

**PHARE 2004
STANDARD SUMMARY PROJECT FICHE**

1. Basic Information

1.1. **Desiree Number:** 2004/016-772.03.08

1.2. **Title:** Implementation of the harmonized legislation on occupational safety and health in the small and medium-sized enterprises.

1.3. **Sector:** Safety and health at work

1.4. **Location:** Romania, Labour Inspection and 6 pilot centers focused on the risk groups identified by the labour inspectors

2. Objectives

2.1. Overall Objective

The overall objective of the project is to raise awareness of employers and employees in small and medium-sized enterprises (SMEs) as regards the importance of the observance of the minimum requirements provided by the EU Directives that were transposed into the Romanian legislation, ensuring that by the date of the accession (2007) the *acquis communautaire* in the field of occupational safety and health could be implemented at the enterprises level.

Thus employers and employees in small and medium-sized enterprises will play an active role in the prevention of the occupational accidents and diseases.

2.2. Project Purpose

The project purpose is to make the employers and employees raise awareness and to train them on the obligation to observe the Romanian legislation transposing the EU Directives in the field of the occupational safety and health and its implementation in 6 small and medium-sized enterprises in order to achieve a healthy and safe environment for all employees.

The 6 SMEs will thus become “model centers of good practices in the field of occupational safety and health” and therefore good examples for other employers, as they already have a trained personnel.

2.3. Accession Partnership (AP) and NPAA priority

In the Accession Partnership for 2003, chapter “Social Policies and Employment”, it is mentioned as a priority “the continual harmonization of the legislation with the community *acquis* in the field of occupational safety and health and strengthening of the administrative capacity of the structures responsible for implementation, especially of the Labour Inspection”.

The same objectives are considered short and medium-term priorities in the National Plan for Romania's accession to the European Union, in the Road Map for Romania as of December 2002, as well as in the Regular Report 2003.

2.4. Contribution to National Development Plan (and/or Structural Funds Development Plan/SDP)
Not Applicable

2.5. Cross Border Impact
Not Applicable

3. Description

3.1. Background and justification

The Romanian economy, by tradition has been dominated up to 1990 by the big sized enterprises where a certain culture in the field of occupational safety and health existed.

After 1990, the transition from a centralized economy to a democratic market economy triggered, naturally, the establishment of an increasing number of small and medium-sized enterprises whose managers (employers) very often lack adequate culture or experience in the field of occupational health and safety. As a result, their employees, especially those ones who are recruited for a limited period of time or on a part-time basis are not aware or know very little of the risks present in the work environment.

Having in view that the number of the existing small and medium-sized enterprises currently represents about 97.1% of the total amount of the registered enterprises, their increasing number on the market, their specific health and safety problems and the relatively small number of labour inspectors, make this sector a daunting source of occupational accidents and diseases.

The Labour Inspection' statistics on accident at work show that in 2001, 50% of all fatal accidents occurred in SMEs. This percentage rose to 55% in 2002, and reached 58% after the first 9 months of 2003.

The Labour Inspection and the Public Health Inspectorates are currently the main institutions responsible for monitoring the implementation of occupational health and safety regulations, according to the Law 90/1996 on the Labour Protection, the General Norms of Labour Protection and the Cooperative Agreement between the two institutions. These institutions take great effort to disseminate knowledge, information and best practices at enterprise level and to ensure that identified deficiencies are adequately addressed by providing advice or by applying corrective measures as well as sanctions.

The "Evaluation Report" drawn up by the EMS Consortium on the development and implementation of project RO-99/1B/01-01 "Development of a protection system for workers exposed to hazardous agents at work" appreciated the steps taken on the transposition of the EU legislation as well

as on the improvement of the administrative capacity of the Labour Inspection to manage the acquis. But it has critically pointed out that “the enforcement capacity of the Labour Inspection will only be effective if the overall industry perception on the importance of Health and Safety at work is improved”.

3.2. Linked activities

The Labour Inspection implemented between 2001-2002 two Phare twinning projects that were aimed to strengthening the institutional capacity of the Labour Inspection and to transpose 7 European Directives from the acquis communautaire:

- **RO-99/IB/OT01 “Development of a protection system for workers exposed to hazardous agents at workplace”, having the following objectives:**

- harmonization the legislation on occupational health and safety with the provisions of the EU directives on asbestos, noise, chemical, biological and carcinogen agents that were included in the General Norms of Labour Protection
- development of a national prevention policy to protect workers exposed to hazardous agents at work
- implementing a program to improve the working conditions in a pilot center – the National Institute of Infectious Diseases “Matei Bals”- that became an example in the field through the results achieved, complemented with the elaboration of an action plan to be extended in the sanitary sector.

- **RO-IB-99-CO-01 “Strengthening the administrative capacity of the Labour Inspection”, having as objectives:**

- updating the Romanian inspection methods in accordance with the best EU practice and designing a handbook for the labour inspectors
- developing methods and strategies to monitor the working conditions of workers exposed to lead, silica, dust, metals and organic solvents
- developing a guide for employers to achieve best practices in order to reduce workers’ exposure to hazardous chemical agents at workplace
- organizing awareness raising campaign as regards the risk of exposure to dusts at workplace in 5 local labour inspectorates
- drafting a national training program for labour inspectors, training 30 trainers, who were able to train other 400 labour inspectors and setting up a training center in Botosani
- assessing the current management of the Labour Inspection and the developing of a new model of management to improve the administrative capacity of the Labour Inspection; leadership training courses for 60 managers in the central and local offices.

3.3. Results:

- 3.3.1 260 employers and employees will become aware of the importance of health and safety at work and play an active role in the prevention of the occupational accidents and diseases,
- 3.3.2 60 employers, persons responsible with health and safety issues, members of the health and safety committees or employees' representatives in the 6 pilot centers will be trained,
- 3.3.3 informational materials (posters, leaflets, stickers) on the specific risks at the workplace will be elaborated, to be used by employers and employees,
- 3.3.4 the experience and the lessons learned in the 6 pilot centers is disseminated through the web sites of the Labour Inspection and the National Agency for Small and Medium Sized Enterprises and Co-operatives, at the disposal of the employers and public,
- 3.3.5 an action plan complemented by a cost assessment will be drafted with a view to extending at national level the experience gained in 6 small and medium-sized enterprises which have become "model centers of good practices in the field of occupational health and safety". The draft will be submitted for approval to the relevant authorities in supporting the SMEs, i.e. the Ministry of Labour, Social Solidarity and Family and the National Agency for Small and Medium-sized Enterprises and Co-operatives,
- 3.3.6 once approved, the implementation of the action plan by the employers is monitored by the Labour Inspection through its control activities,
- 3.3.7 a risk assessment guide for the use of the employers and the employees' representatives in the small and medium-sized enterprises will be elaborated.

3.4. **Activities**

- Actions to raise awareness of employers and employees as regards the need to observe the legal provisions in the field:
 - Drawing up and printing various information materials (posters, leaflets, stickers) designed for the specific risks contained in the EU Directives in the field of occupational safety and health that will be disseminated by the labour inspectors when conducting inspections in small and medium-sized enterprises. Other institutional "actors" such as local authorities and social partners will be involved in the dissemination in order for the project to have impact and in order to ensure a broader circulation of these materials.
 - Carrying out awareness raising campaigns for employers and employees focused on the specific risks contained in the following EU Directives: D98/24/CE and D2000/39/CE-chemical agents at work, D 86/188/CEE-Noise, D2000/54/CE-biological, psycho-social, 90/269/CEE-manual handling of loads and 89/391/CEE – Framework Directive providing for a holistic approach on all occupational risks, as well as D 2002/44/EC on vibrations, D 92/57/CEE on temporary and mobile construction sites (planned to be transposed in 2005).

- Organising round table discussions and seminars with the participation of 260 employers, employees, trade unions and employers' organizations in different fields of activity aiming to provide information on good practices as regards the management of occupational safety and health at the European level.
 - Promoting intensively the actions of the Labour Inspection through the mass-media, radio and TV advertisements, to make employers aware of the importance of investing in health and safety as a moral duty as well as a profitable action with positive effects for the work productivity and the economic efficiency of the enterprise. Awareness raising messages will be addressed to specific target groups but also to the general public.
 - Designing a questionnaire to assess the impact of the awareness raising actions in the enterprises for both employees and employers.
- Actions intended to get a better knowledge and help implement the harmonized legislation on occupational safety and health in small and medium-sized enterprises:
- The election of 6 small and medium-sized enterprises (SMEs) to become "model centers of good practices in the field of occupational health and safety" will be based on the following factors: 1. the identification, by the labour inspectors, of the SMEs with the addressed risks: chemical, physical, biological, psycho-social, manual handling of loads and holistic approach on all occupational risks; 2. predefined criteria (number of employees, work accidents and occupational diseases recorded at the previously identified SMEs); 3. financial resources available at the identified SMEs to implement corrective measures designed to improving the working conditions for the employees.
 - Assessing the working conditions in these specific small and medium-sized enterprises.
 - Training for the 60 employers, persons responsible with health and safety issues, members of the health and safety committees or employees' representatives in the 6 pilot centers.
 - Drawing up a risk assessment guide to be used within the small and medium-sized enterprises.
 - Designing a training evaluation form for the participants (employers and/or employees).
 - Designing corrective measures in the 6 pilot centers to improve working conditions for employees by implementing the minimum requirements for health and safety in accordance with the Romanian legislation and EU directives.
 - Disseminating information about the experience and the lessons learned in the 6 pilot centers through the web sites of the Labour Inspection and the National Agency for Small and Medium Sized

Enterprises and Co-operatives, at the disposal of the employers and general public.

- Drafting an action plan with a view to extending at national level the experience gained in 6 small and medium-sized enterprises. The plan is submitted for approval to the relevant authorities, i.e. the Ministry of Labour, Social Solidarity and Family and the National Agency for Small and Medium-sized Enterprises and Co-operatives.
- Drafting a cost assessment with a view to extending at national level the experience gained in 6 small and medium-sized enterprises.
- Monitoring the implementation of the approved action plan by the employers through the Labour Inspection's control activities.
- Visits in the small and medium-sized enterprises from the member states where the 6 risk groups are connected to the profile of the enterprises.

3.5. Lessons learned

During the implementation of the two twinning programs **RO-99/IB/OT01** and **RO-IB-99-CO-01** the Labour Ministry and the Health Ministry have worked on the transposition of the European legislation into the Romanian law and trained their own personnel. However, this was just a first step to achieve the goal to ensure that safety and health provisions are observed and implemented at workplace. To inform the employers and employees as regards the good European health and safety practices is probably the most significant step forward for a proper implementation and a safe work environment.

4. Institutional Framework

The Labour Inspection (established under the Law 108/1999 on Labour Inspection and Governmental Decision 767/1999) is a specialized body of the central public administration, subordinated to the Romanian Ministry of Labour, Social Solidarity and Family and has its headquarters in Bucharest.

The Labour Inspection has 42 Local Labour Inspectorates established in every county of Romania and in Bucharest as subordinated units.

The Labour Inspection has the following main functions:

- to enforce the legal provisions in the field of safety and health at work, Labour law, the protection of employees working in special conditions by conducting inspections;
- to inform the competent authorities on the deficiencies identified related to the application of the legal provisions in force;
- to provide information on the most efficient ways of observing the Labour law;
- to initiate proposals to the Ministry of Labour, Social Solidarity and Family for the purpose of improving the present legislation and drafting new items of legislation in the field.

5. Detailed budget

	Phare Support					
	Investment Support	Institution Building	Total Phare (=I+IB)	National Co-financing*	IFI*	TOTAL
Awareness raising activities component	0	0.75	0.75	0.25 ²		1
Specific actions in the Model centers of good practices in the field of safety and health	0	0.75	0.75	0.25 ³		1
Total project	0	1.5	1.5	0.5		2

the figures are in M€

6. Implementation Arrangements

6.1. Implementing Agency

The CFCU will be responsible for the administrative and financial management of the projects, under the responsibility of the Programme Authorising Officer.

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Labour Inspection is the Implementing Authority. The Labour Inspection appoints as Phare Senior Programme Officer (SPO) Mrs. Mariana Basuc, General Inspector of State and the Deputy Senior Programme Officer, Mrs. Silvia Trufasila, Director of the Directorate of Programs, International Relations, Legislation Implementation and Communication.

SPO: Mrs. Mariana Basuc

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² The amount represents parallel cofinancing

³ The amount represents parallel cofinancing

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6.2. Twinning

Applicable.

6.3. Non-standards aspect

A twinning arrangement applies for the entire project and consequently the PRAG will be strictly followed.

6.4. Contracts

The project is a twinning type contract.

7. Implementation Schedule

7.1. Start of tendering/call for proposals

January 2005

7.2. Start of project activities

June 2005

7.3. Project completion

June 2007

8. Equal Opportunity

At the national level of Labour Inspection the number of women is higher than the number of men thus the participation of women is of 61% in all professions and all functions, throughout the country. In the project, all functions will be scaled and the relevant job descriptions will be prepared. In all reporting, statistics will be submitted on the proportion of men and women working for the Project and how gender issues were dealt with.

The Labour Inspection is an equal opportunity employer. Equal participation of men and women in all the activities of the project will be assured consistent with the gender distribution within the institution.

9. Environment

Not applicable

10. Rates of return

Not applicable

11. Investment criteria

Not applicable

12. Conditionality and sequencing

The Labour Inspection is responsible for the control of the legislation implementation in the field of safety and health at work, having an important mandate under the documents agreed by the Romanian Government as regards Romania's accession to the European Union. Therefore, the primary conditions for starting the project are fulfilled.

The Labour Inspection and its local labour inspectorates will endeavor for the timely implementation of all planned operations and will make sufficient human resources available.

ANNEXES TO PROJECT FICHE

1. Logframe in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule, by quarter, for full duration of project
4. Reference list of feasibility/pre-feasibility studies, indepth ex ante evaluations or other forms of preparatory work. For all investment projects, the executive summaries of economic and financial appraisals, environmental impact assessments, etc, should be attached
5. Reference list of relevant laws and regulations
6. Reference list of relevant strategic plans and studies

ANNEX 1

LOGFRAME PLANNING MATRIX FOR Project Implementation of the harmonized legislation on occupational safety and health in the small and medium-sized enterprises	Programme name and number	
	Contracting period expires	Disbursement period expires
	Total budget: 2 MEURO	Phare budget: 1,5 MEURO

Overall Objective	Objectively verifiable indicators	Sources of Verification	Assumptions
<ul style="list-style-type: none"> to raise awareness of employers and employees in small and medium-sized enterprises (SMEs) as regards the importance of the observance of the minimum requirements provided by the EU Directives that were transposed into the Romanian legislation ensuring that by the date of the accession (2007) the acquis communautaire in the field of occupational safety and health could be implemented at the enterprises level 	<ul style="list-style-type: none"> dissemination of the lessons learned in the 6 pilot centers through the web sites of the Labour Inspection and the National Agency for Small and Medium Sized Enterprises and Co-operatives. 		
Project Purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
<ul style="list-style-type: none"> <u>make the employers and employees raise awareness and to train them on the obligation to observe the Romanian legislation transposing the EU Directives in the field of the occupational safety and health and its implementation</u> in 6 small and medium-sized enterprises in order to achieve a healthy and safe environment for all employees. The 6 SMEs will thus become “model centers of good practices in the field of occupational safety and 	<ul style="list-style-type: none"> 6 pilot centers with improved working conditions 60 employers and employees trained and informed of the need to observe the legal provisions in the field 	<ul style="list-style-type: none"> control activities conducted by the labour inspectors, questionnaire to evaluate the impact of the awareness raising actions, training evaluation form. 	

health” and therefore good examples for other employers, as they already have a <u>trained personnel</u> .			
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<ul style="list-style-type: none"> • 260 employers and employees will become aware of the importance of health and safety at work and play an active role in the prevention of the occupational accidents and diseases; <ul style="list-style-type: none"> ▪ 60 employers, persons responsible with health and safety issues, members of the health and safety committees or employees’ representatives in the 6 pilot centers will be trained; • informational materials (posters, leaflets, stickers) on the specific risks at the workplace will be elaborated, to be used by employers and employees; • the experience and the lessons learned in the 6 pilot centers is disseminated through the web sites of the Labour Inspection and the National Agency for Small and Medium Sized Enterprises and Co-operatives, at the disposal of the employers and public; • an action plan complemented by a cost assessment will be drafted with a view to extending at national level the experience gained in 6 small and medium-sized enterprises which have become “model centers of good practices in the field of occupational health and safety”. The draft will be submitted for approval to the relevant authorities in supporting the SMEs, i.e. the Ministry of Labour, Social Solidarity and Family and the National 	<ul style="list-style-type: none"> ▪ 260 employers, employees, persons responsible with health and safety issues, members of the health and safety committees informed ▪ 60 employers, employees, persons responsible with health and safety issues, members of the health and safety committees in the 6 pilot centers trained ▪ Information materials (<u>posters, leaflets, stickers</u>) ▪ web sites of the Labour Inspection and the National Agency for Small and Medium Sized Enterprises and Co-operatives ▪ action plan complemented by a cost assessment 	<ul style="list-style-type: none"> - Questionnaire to evaluate the impact of the awareness raising actions, - control activities conducted by the labour inspectors, - training evaluation form. 	

<p>Agency for Small and Medium Sized Enterprises and Co-operatives;</p> <ul style="list-style-type: none"> • once approved, the implementation of the action plan by the employers is monitored by the Labour Inspection through its control activities; • a risk assessment guide for the use of the employers and employees' representatives in the small and medium-sized enterprises will be elaborated. 	<ul style="list-style-type: none"> ▪ control activities conducted by the Labour Inspection ▪ risk assessment guide for the use of the employers <u>and the employees' representatives</u> in the small and medium-sized enterprises 		
Activities	Means	Costs	Assumptions

<p>➤ Actions to raise awareness of employers and employees as regards the need to observe the legal provisions in the field:</p> <ul style="list-style-type: none"> - Drawing up and printing various information materials (<u>posters, leaflets, stickers</u>) designed for the specific risks contained in the EU Directives in the field of occupational safety and health that will be disseminated by the labour inspectors when conducting inspections in small and medium-sized enterprises. Other institutional “actors” such as local authorities and social partners will be involved in the dissemination in order for the project to have impact and in order to ensure a broader circulation of these materials. - Carrying out awareness raising campaigns for employers and employees focused on the specific risks contained in the following EU Directives: D98/24/CE and D2000/39/CE-chemical agents at work, D 86/188/CEE-Noise, D2000/54/CE-biological, psycho-social, 90/269/CEE-manual handling of loads and 89/391/CEE – Framework Directive providing for a holistic approach on all occupational risks, <u>as well as D 2002/44/EC on vibrations, D 92/57/CEE on temporary and mobile construction sites (planned to be transposed in 2005).</u> - Organising round table discussions and seminars with the participation of 260 	<ul style="list-style-type: none"> ▪ Human resources: sufficient and properly trained staff from the Labor Inspection 	<p>Financial resources: 2 MEURO</p>	
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<p>employers, employees, trade unions and employers' organizations in different fields of activity aiming to provide information on good practices as regards the management of occupational safety and health at the European level.</p> <ul style="list-style-type: none"> - Promoting intensively the actions of the Labour Inspection through the mass media, radio and TV advertisements, to make employers aware of the importance of investing in health and safety as a moral duty as well as a profitable action with positive effects for the work productivity and the economic efficiency of the enterprise. Awareness raising messages will be addressed to specific target groups but also to the general public. - Designing a questionnaire to assess the impact of the awareness raising actions in the enterprises for both employees and employers. <p>➤ Actions intended to get a better knowledge and help implement the harmonized legislation on occupational safety and health in small and medium-sized enterprises:</p> <ul style="list-style-type: none"> - The election of 6 small and medium-sized enterprises (SMEs) to become "model centers of good practices in the field of occupational health and safety" will be based on the following factors: 1. the identification, by the labour inspectors, of the SMEs with the addressed risks: chemical, physical, biological, psycho-social, manual handling of loads and holistic approach on all occupational risks; 2. 			
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<p>predefined criteria (number of employees, work accidents and occupational diseases recorded at the previously identified SMEs); 3. financial resources available at the identified SMEs to implement corrective measures designed to improving the working conditions for the employees.</p> <ul style="list-style-type: none"> - Assessing the working conditions in these specific small and medium-sized enterprises. - Training for the 60 employers, persons responsible with health and safety issues, members of the health and safety committees or employees' representatives in the 6 pilot centers. - Drawing up a risk assessment guide to be used within the small and medium-sized enterprises. - Designing a training evaluation form for the participants (employers and/or employees). - Designing corrective measures in the 6 pilot centers to improve working conditions for employees by implementing the minimum requirements for health and safety in accordance with the Romanian legislation and EU directives. - Disseminating information about the experience and the lessons learned in the 6 pilot centers through the web sites of the Labour Inspection and the National Agency for Small and Medium Sized Enterprises and Co-operatives, at the disposal of the employers and general public. 			
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<ul style="list-style-type: none"> - Drafting an action plan with a view to extending at national level the experience gained in 6 small and medium-sized enterprises. The plan is submitted for approval to the relevant authorities, i.e. the Ministry of Labour, Social Solidarity and Family and the National Agency for Small and Medium-sized Enterprises and Co-operatives. - Drafting a cost assessment with a view to extending at national level the experience gained in 6 small and medium-sized enterprises. - Monitoring the implementation of the approved action plan by the employers through the Labour Inspection's control activities. - Visits in the small and medium-sized enterprises from the member states where the 6 risk groups are connected to the profile of the enterprises. 			
			Preconditions <ul style="list-style-type: none"> - The secondary legislation in place and the minimum quality standards approved. - Planned national co-financing is available.