

## Practical application of initial and periodic training



**Provide training, check knowledge, require and inspect its observance is the duty of every employer.**

Providing a good level of occupational safety and health requires every employer, regardless of whether it is a legal or a natural person, to consolidate its personal and economic interests with the ones imposed by society. Only such consolidation results in benefits for both parties involved.

Employers cannot rely on the fact that occupational accidents that occur on their premises will be indemnified at the expense of third parties. The respective damages are recovered directly from the liable parties.

At present, there are cases where employers were sentenced to imprisonment for neglect of their duties concerning occupational safety and health, or cases when the required damages for occupational injuries led to the liquidation of the business entity concerned.

### Occupational accidents in the Czech Republic in 2008

In the Czech Republic in 2008 the number of occupational accidents resulting in incapacity to work totalled 71,281 and the number of occupational accidents, which did not result in incapacity to work totalled 28,650.

### Notice

The employer's duty to take care of occupational safety and health within the meaning of requirements imposed by the Labour Code, Section 101, concerns not only their own employees but also all third parties that are present in the employer's places of work with the employer's knowledge, or that work within the premises of the business entities concerned (during the supply of construction and erection work, installation of technologies, etc.).

For this reason, it is advisable to include binding requirements for securing occupational

safety and health on the supplier with respect to the potential risk to the customer's employees resulting from the work performed under the concluded contracts between the supplier and the customer.

In addition, with respect to the nature of the customer's production activity, it is necessary to carry out the respective training of the supplier's employees.

## **Initial training**

Proposed outline:

### ***Initial course of instructions***

#### **Duties of the employer arising from the Labour Code (Sections 102 through 105)**

- create working conditions which are safe and do not endanger employees' health,
- identify, assess and evaluate risks of possible threat to employees' health and safety, inform employees accordingly; implement measures aimed at eliminating such risks and at protecting employees,
- operate machines, equipment and technologies in a manner compliant with the current requirements for provision of occupational safety and health,
- install the necessary protective devices, maintain the already installed ones in good operating condition or improve their efficiency,
- inform employees of legal and other regulations concerning occupational safety and health, check knowledge of these regulations on a regular basis and require and inspect adherence to thereof,
- provide employees with free-of-charge use of the necessary personal protective equipment pursuant to Government Order No. 495/2001 Coll.,
- not to permit that an employee performed forbidden work and work, the demands of which are not commensurate with the employee's abilities and medical fitness,
- without any unnecessary delay, identify and eliminate causes and sources of occupational accidents and occupational diseases.

#### **Duties of employees arising from the Labour Code (Sec. 38/1b, Sec. 106, Sec. 301, Sec. 302)**

- adhere to duties arising from their employment relationship,
- adhere to legal and other regulations concerning occupational safety and health relating to the performance of work, with which they have been duly acquainted,
- employees in managerial positions have, just as their employers, a duty to create conditions and to secure the fulfilment of requirements arising from legal and other regulations concerning occupational safety and health and to guide subordinates in work discipline,
- take care of own health and safety to the best of an employee's knowledge and ability,
- take care of third parties' health and safety to the best of an employee's knowledge and ability,
- comply with the defined working and technological procedures, with which employees have been duly acquainted,
- use personal protective equipment and protective devices at work,
- inform the person in supervisory position or the body of supervision of deficiencies and defects concerning occupational safety and health and to participate in their

- removal,
- in the place of work, not to use alcoholic drinks or other habit-forming substances, not to start work under the influence of such substances and to respect the ban on smoking in the place of work,
  - participate in training in occupational safety and health,
  - undergo testing and medical checks if related to the job placement,
  - undergo examination whether an employee is not under the influence of alcohol, drugs or other habit-forming substances,
  - participate in training focused on occupational safety and health.

### **Occupational accidents and occupational diseases**

**(Sec. 105, Sec. 106/4f), h), Sec. 322/1c), d) of the Labour Code, Sec. 9/6 of Act No. 309/2006 Coll., Government Order No. 494/2001 Coll.)**

- what is an occupational accident or occupational disease,
- duty to report every occupational accident to a person in a supervisory position immediately,
- who is liable for occupational accidents or occupational diseases,
- under what conditions it is possible to be released from liability for occupational accidents,
- scope of indemnity.

### **Course of instruction in the place to work**

**Place of work and work location (Sec. 6/1, Sec. 7/1, 2 of Act No. 309/2006 Coll., Sec. 104 of the Labour Code)**

- layout of work location,
- access and escape communications,
- placement of electric power switches, stops of substances being processed, gases, etc.
- meaning of acoustic and light signals used during operation to raise the alarm when conditions become hazardous with the equipment concerned,
- location of First Aid, First-Aid kit placement,
- important telephone numbers, or persons to be contacted should defects or dangerous situations occur.

**Working and technological procedures, operation of specific machines or equipment (Sec. 4/1 of Act No. 309/2006 Coll., Government Order No. 378/2001 Coll.)**

- it is necessary to acquaint employees with the respective working and technological procedures and requirements for securing occupational safety and health with respect to the character of the machine or equipment concerned, material to be processed, etc., with the prescribed personal protective equipment and the use thereof for every individual machine or equipment, which is to be operated by an employee,
- forbid unauthorized and hazardous working procedures.

### **Special professional qualifications (Sec. 11 of Act No. 309/2006 Coll.)**

- for operation of some equipment, special professional qualifications are required.

With respect to the frequency and severity of risks, it is necessary that an independent part of the training focuses on

### **Principles of safe operation of electrical equipment in particular:**

- operation of electrical appliances,
- specification of work with electrical equipment allowed by persons without the respective electro-technical qualifications,
- ban on handling of electrical equipment and other principles of occupational safety and health based on prevailing work.

### **Types of training**

From a legal point of view, it is important for every employer to keep records of all important steps with regards to the training of employees in occupational safety and health. A record on training in occupational safety and health serves as a document confirming whether and to what extent such training in occupational safety and health was performed in cases where occupational accidents occur, and at the same time it serves as a document for inspections by the respective bodies of the state administration in the area of occupational safety and health.

Training in occupational safety and health, based on its character, can be divided as follows:

- initial training,
  - periodic training,
  - special training.
- **Initial training** in occupational safety and health upon commencement of work, should inform employees of the legal and other regulations intended for securing occupational safety and health, which an employee must adhere to at work, and of the employer's code of practice.  
**The initial and periodic training in occupational safety and health must be provided to all employees.**
- **Periodic training** in occupational safety and health must be performed with a view to checking knowledge and should contain new information concerning occupational safety and health.  
**The training must also be performed in cases where there are changes in working conditions, legislation, legal regulations, standards, etc.**
- **Special training** in occupational safety and health is performed for specific professions, such as inspectors of electrical equipment, operators of boiler plants, crane operators, drivers, specialists working at heights, etc.

**It is necessary to execute a record on training in occupational safety and health performed, which must include the following:**

- place of training organization,
- date of training,
- outline,
- time range,
- signature to check the knowledge of an employee subject to training and a signature of the person performing the training.

Expenses relating to the provision of training in occupational safety and health must be born by the employer. Where it concerns special training, or the awarding of licences to operate equipment or technologies, the respective expenses must be born by the employer only on the condition that it utilizes the acquired qualifications of its employees.

### **Requirements of international legal regulations**

To inform employers, whose employees perform work in member states of the EU, the wording of Art. 12 paragraph 1 of Council Directive No. 89/391/EHS to regulate the implementation of measures aimed at improving the occupational safety and health of employees, as amended by Council Directive No. 91/383/EHS, is included:

**“The employer must ensure that every employee is provided with sufficient training in occupational safety and health, in particular in the form of information and instructions, which are specifically intended for their place of work or profession upon:**

- **conclusion of an employment contract,**
- **transfer or upon a change in profession,**
- **implementation of new working tools or upon a change of in working tools,**
- **implementation of a new technology.**

**This training must be:**

- **adapted according to the occurrence of new risks or a change in the existing risks,**
- **where necessary, the training must be repeated on a regular basis”.**

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