they are intended to operate and on the prevention and emergency measures adopted in relation to their activity.

4. In the case referred to in the third paragraph, employers, managers and supervisors within the scope of their respective duties and responsibilities:

a) cooperate in the implementation of prevention and protection measures against workplace risks affecting the work activity covered by the contract;

b) coordinate protection and prevention interventions from the risks to which workers are exposed, informing each other also in order to eliminate risks due to interference between the work of the various companies involved in the execution of the overall work;

c) the obligation referred to in letter b) does not extend to the specific risks inherent to the activity of contracting companies or individual self-employed workers who are directly responsible for them.

Art.8

(Workers' obligations)

1. It is the responsibility of each worker to take care of their own safety and health, as well as those of other people who may be affected by the effects of their actions or omissions, in accordance with the information, training and means provided by the employer.

2. In particular, workers must:

a) observe the provisions and instructions given by the employer, managers and supervisors for the purposes of collective and individual prevention and protection;

b) use machinery, equipment, tools, dangerous substances, means of transport and other work equipment correctly, including safety devices;

c) not deactivate or tamper with safety devices, protection means, detection systems;

d) immediately report to the employer and/or those with a specific function in the field of prevention and protection any work situations that may constitute a serious and immediate danger to safety and health, as well as any defect in the protection systems;

e) undergo the health checks required for them;

f) contribute, together with the employer, managers and supervisors, to the fulfillment of all obligations established by other competent authorities or in any case necessary to protect the health and safety of workers at work.

Art.9

(Obligations of designers, manufacturers, suppliers and installers)

1. The designers of the places or workplaces and of the systems respect the general principles of prevention regarding safety and health when making design and technical choices and choose machines and protective devices that comply with the essential safety requirements provided for in current legislation.
2. The construction, sale, rental, concession of use and financial leasing of machines, work equipment and systems that do not comply with current legislation on safety and health at work are prohibited.
3. Installers and assemblers of systems, machines or other technical means must comply with the workplace safety and hygiene regulations, as well as the instructions provided by the respective manufacturers of the machinery and other technical means for the part within their competence.

TITLE III

the prevention and protection service

Art.10

(Prevention and Protection Service)

1. Without prejudice to the obligations referred to in articles 6 and 7, the employer organizes the Prevention and Protection Service made up of one or more people, to deal with prevention and protection activities from professional risks in the company, or in the production unit, as well as appointing the head of the Prevention and Protection Service, in possession of the aptitudes and skills appropriate to the specific situation, after consulting the workers' safety representative.
2. The workers referred to in the first paragraph cannot suffer prejudice due to their activities in relation to the Prevention and Protection Service and must have adequate time and means to carry out their tasks.
3. To integrate the prevention and protection action, the employer can make use of people external to the company in possession of the necessary professional skills, transferring to them the information and means necessary to carry out the assigned task.
4. The employer communicates to the Environmental Health Service, after consulting the workers' safety representative, the name of the person designated as responsible for the Prevention and Protection Service, accompanied by a CV certifying a degree, technical diploma or proven experience in the field of prevention and protection.

Art.11

(Assumption of responsibility for the Prevention and Protection Service

by the employer)

The employer can act as manager of the Prevention Service and 1. Protection, carrying out the procedure referred to in the fourth paragraph of article 10.

2. The employer who makes use of the option referred to in the first paragraph must attend a specific training course on safety and health at work, attaching the certificate of attendance to the communication referred to in the fourth paragraph of article 10.

The Secretariat of State for Health and Social Security making use of the Hygiene Service 3. Environmental, also having consulted the trade union organizations of workers and employers, defines by regent decree the minimum contents of the training courses referred to in the second paragraph, for the different sectors of activity. The Environmental Health Service, employers' associations and public training institutions organize these courses and issue the certificate.

Employers of large enterprises and 4. those falling under Annex 1 are excluded from the application of this article.

Art.12

(Tasks of the Prevention and Protection Service)

The Prevention and Protection Service is the employer's tool in the exercise of 1. its responsibilities regarding the safety and health of workers.

The employer provides the Prevention and Protection Service with the information and means necessary to carry out its functions.

2. On the basis of the information and means provided by the employer, the Service Prevention and Protection provides, among other things:

- a) the identification of dangers;
- b) risk analysis;
- c) the definition of security measures;
- d) the development of safety procedures for the various company activities;
- e) the identification of information and training contents for workers;
- f) informing workers referred to in article 16;
- g) to participate in the consultations referred to in Article 15.

3. The members of the Prevention and Protection Service and the workers' representatives for the safety are obliged to maintain secrecy regarding the work processes of which they become aware in the exercise of the functions referred to in this law.

TITLE IV

worker participation

Art.13

(Generality)

1. The employer, managers and supervisors must encourage maximum worker participation in order to achieve the best working conditions with regards to safety and health. To this end, workers must be consulted on issues relating to safety and health, they must be listened to regarding any proposals, suggestions and requests, they must be the subject of appropriate information and training.

Art.14

(Consultation and participation)

1. The workers elect or designate directly from among themselves a safety representative.

The number of representatives is increased to two for companies with more than 150 employees.

In the case of companies with multiple separate production units, the workers of each production unit are given the right to proceed with the election or designation of their own safety representative.

In companies that employ fewer than 10 employees, the safety representative can be identified for multiple companies within the production sector according to the methods to be defined between the workers' union representatives and the employers' associations.

2. The safety representative:

a) is consulted on all issues relating to the health and safety of workers and in particular regarding risk assessment, established programmes, information and training of workers, the choice of members of the Prevention and Protection Service, the teams emergency and first aid;

b) has access to the workplace and to the documentation referred to in article 6, second paragraph and to all documentation relating to safety and health, with the exception of the health records of individual workers;

c) receives information from the Environmental Health Service and other supervisory authorities and can make observations during their visits. In the absence of the workers' representative for safety in a workplace, the supervisory bodies must communicate the results of the checks to the trade unions;

d) receives adequate training, according to the guidelines, regarding the contents and duration of this training, defined by a specific regent's decree, also after consulting the Unions;

e) promotes the improvement process by contributing to the identification of problems and their solution, encouraging worker participation;

f) participates in the periodic meeting referred to in article 15, first paragraph;

g) may appeal to the competent authorities if he believes that the risk prevention and protection measures adopted by the employer and the means used to implement them are not suitable for guaranteeing safety and health at work.

3. The safety representative cannot suffer any prejudice due to the performance of his activities and the means of protection provided for trade union delegates and representatives apply to him.

4. The safety representative carries out his duties within working hours, according to the methods agreed between the employers' associations and the workers' associations

Art.15

(Periodic meeting)

In the case of production units with more than 10 employees, the employer indicates at least one
1. once a year, a meeting with the head of the Prevention and Protection Service, the representative or representatives of the workers referred to in article 14, the occupational doctor and the employer himself or his representative to:

a) examine the documentation referred to in article 6, second paragraph;

b) verify the status of implementation of the programs, including information and training.

2. The meeting may be of an extraordinary nature on the occasion of important changes in the situation and at the justified request of the workers' representative.

3. The meeting is held during working hours.

4. In companies that employ up to 10 employees, the workers' safety representative can request, giving reasons, the convening of the periodic meeting. Any refusal by the employer must be adequately motivated.

5. The employer, also through the Prevention and Protection Service, provides for drafting of the minutes of the meeting which is kept available for consultation by the participants and by the supervisory bodies during their checks.

Art.16

(Information and training of workers)

1. The employer has the obligation to ensure that workers receive information regarding:
 - a) safety and health risks, as well as protection and prevention measures and activities concerning the company in general;
 - b) the Prevention and Protection Service; the occupational doctor; the emergency and first aid plan.

2. The employer also makes use of the managers and supervisors, within their respective roles duties and responsibilities, has the obligation to ensure that each worker receives sufficient and adequate training on health and safety specifically focused on their workplace and their duties, on the occasion of:
 - a) hiring;
 - b) transfer or change of function;
 - c) introduction or change of equipment, systems, work methods.

Where necessary, this training must be repeated.

3. Workers with particular safety tasks must have specific training for these tasks.

4. Information and training of workers is carried out during working hours.

The guidelines relating to information and training, containing the minimum necessary requirements, are contained in a regent decree prepared by the Secretariat of State for Health and Social Security making use of the Environmental Health Service, having also consulted the recognized workers' and employers' associations.

TITLE V

health surveillance

Art.17

(Contents of occupational health and medical surveillance)

Health surveillance is carried out by the occupational doctor in the cases provided for by specific provisions

1. regency decrees.

2. Specific regency decree to be issued within 2 months of the entry into force of this document law, establishes the necessary requirements for the qualification of occupational doctor and the establishment of a specific public list. The Environmental Health Service maintains an updated list of doctors qualified for this function.

3. The occupational doctor in the cases referred to in the first paragraph:

a) collaborates with the employer and with the Prevention and Protection Service, making contributions and observations to the documentation referred to in article 6, second paragraph;

b) carries out health checks including:

- checks to be carried out before the establishment of the employment relationship aimed at ascertaining the absence of contraindications to the work to which the workers are destined and following any significant change in the work carried out for the purposes of evaluating their suitability for the specific job;

- periodic checks to check the health status of workers and express a judgment of suitability for the specific job.

These investigations include clinical and biological tests and diagnostic investigations aimed at the risk deemed necessary by the occupational doctor;

c) expresses judgments of suitability for the specific job.

If the occupational doctor expresses an opinion on the partial or total, temporary or permanent unfitness of the worker, he informs the employer and the worker in writing. In the same way, it communicates the judgment to the Environmental Health Service to verify compliance with the judgment itself, also communicating it to the GP.

An appeal against the judgment is permitted, within thirty days from the date of communication of the judgment itself, to the Environmental Health Service which, after any further checks, arranges for the confirmation, modification or revocation of the judgment itself.

Informs each worker concerned of the results of the health checks and, upon request, issues them a copy of the health documentation;

the occupational doctor may avail himself, for justified reasons, of the collaboration of specialist doctors, chosen by the employer who bears the costs;

d) establishes and updates under his own responsibility a health record to be kept by the employer with protection of professional secrecy;

e) collaborates in the preparation of the first aid service;

f) communicates to the Environmental Health Service any illnesses attributable to work activity;

g) visits the work environments at least once a year together with the head of the Prevention and Protection Service. If you deem it appropriate, you can ask the Environmental Health Service, justifying your request, to vary the maximum frequency of the visit;

4. Without prejudice to the incompatibilities provided for by the Organic Law, the employee of a public structure cannot carry out the activity of occupational doctor if he carries out supervisory activities.

first aid, fire fighting, emergency management

Art.18

(Employer's responsibility)

1. In accordance with the provisions contained in Title II, the employer:
 - a) adopts the necessary measures regarding first aid, fire fighting and evacuation of workers, in proportion to the nature of the activities and the size of the company or establishment, taking into account the possible presence of external people. In doing this, the employer defines and organizes the necessary relationships with external health services and with the Civil Protection Service;
 - b) designates, in accordance with the first paragraph and taking into account the size and characteristics of its situation, the workers responsible for applying first aid, fire fighting and evacuation measures, providing them with adequate training.
2. Workers cannot, except for justified reasons, refuse the designation.

Art.19

(Other responsibilities)

The employer, managers and supervisors, within the scope of their respective responsibilities and responsibilities, are required to:

- a) inform as soon as possible all workers who are or may be exposed to a serious and immediate danger, about the danger itself and the provisions taken or to be taken regarding prevention and protection;
 - b) ensure that workers can, in the event of serious and immediate and unavoidable danger, cease their activity and seek safety by leaving the workplace;
 - c) refrain, save for duly justified exceptions, from requiring workers to resume their activity in a situation in which a serious and immediate danger persists.
2. A worker:
 - a) who leaves the workplace in the event of serious and immediate danger which cannot be avoided, cannot suffer any harm and must be protected from any harmful consequences;
 - b) in the event of serious and immediate danger to his safety and/or that of other people, in the impossibility of contacting his superior and taking into account his knowledge and technical means, takes adequate measures to avoid the consequences of such danger; his

action does not entail any prejudice to him, unless he has acted recklessly or has committed gross negligence.

With a regent's decree to be adopted within 12 months of the entry into force of this 3rd law, explanatory criteria are established regarding the organization of emergencies and emergency services, aimed in particular at small and medium-sized enterprises.

TITLE VII

functions of public administration

Art.20

(Supervision)

1. The Environmental Health Service and, to the extent of its competence, the Civil Protection Service carry out supervisory activities on the application of legislation on safety and health in the workplace and regarding major accidents.

Art.21

(Right of access)

Environmental Hygiene Service operators have the right to access the workplaces therein

1. including the premises where home work is carried out, and for the exercise of the tasks and functions assigned to them, they also make use of the Police Force.

2. The data acquired or communicated pursuant to the previous paragraph as well as in the performance of any activity connected with the application of this law are covered by official secrecy, to guarantee industrial secrecy.

3. The operators are equipped with a special identification card, issued by the Head of the Staff, which they are required to show when accessing the workplace.

Art.22

(Prescription and verification of compliance)

In the event of non-compliance with the legal regulations regarding hygiene and safety at work, the Environmental Health Service issues instructions aimed at adopting particular measures regarding accident prevention and workplace hygiene to protect the physical integrity and health of workers. workers as well as the protection of the territory, the population and the external environment from possible accidents resulting from industrial activities.

2. The requirements must be included in a specific report signed by the official who compiles it, by the employer or by the person representing him at the time of the visit and to whom a copy is delivered which must be kept in the workplace and exhibited, upon request, in subsequent inspection visits. The interested party has the right to have the declarations inserted which he deems convenient in his interest. In case of refusal to sign the report, the operator in charge of the supervisory activity mentions it, indicating the reasons and automatically transmits the report.
3. The Environmental Health Service sends the report to the Judicial Authority within 10 days with registered mail.
4. The operators responsible for supervisory activities must determine and record:
 - a) the nature of the fact with its circumstances and especially those of time and place;
 - b) the rules that have been violated and all the elements necessary for the judgment.
5. The report sets a deadline for regularization not exceeding the technically necessary period of time. This deadline can be extended by the Environmental Health Service at the request of the non-compliant party due to the particular complexity and objective difficulty of compliance. In no case can it exceed six months. However, when specific circumstances not attributable to the non-compliant party cause a delay in regularisation, the six-month deadline may be extended only once, at the request of the non-compliant party, for a period not exceeding a further six months with a reasoned provision.
6. No later than 60 days after the expiry of the deadline set in the statute of limitations, the supervisory body must verify whether the violation has been eliminated according to the methods and within the terms indicated in the statute of limitations.
7. When a criminal offense is not connected to the crime of injury following an accident on the work and there is exact observance of the provisions within the deadline established by the Environmental Health Service for the execution, the judge applies, in place of the statutory penalty, the penalty of a daily fine from the first to the third degree and admits, upon request, the extinction of the crime through the voluntary oblation referred to in article 69 of the Penal Code.
8. In the case envisaged in the previous paragraph, the Environmental Health Service must send the judicial authority the report and the report of the new inspection referred to in this article.

Art.23

(Power of disposal)

1. The Environmental Health Service, in implementation of the provisions of this law, when there is a proven urgency to intervene to protect the health and physical integrity of workers, issues immediately enforceable technical provisions.

Art.24

(Appeals)

1. An appeal against the provisions of the Environmental Health Service is permitted pursuant to Law no. 68 of 28 June 1989.

Art.25

(Information, assistance and incompatibilities)

1. The Environmental Health Service and the Civil Protection Service, in agreement with the Secretariat of State for Health and Social Security, the Secretariat of State for Labor and the other competent Secretariats of State carry out information and guidance activities on safety matters And health in the workplace and in relation to major accidents, in particular in relation to:

- a) artisan businesses and small and medium-sized businesses;
- b) employers' associations;
- c) workers' associations.

The information and guidance activity, if it is aimed at a specific company, cannot be considered as consultancy for the execution of what is defined in article 6, second and third paragraphs, article 12 and article 16.

2. Any person who carries out control and supervisory activities is prohibited from providing consultancy activities.

Art.26

(Statistics of accidents and occupational diseases)

1. The Environmental Health Service receives notification of worker accidents from the Economic Services Office of the Institute for Social Security and from the Civil Police Unit at the Emergency Department of the State Hospital, according to the methods established by the laws in force.
2. The criteria for collecting and processing information relating to risks and resulting damages from an accident at work are identified by the CEN and UNI standards of the sector.
3. The criteria for collecting and processing information relating to risks and resulting damages from professional diseases, or in general from pathological forms connected to work, are defined by a specific regent's decree.
4. The Environmental Health Service prepares and publishes annually, in the Health Report, a report on the state of health and safety at work in the Republic of San Marino.

The Secretariat of State for Health and Social Security, having consulted the Secretariat of State for the 5th. Work, calls a conference with employers' and workers' associations to debate the themes and data contained in the reports referred to in the fourth paragraph. This conference will take place at least every three years.

sectoral provisions

Art.27

(Work environment)

1. Work environments must be designed, built and maintained in ways that guarantee the health and safety of workers and the population.

2. To this end, during the design, construction, maintenance and cleaning phases of work environments, the physical, chemical, biological and psychophysical risk factors referred to in this title must be removed or contained as much as possible.

3. The employer provides guarantees in each workplace, in relation to the specificities of production cycles:

- adequate protection against atmospheric agents;

 - adequate condition of the flooring for protection against falls and slips;

- adequate condition of the floors, walls and ceilings in order to maintain hygienic conditions by cleaning them;

- adequate number, layout and functionality of toilets;

- adequate state of functionality and diffusion of emergency healthcare facilities;

- facilitated and safe access;

- adequate emergency routes and exits to ensure rapid and safe evacuation of all workplaces by workers;

- adequate workstations with regards to the shape of the seats, the visibility and layout of the controls, the usability of the equipment and the microclimatic conditions;

- adequate lighting and natural ventilation of all workplaces except for exceptions imposed by particular types of work;

- circulation routes, including stairs, fixed ladders, docks and loading ramps, which can be used easily and safely;

- changing rooms suitable for capacity and hygienic conditions when workers must wear specific work clothes and for health or decency reasons they cannot be asked to change in other rooms;

- safety conditions during assembly, disassembly and maintenance of machinery.

4. The reference parameters referred to in the previous paragraphs are defined by one or more regent decrees.

5. Such decrees may also provide for the implementation of the provisions of this article through prescriptions.

Art.28

(Physical factors)

The employer ensures that the presence of physical pollutants in the work environments

1. is maintained within the maximum limits of acceptability established by specific regent decrees.
2. In particular, in any case, the limits of acceptability must be respected concerns:
 - noise (including infrasound and ultrasound);
 - vibrations;
 - ionizing radiation (x-rays, radioactive substances, high frequency magnetic fields);
 - non-ionizing radiation (ultraviolet, infrared, light, laser, high frequency magnetic fields);
 - temperatures, humidity, speed and air flow.
3. The rules aimed at protecting workers against risks to hearing, health and safety deriving from exposure to noise at work, also taking into account the principles established by Directive 86/188/EEC, are established by regent decree no later than 2 months from the entry into force of this law.
4. The employer ensures that workers receive adequate information and training for all activities that may involve exposure to the aforementioned physical pollutants.
5. Access to work environments polluted by physical factors is permitted only to restore safety conditions and after adopting the individual and collective protective systems required by current provisions.

Art.29

(Chemical factors)

1. The employer ensures that the presence of chemical pollutants in the workplace is as limited as possible and in any case does not exceed the maximum limits set out in a specific regulatory decree.

2. The employer ensures that, in the production and use of dangerous chemical substances and preparations, the risks associated with their use are avoided or limited as much as possible through the adoption of suitable technical, organizational or management measures.
3. In particular, the employer ensures:
 - a) take specific protection measures for operations involving a high risk of explosion, fire and spread of toxic substances into the environment;
 - b) replace, when technically possible, dangerous substances and preparations with others less dangerous for workers and the environment;
 - c) use closed cycles and technological processes that exclude or reduce to the minimum possible the exposure of workers and the population in general;
 - d) adopt abatement and collection systems such as to allow the containment of chemical pollutants within the admissibility limits referred to in the first paragraph;
 - e) take measures and precautions to avoid the combination of different chemical substances likely to produce uncontrollable reactions or dangerous preparations.
4. The person responsible for placing a product classified as dangerous on the market pursuant to Directive 91/155/EEC on the matter must provide the user, at the latest at the time of first purchase, with a safety data sheet compliant with the provisions of the aforementioned directive and containing significant information regarding safety and the protection of health and the environment. These forms must be drawn up in Italian.
5. The employer ensures that each worker receives adequate information on the dangers associated with the use of dangerous substances and preparations on the basis of the safety data sheets required by current legislation and good practice standards.
6. Access to work environments polluted by chemical factors is permitted only for restoration safety conditions and following the adoption of adequate collective and individual protective systems.

Art.30

(Biological factors)

The employer ensures that workers are exposed to biological pollutants

1. eliminated or at least kept within maximum limits of acceptability.
2. The rules for the protection of workers from exposure to biological pollutants are dictated by specific regional decrees, also taking into account Directive 90/679/EEC.

Art.31

(Psychophysical factors)

1. The employer ensures that the presence of psychophysical risks deriving from:

- excessive physical fatigue;
- overload of information, reports or tasks such as to cause a state of psychological stress.

2. The rules relating to activities involving manual handling of loads, also taking into account the principles established by Directive 90/269/EEC, are contained in specific decrees of the competent authority.

3. The employer ensures that workers receive adequate information and training for activities that involve manual handling of loads, with the risks, among other things, of back-lumbar injuries for workers during work.

Art.32

(Other factors)

1. The employer ensures that the presence of other risk factors, in addition to those listed in the previous articles, is limited or in any case reduced within acceptable limits in the work environments, with particular reference to:

a) hyperbaric or hypobaric conditions;

b) adequate daytime, night-time and emergency lighting in work environments, transit routes and emergency routes and exits;

c) adequate reporting and information on the use of machines and systems;

d) reliability of safety devices and protection means;

e) effectiveness or efficiency of the electrical, hydraulic and pneumatic circuits such as to guarantee reliability or safety in the event of failure.

2. The technical references relating to the factors referred to in the previous paragraph are defined with one or more decrees of the competent authority. These decrees may also provide for the implementation of the provisions of this article through provisions for matters for which uniform parameters cannot be defined.

Art.33

(Personal means of protection)

The employer provides workers with adequate personal protection means and maintains them

1. efficiently and ensures hygienic conditions through maintenance, repairs and necessary replacements.

2. Personal means of protection must be used when risks cannot be avoided or sufficiently reduced by technical means of collective protection or by work organization measures, methods and procedures. These means cannot constitute permanent measures replacing technical or environmental ones.

3. The workers, also through the safety representative, are informed of all the measures to be adopted regarding safety and health in the case of use of personal protective equipment in the workplace.
4. The personal protective equipment used must comply with the relevant provisions Community regulations concerning design and construction in terms of safety and health.
5. With a specific regent decree also taking into account the principles established by the Directive 89/656/EEC personal means of protection are regulated.

Art.34

(Safety signs)

1. Whenever and to the extent that risks cannot be avoided or sufficiently reduced with technical means of collective protection or with measures, methods or systems of work organisation, the employer uses safety and/or health signs on workplaces compliant with the provisions of Directive 92/58/EEC.
2. The employer ensures that the safety representative and the workers receive adequate information and training, in particular in the form of precise instructions, regarding the meaning of the safety and/or health signs used in the workplace.
3. Further requirements for signage are established with a specific regent's decree safety and health in the workplace for all sectors of public or private activity referred to in Article 2 of this law.

TITLE IX

sanctions

Art.35

(Sanctions applicable to the employer)

1. An employer who:

does not process the document referred to in Article 6, second paragraph, within the prescribed time limits

- a) concerning the assessment of risks to the safety and health of workers, the identification of prescription measures and the related implementation program;

An employer who:

- b) fails to update prevention and protection measures in relation to organizational and production changes and technological evolution;

- c) does not prepare the measures to be adopted in case of emergency and danger;

d) does not make personal means of protection available to workers;

e) does not designate the person in charge of the Prevention and Protection Service, the occupational doctor and the workers responsible for implementing the emergency and first aid procedures;

f) does not provide the information and training referred to in article 6, sixth paragraph and article 16;

g) fails to provide the communication referred to in article 6, third paragraph, to the Civil Protection Service.

2. It is also punished with a fine of at least £1,500,000 (one million five hundred thousand) or with the second degree daily fine for the employer who violates article 11, second paragraph.

3. The employer of work that violates the provisions of article 15, first and second paragraphs.

4. The duties referred to in this article with the exception of letters c), d) and f) cannot be delegated to third parties.

Art.36

(Sanctions applicable to the employer, managers and supervisors)

They are punished with a fine of at least £1,500,000 (one million five hundred thousand) or with
1. second degree daily fine, within the scope of their respective duties, employers, managers and supervisors who:

a) fail to ensure that workers wear personal protective equipment;

b) do not limit access to dangerous areas to trained workers only;

c) require workers to carry out activities in situations of serious and immediate danger;

d) do not inform workers of a serious and immediate danger and do not give the consequent instructions;

e) do not carry out the obligations referred to in Article 7, third and fourth paragraphs;

f) unless the fact constitutes a more serious crime, they refuse or in any case do not allow Environmental Hygiene Service operators access to carry out the functions and tasks assigned to them.

2. They are punished with a fine of at least £1,500,000 (one million five hundred thousand) or with second degree daily fines to managers and supervisors who do not provide workers with the training referred to in article 16, second paragraph.

Employers, managers and supervisors who do not keep accident records are also punished with an administrative fine of L.1,000,000 (one million).

Art.37

(Sanctions applicable to workers)

Workers who do not comply with the obligations referred to in article 8 paragraph according to letters a), b), c) are punished with a maximum fine of £2,000,000 (two million) or a daily fine of 1st degree.) d) and e).

Art.38

(Sanctions)

Anyone who violates the provisions of article 9 is punished with third degree arrest or with a fine of a minimum of £2,000,000 1. (two million).

Art.39

(Sanctions applicable to the occupational doctor)

1. The occupational doctor is punished:
 - a) with a fine of a minimum of £1,500,000 (one million five hundred thousand) or with second degree arrest for the violation of article 17, third paragraph, letters b) and c);
 - b) with a fine of at least £1,500,000 (one million five hundred thousand) or with a second degree daily fine for the violation of article 17, paragraph three, letter f);
 - c) with an administrative fine ranging from £3,000,000 (three million) to £5,000,000 (five million) for the violation of article 17, paragraph three, letters d) and g).

Art.40

(Sanctions for failure to comply with the provisions issued by the control bodies)

1. The employer who without justified reason does not implement the provisions and provisions governed by articles 22 and 23 is punished with a fine of lira or second degree arrest. In case of repeat offenses or particularly serious facts, first degree disqualification from the profession, art, industry, trade or profession also applies.
2. The legal person assumes the role of civil liability for the execution of the pecuniary penalty and the fulfillment of the obligation referred to in articles 140 and 146 of the Penal Code when criminal proceedings are carried out against its legal representative.

The conditional suspension of the sentence is ordered if the conditions established 3. by article 62 of the Penal Code are met.

4. In the same case and provided that the infringement is particularly minor pursuant to the articles 88-89-90 of the Penal Code, the Judge can only apply the penalty of a third degree daily fine and admit the obligation pursuant to article 69 of the same code.

Art.41

(Sanctions for violations of the provisions contained in the regent decrees issued pursuant to Title VIII)

1. Unless the fact constitutes a crime, anyone who violates the provisions contained in the regency decrees issued pursuant to Title VIII of this law is punished with an administrative fine of between 3,000,000 (three million) and 5,000,000 (five million) lire.

TITLE X

amendments to the sanctioning system provided for by the laws of 2 July 1969, n.40 and 2 July 1969, n.41

Art.42

1. Article 146 of Law 2 July 1969 n.40 is replaced by the following:

"Art.146

Sanctions applicable to employers and managers

Employers and managers are punished:

- a) with a minimum fine of £2,500,000 (two million five hundred thousand) or first degree imprisonment for failure to comply with articles 3 and 128;
- b) with a fine of at least £1,500,000 (one million five hundred thousand) or imprisonment or a second degree daily fine for failure to comply with articles 9, 15, 23, 29, 31, 39, 40, 41, 46, 47, 55, 58, 59, 60, 64, 66, 67, 68, 69, 73, 76, 81, 119, 121, 124, 125, 126 and 127;
- c) with arrest or a second degree daily fine for the violation of article 34, first paragraph;
- d) with an administrative pecuniary sanction ranging from 3,000,000 (three million) to 5,000,000 (five million) lire for failure to comply with the other provisions of this law.

In the cases envisaged in letters a) and b), in the event of repeat offenses or particularly serious facts, first degree disqualification from practicing arts and professions or the forfeiture of any authorization or administrative license and the rights deriving from them also applies. arising".

Art.43

1. Article 148 of Law 2 July 1969 n.40 is replaced by the following:

"Art.148

Sanctions applicable to those in charge

The perpetrators are punished:

- a) with second degree arrest or daily fine for the violation of article 34, second and third paragraphs;
- b) with an administrative pecuniary sanction ranging from 1,000,000 (one million) to 3,000,000 (three million) lire for failure to comply with article 3, letter c).".

Art.44

1. Article 149 of Law 2 July 1969 n.40 is replaced by the following:

"Art.149

Sanctions applicable to workers

Workers are punished:

- a) with a maximum fine of £2,000,000 (two million) lire or a first degree daily fine for violation of the provisions of article 5, letter b), d) and e);
- b) with an administrative pecuniary sanction ranging from 200,000 (two hundred thousand) to 2,000,000 (two million) lire for failure to comply with the other provisions of this law.".

Art.45

1. Article 74 of Law 2 July 1969, n.41 is replaced by the following:

"Art.74

Sanctions applicable to employers and managers

Employers and managers are punished:

- a) with a fine of at least £2,000,000 (two million) or arrest or a second degree daily fine for the violation of articles 10, 13, 15, 22 first paragraph, 25 first paragraph, 27 fourth paragraph, 38, 46 second paragraph, 53 first paragraph, 54 first and second paragraph, and 64 first and second paragraph. In the event of repeat offenses or particularly serious facts, first degree disqualification from practicing arts or professions or the forfeiture of any authorization or administrative license and the rights deriving from them also applies;
- b) with an administrative fine ranging from 3,000,000 (three million) to 5,000,000 (five million) lire for failure to comply with all other regulations.".

Art.46

1. Article 75 of Law 2 July 1969, n.41 is replaced by the following:

"Art.75

Sanctions applicable to those in charge

The perpetrators are punished:

a) with arrest or a second degree daily fine for failure to comply with the rules referred to in articles 13, 33 last paragraph, 34 first and second paragraph, as well as for not having exercised, pursuant to article 2, due supervision of workers for their compliance with the rules indicated in letter a) of the following article. In more serious cases, a fine per lira is applied;

b) with an administrative pecuniary sanction ranging from 200,000 (two hundred thousand) lire to 2,000,000 (two million) lire for failure to comply with the rules referred to in articles 10, third and fifth paragraphs, 15, 36, second and fifth paragraphs, 43, 45, 49 third and last paragraph, 50 first, second and last paragraph, 51, 70 second and third paragraph, as well as for not having exercised, pursuant to article 2, due supervision over workers for their compliance with the rules indicated in letter b) of the following article."

Art.47

1. Article 76 of Law 2 July 1969, n.41 is replaced by the following:

"Art.76

Sanctions applicable to workers

Workers are punished:

a) with arrest or a second-degree daily fine for non-compliance with the rules referred to in article 44. In more serious cases, a lira fine is applied;

b) with the administrative pecuniary sanction from 200,000 (two hundred thousand) lire to 2,000,000 (two million) lire for failure to comply with the rules referred to in article 8 first paragraph, 16, 35 second and third paragraph, 51 fourth paragraph, 54 fifth paragraph, 57 last paragraph, 59 first paragraph, 70 third paragraph".

TITLE XI

final provisions

Art.48

(Implementation times)

The provisions of article 6, second, third and fourth paragraphs, article 10 paragraph 1. fourth, article 18, first and second paragraphs, will come into force:

a) within 12 months of the entry into force of this law for large companies and for companies at risk of a major accident;

b) within 18 months of the entry into force of this law for all others.

2. The provisions of Article 16, first paragraph, must be observed first once within one month of the deadlines referred to in the first paragraph of this article.

3. The provisions of article 16, second and third paragraphs, must be observed by 6 months from the deadlines referred to in the first paragraph of this article.

Art.49

(Repeals)

1. Articles 6 and 147 of Law no. 40 of 2 July 1969, Law no. 40 of 17 March 1987 and article 11 paragraphs 1,2,3,4 of Law no. 53 of 30 March 1993 are expressly repealed. Regental Decrees no. are expressly repealed from the date of entry into force of the Regency Decrees which will regulate the same matter. 122, 123, 124 and 125 of 1991.

2. All regulations in conflict with this law are also repealed.

Art.50

(Entry into force)

1. This law comes into force on the fifteenth day following its legal publication.

Given from Our Residence, 19 February 1998/1697 dFR

THE CAPTAINS REGENTS

Luigi Mazza - Marino Zanotti

THE SECRETARY OF STATE

FOR INTERNAL AFFAIRS

Activities involving risks of major accident

Article 1

(Membership criteria)

For the purposes of the provisions of the art. 6 third paragraph, the employer is required to 1. transmit to the Civil Protection Service the information referred to in the form reported in the art. 2 of this Annex if the following substances and preparations can be stored at any time in your establishment in quantities greater than those indicated in the second paragraph and the third paragraph of this article.

2. For the substances (or group of substances) listed in this paragraph and also included in the third paragraph, the quantities indicated below apply:

	Substances or groups of substances	Amount (Tons)
	1. Acrylonitril	20
	2. Ammonia	50

3. Chlorine	10
4. Sulfur dioxide	25
5. Ammonium nitrate (1)	350
6. Ammonium nitrate in the form of fertilizer (2)	1,250
7. Sodium chlorate	25
8. Oxygen (liquid)	200
9. Sulfur trioxide	15
10. Carbonyl chloride (phosgene)	0.750
11. Hydrogen sulfide	5
12. Hydrofluoric acid	5
13. Hydrogen cyanide	5
14. Carbon disulphide	20
15. Bromine	50
16. Acetylene	5
17. Hydrogen	5
18. Ethylene oxide	5
19. Propylene oxide	5
20. 2 Propenai (Acrolein)	20
21. Formaldehyde (conc. >90%)	5
22. Monobromomethane (methyl bromide)	20

23. Methyl isocyanate		0.150
24. Tetraethyl lead or tetramethyl lead		5
25. 1,2-Dibromoethane (ethylene bromide)		5
26. Hydrochloric acid (liquefied gas)		25
27. Diphenylmethane diisocyanate (MDI)		20
28. Toluene diisocyanate (TDI)		10

(1) Includes both ammonium nitrate and ammonium nitrate mixtures, in which the nitrogen content derived from ammonium nitrate is greater than 28% by weight, and aqueous solutions of ammonium nitrate in which the concentration of ammonium nitrate is greater than 90% by weight.

(2) It applies to simple ammonium nitrate fertilizers that comply with EC Directive No. 89/877 and to compound fertilizers in which the nitrogen content derived from ammonium nitrate is greater than 28% by weight (a compound fertilizer contains ammonium nitrates together with phosphates and/or potash)

3. For substances (or group of substances) not included in the previous paragraph, as well as the following table applies to the preparations. The quantities of substances and preparations (1) of the same category are cumulative. If several categories are grouped under the same number, the quantities of all substances and preparations of the specified categories must be added.

	Categories of substances and preparations (2)	Amount (tons)
1.	Substances and preparations which are classified as "very toxic"	5
2.	Substances and preparations which are classified as "toxic" (3), "oxidizing" or "explosive"	10
3.	Gaseous substances and preparations, including those given below in liquid form, which are gaseous at normal pressure and which are classified as "highly flammable" (4)	50
4.	Substances and preparations (excluding gaseous substances and preparations of	5,000

	referred to in n. 3) which are classified as "easily flammable" or "extremely flammable" (5)	
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(1) Preparations mean mixtures or solutions composed of two or more substances (Directives CE 89/178; CE 91/155; CE 91/442)

(2) The categories of substances and preparations are defined in Directives EC 88/379 and EC 90/517

(3) Unless the substances or preparations are in a state that gives them properties that give rise to risks of major accidents.

(4) This heading includes substances which, in the gaseous state at normal pressure and mixed with air, become flammable and whose boiling point is 20 °C or less at normal pressure.

(5) This heading includes liquids having a flash point below 21 °C and a boiling point, at normal pressure, above 20 °C.

Art.2

(Information sheets on major accident risks)

1. The minimum information to be transmitted to the Civil Protection service in compliance with this law relates to:

- type of production process;
- dangerous substances present and relative quantities;
- possible risks for workers, the population and the environment;
- safety measures and rules of conduct adopted to prevent and mitigate accidents.

2. The Secretariat of State for Health and Social Security, upon proposal of the Hygiene Service Environmental and Civil Protection Service, through a specific regent decree, defines specific guidelines for the fulfillment of the obligations relating to this article.