ZBIERKA ZÁKONOV
SLOVENSKEJ REPUBLIKY

Ročník 2003

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Obsah tohto dokumentu má informatívny charakter.

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OZNÁMENIE

Ministerstva zahraničných vecí Slovenskej republiky

Ministerstvo zahraničných vecí Slovenskej republiky oznamuje, že 21. júna 2001 bol v Ženeve prijatý Dohovor Medzinárodnej organizácie práce o bezpečnosti a zdraví v poľnohospodárstve č. 184 z roku 2001. Národná rada Slovenskej republiky vyslovila súhlas s dohovorom uznesením č. 2127 zo 16. mája 2002 a súčasne rozhodla, že ide o medzinárodnú zmluvu podľa čl. 7 ods. 5 Ústavy Slovenskej republiky, ktorá má prednosť pred zákonmi Slovenskej republiky. Prezident Slovenskej republiky dohovor ratifikoval 27. mája 2002. Ratifikačná listina bola uložená u generálneho riaditeľa Medzinárodného úradu práce v Ženeve 14. júna 2002. Dohovor nadobudne platnosť 20. septembra 2003 v súlade s článkom 23 ods. 2 a pre Slovenskú republiku nadobudne platnosť v ten istý deň.

K oznámeniu č. 385
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DOHOVOR 184

Dohovor Medzinárodnej organizácie práce o bezpečnosti a zdraví v poľnohospodárstve č. 184 z roku 2001 Generálna konferencia Medzinárodnej organizácie práce, ktorú do Ženevy zvolala Správna rada Medzinárodného úradu práce a ktorá sa zišla 5. júna 2001 na svojom 89. zasadnutí, berúc do úvahy zásady obsiahnuté v príslušných medzinárodných pracovných dohovoroch a odporúčaniach, osobitne v Dohovore a Odporúčaní o plantážach z roku 1958, Dohovore a Odporúčaní o dávkach pri pracovných úrazoch z roku 1964, Dohovore a Odporúčaní o inšpekcii práce v poľnohospodárstve z roku 1969, Dohovore a Odporúčaní o bezpečnosti a ochrane zdravia pri práci z roku 1981, Dohovore a Odporúčaní o službách pracovného lekárstva z roku 1985 a Dohovore a Odporúčaní o chemikáliách z roku 1990, zdôrazňujúc potrebu celistvého prístupu k poľnohospodárstvu a zohľadňujúc širší rámec zásad obsiahnutých v iných dokumentoch Medzinárodnej organizácie práce aplikovateľných na odvetvie, najmä v Dohovore o slobode združovania a ochrane práva organizovať sa z roku 1948, Dohovore o práve organizovať sa a o kolektívnom vyjednávaní z roku 1949, Dohovore o minimálnom veku z roku 1973 a Dohovore o najhorších formách detskej práce z roku 1999, berúc do úvahy Trojstrannú deklaráciu zásad o mnohonárodných podnikoch a sociálnej politike, ako aj príslušné praktické zásady a pravidlá, osobitne Sústavu praktických zásad a pravidiel o registrácii a oznamovaní pracovných úrazov a chorôb z povolania z roku 1996 a Sústavu praktických zásad a pravidiel o bezpečnosti a zdraví pri lesných prácach z roku 1998, rozhodnúc prijať určité návrhy, pokiaľ ide o bezpečnosť a zdravie v poľnohospodárstve, čo je štvrtý bod programu zasadnutia, určujúc, že tieto návrhy majú mať formu medzinárodného dohovoru, prijíma 21. júna 2001 tento dohovor, ktorý sa môže uvádzať ako Dohovor o bezpečnosti a zdraví v poľnohospodárstve z roku 2001.

I. ROZSAH

Článok 1

Na účely tohto dohovoru výraz „poľnohospodárstvo“ zahŕňa poľnohospodárske a lesnícke činnosti vykonávané v poľnohospodárskych podnikoch vrátane pestovania plodín, lesníckej činnosti, chovu hospodárskych zvierat a insektu, prvotného spracovania poľnohospodárskych produktov a živočíšnych produktov prevádzkovateľom podniku alebo v mene prevádzkovateľa podniku, ako aj používanie a údržbu strojov, zariadení, prístrojov, náradia a poľnohospodárskych stavieb vrátane akýchkoľvek postupov, uskladnenia, prevádzky alebo dopravy v poľnohospodárskych podnikoch, ktoré sa priamo vzťahujú k poľnohospodárskej výrobe.

Článok 2

Na účely tohto dohovoru výraz „poľnohospodárstvo“ nezahŕňa

a) poľnohospodársku činnosť vykonávanú pre vlastnú spotrebu,

b) priemyselné postupy, ktoré využívajú poľnohospodárske výrobky ako suroviny, a s nimi spojené služby a

c) priemyselné hospodárenie v lesoch.

Článok 3

1. Príslušný úrad člena, ktorý dohovor ratifikuje, po konzultácii s príslušnými reprezentatívnymi organizáciami zamestnávateľov a s príslušnými reprezentatívnymi organizáciami pracovníkov

   a) môže z aplikovania tohto dohovoru alebo jeho určitých ustanovení vylúčiť určité poľnohospodárske podniky alebo obmedzené kategórie pracovníkov, ak sa vyskytnú osobitné problémy podstatnej povahy, a

   b) vytvorí v prípade takéhoto vylúčenia plány postupne pokryť všetky podniky a všetky kategórie pracovníkov.

2. Každý člen vo svojej prvej správe o aplikácii dohovoru, predkladanej podľa článku 22 Ústavy Medzinárodnej organizácie práce, uvedie každé vylúčenie, ktoré urobil podľa odseku 1 písm. a) tohto článku, a dôvody takéhoto vylúčenia. V následných správach popíše opatrenia prijaté na postupné rozšírenie uplatňovania ustanovení dohovoru na príslušných pracovníkov.

II. VŠEOBECNÉ USTANOVENIA

Článok 4

1. Podľa vnútroštátnych podmienok a praxe a po konzultácii s príslušnými reprezentatívnymi organizáciami zamestnávateľov a s príslušnými reprezentatívnymi organizáciami pracovníkov členovia naformulujú, vykonávajú a pravidelne posudzujú celistvú vnútroštátnu politiku o bezpečnosti a zdraví v poľnohospodárstve. Táto politika sa zameria na predchádzanie úrazom a poškodeniam zdravia v dôsledku práce, v spojitosti s prácou alebo vyskytujúcim sa v priebehu práce odstránením, minimalizáciou alebo zvládnutím rizík v poľnohospodárskom pracovnom prostredí.
2. Na tento účel sa vnútroštátnymi zákonmi a predpismi
   a) určí príslušný úrad zodpovedný za uplatňovanie tejto politiky a presadzovanie vnútroštátnych zákonov a predpisov o bezpečnosti a zdraví v poľnohospodárstve,
   b) špecifikujú práva a povinnosti zamestnávateľov a pracovníkov, pokiaľ ide o bezpečnosť a zdravie v poľnohospodárstve, a
   c) vytvoria mechanizmy medziodvetvovej koordinácie medzi príslušnými úradmi a orgánmi v odvetví poľnohospodárstva a definujú ich funkcie a zodpovednosť pri zohľadnení ich vzájomného dopĺňania sa, ako aj vnútroštátnych podmienok a praxe.
3. Určený príslušný úrad zavedie nápravné opatrenia a primerané postihy v súlade s vnútroštátnymi zákonmi a predpismi a vrátane, ak je to vhodné, pozastavenia alebo obmedzenia takých poľnohospodárskych činností, ktoré predstavujú bezprostredné ohrozenie bezpečnosti a zdravia pracovníkov, kým sa okolnosti, ktoré spôsobili pozastavenia alebo obmedzenia takých poľnohospodárskych činností, neodstránia.

Článok 5

1. Členovia zabezpečia na poľnohospodárskych pracoviskách dostatočný a primeraný systém inšpekcie vybavený primeranými prostriedkami.
2. V súlade s vnútroštátnym zákonodarstvom môže príslušný úrad zveriť určité inšpekčné činnosti na regionálnej alebo miestnej úrovni na výpomocnom základe vhodným orgánom verejnej správy, verejným inštitúciám alebo súkromným inštitúciám pod kontrolou vlády alebo môže zapojiť tieto služby alebo inštitúcie do výkonu takýchto činností.

III. PREVENTÍVNE A OCHRANNÉ OPATRENIA VŠEOBECNE

Článok 6

1. Pokiaľ je to zlučiteľné s vnútroštátnymi zákonmi a predpismi, zamestnávateľ má povinnosť zabezpečiť bezpečnosť a zdravie pracovníkov v každom ohľade, ktorý sa vzťahuje na prácu.
2. Vnútroštátne zákony a predpisy alebo príslušný úrad ustanovia, že ak na poľnohospodárskom pracovisku vykonávajú činnosti dvaja alebo viacerí zamestnávatelia alebo ak jeden alebo viac zamestnávateľov a jeden alebo viac samostatne zárobkovo činných osôb vykonávajú činnosti, spolupracujú pri aplikovaní požiadaviek na zdravie a bezpečnosť. Ak je to vhodné, príslušný úrad ustanoví všeobecné postupy tejto spolupráce.

Článok 7

Na účely dodržiavania vnútroštátnej politiky uvedenej v článku 4 dohovoru vnútroštátne zákony a predpisy alebo príslušný úrad pri zohľadnení veľkosti podniku a povahy jeho činnosti ustanovia, že zamestnávateľ

a) vykoná príslušné hodnotenia rizík vo vzťahu k bezpečnosti a k zdraviu pracovníkov a na základe týchto výsledkov prijme preventívne a ochranné opatrenia tak, aby zaistil, že na

základe všetkých podmienok ich zamýšľaného použitia všetky poľnohospodárske činnosti, pracoviská, stroje, zariadenia, chemikálie, náradie a postupy patriace pod jeho kontrolu sú bezpečné a vyhovujú predpísaným normám pre bezpečnosť a zdravie,

b) zaistí, aby pracovníci v poľnohospodárstve dostali vhodnú a primeranú odbornú prípravu a zrozumiteľné pokyny o bezpečnosti a o zdraví a akékoľvek potrebné vedenie alebo dozor vrátane informácií o nebezpečenstvách a rizikách spojených s ich prácou a aby sa prijali opatrenia na ich ochranu pri zohľadnení úrovne ich vzdelania a jazykových odlišností, a

c) prijme okamžité kroky na zastavenie akejkoľvek prevádzky, ak je tam bezprostredné a vážne ohrozenie bezpečnosti a zdravia, a podľa potreby premiestni pracovníkov.

Článok 8

1. Pracovníci v poľnohospodárstve majú právo

   a) byť informovaní a konzultovať v záležitostiach bezpečnosti a zdravia vrátane rizík vyplývajúcich z nových technológií,

   b) zúčastniť sa na aplikovaní a kontrole opatrení zameraných na bezpečnosť a zdravie a v súlade s vnútroštátnym právom a praxou vybrať si zástupcov pre bezpečnosť a zdravie a zástupcov do výborov pre bezpečnosť a zdravie,

   c) vyhnúť sa nebezpečenstvu vyplývajúcemu z ich pracovnej činnosti, ak po rozumnom posúdení majú dôvod domnievať sa, že existuje bezprostredné a vážne riziko pre ich bezpečnosť a zdravie, o čom bezodkladne informujú svojho nadriadeného. Voči uvedeným pracovníkom sa v dôsledku takejto činnosti nevyvodí žiaden postih.

2. Pracovníci v poľnohospodárstve a ich zástupcovia majú povinnosť dodržať predpísané opatrenia pre bezpečnosť a zdravie a spolupracovať so zamestnávateľmi na tom, aby títo mohli dodržať svoje vlastné povinnosti a zodpovednosť.

3. Postupy výkonu práv a povinností podľa odsekov 1 a 2 ustanovia vnútroštátne zákony a predpisy, príslušný úrad, kolektívne zmluvy alebo akékoľvek iné vhodné prostriedky.

4. Ak sa ustanovenia tohto dohovoru uplatňujú, ako je ustanovené v odseku 3, uskutoční sa predchádzajúca konzultácia s príslušnými reprezentatívnymi organizáciami zamestnávateľov a s príslušnými reprezentatívnymi organizáciami pracovníkov.

BEZPEČNOSŤ POUŽITIA STROJOV A ERGONÓMIA

Článok 9

1. Vnútroštátne zákony a predpisy ustanovia alebo príslušný úrad ustanoví, že stroje, zariadenia vrátane osobných ochranných prostriedkov, prístrojov a ručného náradia používaného v poľnohospodárstve vyhovujú vnútroštátnym alebo iným uznávaným normám bezpečnosti a zdravia a sú vhodne namontované, udržiavané a zaistené.

2. Príslušný úrad prijme opatrenia na zaistenie, aby výrobcovia, dovozcovia a dodávatelia spĺňali normy uvedené v odseku 1 a poskytovali vhodné a postačujúce informácie vrátane výstražných značiek upozorňujúcich na nebezpečenstvo v úradnom jazyku alebo v jazykoch dovážajúcej krajiny pre používateľov a na požiadanie aj pre príslušný úrad.

3. Zamestnávatelia zabezpečia, aby pracovníci dostali a porozumeli informáciám o bezpečnosti a zdraví poskytnutým výrobcami, dovozcami a dodávateľmi.

Článok 10

Vnútroštátnymi zákonmi a predpismi sa ustanoví, že poľnohospodárske stroje a zariadenia

a) sa použijú len na účely, na ktoré boli skonštruované, okrem prípadov, keď sa použitie mimo prvotného účelu ich konštrukcie posúdilo za bezpečné v súlade s vnútroštátnym právom a praxou, a najmä sa nepoužijú na prepravu osôb, ak nie sú na tento účel skonštruované alebo prispôsobené,

b) obsluhujú osoby odborne pripravené v súlade s vnútroštátnym právom a praxou.

MANIPULÁCIA A PREPRAVA MATERIÁLOV

Článok 11

1. Príslušný úrad po konzultácii s reprezentatívnymi organizáciami príslušných zamestnávateľov a s reprezentatívnymi organizáciami príslušných pracovníkov ustanoví požiadavky na bezpečnosť a zdravie pri manipulácii a doprave materiálov, najmä pri ručnej manipulácii. Takéto požiadavky sú založené na hodnotení rizík, na technických normách, na lekárskom posudku, berúc do úvahy príslušné podmienky, na základe ktorých sa práca vykonáva v súlade s vnútroštátnym právom a praxou.
2. Od pracovníkov sa nevyžaduje alebo im nie je dovolené, aby vykonávali manipuláciu alebo prepravu bremien, ktorých hmotnosť alebo povaha predstavuje možné riziko ohrozenia ich bezpečnosti alebo zdravia.

RIADNE HOSPODÁRENIE S CHEMIKÁLIAMI

Článok 12

Príslušný úrad prijme opatrenia v súlade s vnútroštátnym právom alebo praxou na zaistenie toho, aby

a) existoval primeraný vnútroštátny systém alebo akýkoľvek iný systém schválený príslušným úradom ustanovujúci osobitné kritériá uplatniteľné pri dovoze, klasifikácii, balení a označovaní chemikálií používaných v poľnohospodárstve a na ich zákaz alebo obmedzenie,

b) tí, ktorí vyrábajú, dovážajú, dodávajú, predávajú, prepravujú, skladujú alebo nakladajú s chemikáliami v poľnohospodárstve, dodržiavali vnútroštátne normy alebo iné uznávané normy bezpečnosti a zdravia a poskytovali postačujúce a primerané informácie v úradnom jazyku alebo v jazykoch krajiny používateľom a na požiadanie aj príslušnému úradu a

c) existoval vhodný systém na bezpečný zber, recyklovanie a nakladanie s chemickým odpadom, chemikáliami po záručnej lehote a s prázdnymi obalmi od chemikálií tak, aby sa vyhlo ich použitiu na iné účely a aby sa odstránili alebo minimalizovali riziká bezpečnosti a zdravia a životného prostredia.

Článok 13

1. Vnútroštátne zákony a predpisy alebo príslušný úrad zaistia existenciu preventívnych a ochranných opatrení týkajúcich sa používania chemikálií a manipulácie s chemickým odpadom na úrovni podniku.
2. Tieto opatrenia okrem iného zahŕňajú
   a) prípravu, manipuláciu, použitie, skladovanie a prepravu chemikálií,
   b) poľnohospodárske činnosti smerujúce k rozptylu chemikálií,
   c) údržbu, opravu a čistenie zariadení a obalov použitých na chemikálie a
   d) nakladanie s prázdnymi obalmi a zaobchádzanie a nakladanie s chemickým odpadom a chemikáliami po záručnej lehote.

ZAOBCHÁDZANIE SO ZVIERATAMI A OCHRANA PRED BIOLOGICKÝMI RIZIKAMI

Článok 14

Vnútroštátnymi zákonmi a predpismi sa zaistí, aby sa zabránilo rizikám z nákazy, alergie, otravy a aby sa tieto riziká obmedzili na najmenšiu mieru v prípade manipulácie s biologickými látkami a pri činnostiach vzťahujúcich sa na zvieratá, chov dobytka a v chovných priestoroch pri dodržaní vnútroštátnych alebo iných uznávaných noriem zdravia a bezpečnosti.

POĽNOHOSPODÁRSKE STAVBY

Článok 15

Výstavba, údržba a opravy poľnohospodárskych stavieb sú v súlade s vnútroštátnymi zákonmi a predpismi a požiadavkami na bezpečnosť a zdravie.

IV. OSTATNÉ USTANOVENIA
MLADÍ PRACOVNÍCI A NEBEZPEČNÉ PRÁCE

Článok 16

1. Minimálny vek na výkon práce v poľnohospodárstve, ktorá svojou povahou alebo okolnosťami, za ktorých sa vykonáva, môže poškodiť zdravie a bezpečnosť mladých pracovníkov, nie je nižší ako 18 rokov.
2. Druhy zamestnania alebo práce, na ktoré sa vzťahuje odsek 1, určia vnútroštátne zákony a predpisy alebo príslušný úrad po konzultáciách s príslušnými reprezentatívnymi organizáciami zamestnávateľov a s príslušnými reprezentatívnymi organizáciami pracovníkov.
3. Napriek ustanoveniu odseku 1 môžu vnútroštátne zákony alebo predpisy, alebo príslušný úrad po konzultácii s príslušnými reprezentatívnymi organizáciami zamestnávateľov a s príslušnými reprezentatívnymi organizáciami pracovníkov povoliť výkon práce uvedenej v odseku 1 tohto článku od veku 16 rokov za podmienky uskutočnenia primeranej predchádzajúcej odbornej prípravy a úplnej ochrany bezpečnosti a zdravia mladých pracovníkov.

DOČASNÍ A SEZÓNNI PRACOVNÍCI

Článok 17

Opatreniami sa zaistí rovnaká úroveň bezpečnosti a ochrany zdravia dočasných a sezónnych pracovníkov, ako je tá, ktorá sa prizná stálym pracovníkom v poľnohospodárstve v porovnateľnom postavení.

PRACOVNÍČKY

Článok 18

Opatreniami sa zabezpečia osobitné potreby poľnohospodárskych pracovníčok, pokiaľ ide o tehotenstvo, dojčenie a reprodukčné zdravie.

ZARIADENIA SOCIÁLNEJ STAROSTLIVOSTI A UBYTOVACIE ZARIADENIA

Článok 19

Vnútroštátne zákony a predpisy alebo príslušný úrad po konzultácii s reprezentatívnymi organizáciami príslušných zamestnávateľov a s reprezentatívnymi organizáciami príslušných pracovníkov ustanovia

a) poskytnutie primeraných zariadení sociálnej starostlivosti bez výdavkov pre pracovníka,
b) minimálnu normu úrovne ubytovania pre pracovníkov, od ktorých sa vyžaduje pre povahu ich práce dočasne alebo nepretržite sa zdržiavať v podniku.

ÚPRAVY PRACOVNÉHO ČASU

Článok 20

Pracovný čas, nočná práca a doby odpočinku po práci pre pracovníkov v poľnohospodárstve sú v súlade s vnútroštátnymi zákonmi a predpismi alebo kolektívnymi zmluvami.

POISTENIE PROTI PRACOVNÝM ÚRAZOM A CHOROBÁM Z POVOLANIA

Článok 21

1. V súlade s vnútroštátnym právom a praxou sú pracovníci v poľnohospodárstve krytí systémom poistenia alebo systémom sociálneho zabezpečenia proti pracovným úrazom so smrteľnými následkami alebo bez smrteľných následkov a proti chorobám, ako aj invalidite a iným zdravotným rizikám vzťahujúcim sa na prácu a poskytujúcim najmenej takú ochranu, akú požívajú pracovníci v iných odvetviach.
2. Takýto systém môže byť buď časťou vnútroštátneho systému, alebo sa môže vytvoriť akákoľvek iná primeraná forma v súlade s vnútroštátnym právom a praxou.

ZÁVEREČNÉ USTANOVENIA

Článok 22

Formálne ratifikácie tohto dohovoru sa oznámia generálnemu riaditeľovi Medzinárodného úradu práce na registráciu.

Článok 23

1. Tento dohovor zaväzuje len tých členov Medzinárodnej organizácie práce, ktorých ratifikácie zaregistroval generálny riaditeľ Medzinárodného úradu práce.
2. Dohovor nadobudne platnosť po dvanástich mesiacoch odo dňa, keď generálny riaditeľ zaregistroval ratifikácie dohovoru dvoma členmi.
3. Potom tento dohovor nadobudne platnosť pre ktoréhokoľvek člena po dvanástich mesiacoch odo dňa, keď sa jeho ratifikácia zaregistrovala.

Článok 24

1. Člen, ktorý ratifikoval tento dohovor, môže ho vypovedať po uplynutí desiatich rokov odo dňa, keď dohovor prvýkrát nadobudol platnosť, písomným oznámením generálnemu riaditeľovi Medzinárodného úradu práce, ktorý túto skutočnosť zaregistruje. Takéto vypovedanie nadobudne platnosť rok po dni jeho zaregistrovania.
2. Každý člen, ktorý ratifikoval tento dohovor a nepoužije právo vypovedať ho v priebehu roka nasledujúceho po uplynutí obdobia desiatich rokov uvedeného v predchádzajúcom odseku, bude viazaný dohovorom na obdobie ďalších desiatich rokov a potom ho bude môcť vypovedať vždy po uplynutí desaťročného obdobia za podmienok uvedených v tomto článku.

Článok 25

1. Generálny riaditeľ Medzinárodného úradu práce oznámi všetkým členom Medzinárodnej organizácie práce registráciu všetkých ratifikácií a vypovedaní, ktoré mu oznámili členovia organizácie.
2. Pri upovedomení členov organizácie o registrácii druhej ratifikácie generálny riaditeľ upozorní členov organizácie na dátum, od ktorého dohovor nadobudne platnosť.

Článok 26

Generálny riaditeľ Medzinárodného úradu práce oznámi generálnemu tajomníkovi Organizácie Spojených národov na registráciu podľa článku 102 Charty Organizácie Spojených národov úplné podrobnosti o všetkých ratifikáciách a aktoch vypovedania, ktoré zaregistroval podľa ustanovení predchádzajúcich článkov.

Článok 27

Vždy, keď to Správna rada Medzinárodného úradu práce považuje za potrebné, predloží generálnej konferencii správu o pôsobení tohto dohovoru a preskúma vhodnosť zaradenia otázky jeho čiastočného alebo úplného revidovania do programu konferencie.

Článok 28

1. Ak konferencia prijme nový dohovor, ktorý reviduje tento dohovor úplne alebo sčasti, potom, ak nový dohovor neustanoví inak,
   a) ratifikácia nového revidovaného dohovoru členom má ipso iure za následok okamžité vypovedanie tohto dohovoru bez ohľadu na ustanovenia článku 24, ak a keď nový revidovaný dohovor nadobudne platnosť,
   b) odo dňa, keď nový revidovaný dohovor nadobudne platnosť, tento dohovor prestane byť prístupný ratifikácii zo strany členov.
2. Tento dohovor ostane v každom prípade v platnosti v jeho terajšej forme a v terajšom obsahu pre tých členov, ktorí ho ratifikovali, ale neratifikovali revidovaný dohovor.

Článok 29

Anglické a francúzske znenia textu tohto dohovoru sú rovnako rozhodujúce.

Uvedený text dohovoru je pôvodný a riadne sa prijal v priebehu osemdesiateho deviateho zasadnutia Generálnej konferencie Medzinárodnej organizácie práce, ktoré sa konalo v Ženeve a bolo vyhlásené za skončené 21. júna 2001.

Na dôkaz toho sme pripojili svoje podpisy 22. júna 2001:

prezidentka konferencie

PATRICIA A. STO. TOMAS

generálny riaditeľ Medzinárodného úradu práce

JUAN SOMAVIA

Text dohovoru, ako je tu uvedený, je presnou kópiou pôvodného textu, ktorý podpísal prezident Medzinárodnej konferencie práce a generálny riaditeľ Medzinárodného úradu práce.

Overená, presná a kompletná kópia.

Za generálneho riaditeľa Medzinárodného úradu práce:

DOMINICK DEVLIN v. r.

právny poradca Medzinárodného úradu práce

K oznámeniu č. 385/2003 Z. z.

CONVENTION 184

Convention of the International Labour Organization concerning Safety and Health in Agriculture No. 184/2001

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 89th Session on 5 June 2001, and

Noting the principles embodied in the relevant international labour Conventions and Recommendations, in particular the Plantations Convention and Recommendation, 1958, the Employment Injury Benefits Convention and Recommendation, 1964, the Labour Inspection (Agriculture) Convention and Recommendation, 1969, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, and the Chemicals Convention and Recommendation, 1990, and

Stressing the need for a coherent approach to agriculture and taking into consideration the wider framework of the principles embodied in other ILO instruments applicable to the sector, in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and

Noting the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy as well as the relevant codes of practice, in particular the code of practice on recording and notification of occupational accidents and diseases, 1996, and the code of practice on safety and health in forestry work, 1998, and

Having decided upon the adoption of certain proposals with regard to safety and health in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this twenty-first day of June of the year two thousand and one the following Convention, which may be cited as the Safety and Health in Agriculture Convention, 2001.

I. SCOPE

Article 1

For the purpose of this Convention the term "agriculture" covers agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary processing of agricultural and animal products by or on behalf of the operator of the undertaking as well as the use and maintenance of machinery, equipment, appliances, tools, and agricultural installations, including any process, storage, operation or transportation in an agricultural undertaking, which are directly related to agricultural production.

Article 2

For the purpose of this Convention the term "agriculture" does not cover:

(a) subsistence farming;
(b) industrial processes that use agricultural products as raw material and the related services; and
(c) the industrial exploitation of forests.

Article 3

1. The competent authority of a Member which ratifies the Convention, after consulting the representative organizations of employers and workers concerned:

(a) may exclude certain agricultural undertakings or limited categories of workers from the application of this Convention or certain provisions thereof, when special problems of a substantial nature arise; and
(b) shall, in the case of such exclusions, make plans to cover progressively all undertakings and all categories of workers.

2. Each Member shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any exclusions made in pursuance of paragraph 1(a) of this Article giving the reasons for such exclusion. In subsequent reports, it shall describe the measures taken with a view to

extending progressively the provisions of the Convention to the workers concerned.

II. GENERAL PROVISIONS

Article 4

1. In the light of national conditions and practice and after consulting the representative organizations of employers and workers concerned, Members shall formulate, carry out and periodically review a coherent national policy on safety and health in agriculture. This policy shall have the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment.

2. To this end, national laws and regulations shall:
(a) designate the competent authority responsible for the implementation of the policy and for the enforcement of national laws and regulations on occupational safety and health in agriculture;
(b) specify the rights and duties of employers and workers with respect to occupational safety and health in agriculture; and
(c) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies for the agricultural sector and define their functions and responsibilities, taking into account their complementarity and national conditions and practices.

3. The designated competent authority shall provide for corrective measures and appropriate penalties in accordance with national laws and regulations, including, where appropriate, the suspension or restriction of those agricultural activities which pose an imminent risk to the safety and health of workers, until the conditions giving rise to the suspension or restriction have been corrected.

Article 5

1. Members shall ensure that an adequate and appropriate system of inspection for agricultural workplaces is in place and is provided with adequate means.

2. In accordance with national legislation, the competent authority may entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services, public institutions, or private institutions under government control, or may associate these services or institutions with the exercise of such functions.

III. PREVENTIVE AND PROTECTIVE MEASURES

GENERAL

Article 6

1. In so far as is compatible with national laws and regulations, the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.

2. National laws and regulations or the competent authority shall provide that whenever in an agricultural workplace two or more employers undertake activities, or whenever one or more employers and one or more self-employed persons undertake activities, they shall cooperate in applying the safety and health requirements. Where appropriate, the competent authority shall prescribe general procedures for this collaboration.

Article 7

In order to comply with the national policy referred to in Article 4 of the Convention, national laws and regulations or the competent authority shall provide, taking into account the size of the undertaking and the nature of its activity, that the employer shall:
(a) carry out appropriate risk assessments in relation to the safety and health of workers and, on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all agricultural activities, workplaces, machinery, equipment, chemicals, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards;
(b) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, including information on the hazards and risks associated with their work and the action to be taken for their protection, taking into account their level of education and differences in language; and
(c) take immediate steps to stop any operation where there is an imminent and serious danger to safety and health and to evacuate workers as appropriate.

Article 8

1. Workers in agriculture shall have the right:
(a) to be informed and consulted on safety and health matters including risks from new technologies;
(b) to participate in the application and review of safety and health measures and, in accordance with national law and practice, to select safety and health representatives and representatives in safety and health committees; and
(c) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions.

2. Workers in agriculture and their representatives shall have the duty to comply with the prescribed safety and health measures and to cooperate with employers in order for the latter to comply with their own duties and responsibilities.

3. The procedures for the exercise of the rights and duties referred to in paragraphs 1 and 2 shall be established by national laws and regulations, the competent authority, collective agreements or other appropriate means.

4. Where the provisions of this Convention are implemented as provided for by paragraph 3, there shall be prior consultation with the representative organizations of employers and workers concerned.

MACHINERY SAFETY AND ERGONOMICS

Article 9

1. National laws and regulations or the competent authority shall prescribe that machinery, equipment, including personal protective equipment, appliances and hand tools used in agriculture comply with national or other recognized safety and health standards and be appropriately installed, maintained and safeguarded.

2. The competent authority shall take measures to ensure that manufacturers, importers and suppliers comply with the standards referred to in paragraph 1 and provide adequate and appropriate information, including hazard warning signs, in the official language or languages of the user country, to the users and, on request, to the competent authority.

3. Employers shall ensure that workers receive and understand the safety and health information supplied by manufacturers, importers and suppliers.

Article 10

National laws and regulations shall prescribe that agricultural machinery and equipment shall:

(a) only be used for work for which they are designed, unless a use outside of the initial design purpose has been assessed as safe in accordance with national law and practice and, in particular, shall not be used for human transportation, unless designed or adapted so as to carry persons; and

(b) be operated by trained and competent persons, in accordance with national law and practice.

HANDLING AND TRANSPORT OF MATERIALS

Article 11

1. The competent authority, after consulting the representative organizations of employers and workers concerned, shall establish safety and health requirements for the handling and transport of materials, particularly on manual handling. Such requirements shall be based on risk assessment, technical standards and medical opinion, taking account of all the relevant conditions under which the work is performed in accordance with national law and practice.

2. Workers shall not be required or permitted to engage in the manual handling or transport of a load which by reason of its weight or nature is likely to jeopardize their safety or health.

SOUND MANAGEMENT OF CHEMICALS

Article 12

The competent authority shall take measures, in accordance with national law and practice, to ensure that:

(a) there is an appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging and labelling of chemicals used in agriculture and for their banning or restriction;

(b) those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to the users in the appropriate official language or languages of the country and, on request, to the competent authority; and

(c) there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

Article 13

1. National laws and regulations or the competent authority shall ensure that there are preventive and protective measures for the use of chemicals and handling of chemical waste at the level of the undertaking.

2. These measures shall cover, inter alia:

(a) the preparation, handling, application, storage and transportation of chemicals;

(b) agricultural activities leading to the dispersion of chemicals;

(c) the maintenance, repair and cleaning of equipment and containers for chemicals; and

(d) the disposal of empty containers and the treatment and disposal of chemical waste and obsolete chemicals.

ANIMAL HANDLING AND PROTECTION AGAINST BIOLOGICAL RISKS

Article 14

National laws and regulations shall ensure that risks such as those of infection, allergy or poisoning are prevented or kept to a minimum when biological agents are handled, and activities involving animals, livestock and stabling areas, comply with national or other recognized health and safety standards.

AGRICULTURAL INSTALLATIONS

Article 15

The construction, maintenance and repairing of agricultural installations shall be in conformity with national laws, regulations and safety and health requirements.

IV. OTHER PROVISIONS

YOUNG WORKERS AND HAZARDOUS WORK

Article 16

1. The minimum age for assignment to work in agriculture which by its nature or the circumstances in which it is carried out is likely to harm the safety and health of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 applies shall be determined by national laws and regulations or by the competent authority, after consultation with the representative organizations of employers and workers concerned.

3. Notwithstanding paragraph 1, national laws or regulations or the competent authority may, after consultation with the representative organizations of employers and workers concerned, authorize the performance of work referred to in that paragraph as from 16 years of age on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.

TEMPORARY AND SEASONAL WORKERS

Article 17

Measures shall be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable permanent workers in agriculture.

WOMEN WORKERS

Article 18

Measures shall be taken to ensure that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health.

WELFARE AND ACCOMMODATION FACILITIES

Article 19

National laws and regulations or the competent authority shall prescribe, after consultation with the representative organizations of employers and workers concerned:

(a) the provision of adequate welfare facilities at no cost to the worker; and

(b) the minimum accommodation standards for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

WORKING TIME ARRANGEMENTS

Article 20

Hours of work, night work and rest periods for workers in agriculture shall be in accordance with national laws and regulations or collective agreements.

COVERAGE AGAINST OCCUPATIONAL INJURIES AND DISEASES

Article 21

1. In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors.

2. Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice.

FINAL PROVISIONS

Article 22

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 23

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 24

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the

preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 25

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 26

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 27

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 28

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

(a) the ratification by a Member of the new revising Convention shall ipso iure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 24 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 29

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention adopted by the General Conference of the International Labour Organization during its Eighty-ninth Session which was held at Geneva and declared closed on the twenty-first day of June 2001.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of June 2001.

The President of the Conference,
PATRICIA A. STO. TOMAS

The Director-General of the International Labour Office,
JUAN SOMAVIA

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

For the Director-General of the International Labour Office:
DOMINICK DEVLIN signature manual
Legal Adviser
of the International Labour Office.

K oznámeniu č. 385/2003 Z. z.

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(c) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions.

2. Workers in agriculture and their representatives shall have the duty to comply with the prescribed safety and health measures and to cooperate with employers in order for the latter to comply with their own duties and responsibilities.

3. The procedures for the exercise of the rights and duties referred to in paragraphs 1 and 2 shall be established by national laws and regulations, the competent authority, collective agreements or other appropriate means.

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HANDLING AND TRANSPORT OF MATERIALS

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1. The competent authority, after consulting the representative organizations of employers and workers concerned, shall establish safety and health requirements for the handling and transport of materials, particularly on manual handling. Such requirements shall be based on risk assessment, technical standards and medical opinion, taking account of all the relevant conditions under which the work is performed in accordance with national law and practice.

2. Workers shall not be required or permitted to engage in the manual handling or transport of a load which by reason of its weight or nature is likely to jeopardize their safety or health.

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(a) there is an appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging and labelling of chemicals used in agriculture and for their banning or restriction;

(b) those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to the users in the appropriate official language or languages of the country and, on request, to the competent authority; and

(c) there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

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1. National laws and regulations or the competent authority shall ensure that there are preventive and protective measures for the use of chemicals and handling of chemical waste at the level of the undertaking.

2. These measures shall cover, inter alia:

(a) the preparation, handling, application, storage and transportation of chemicals;

(b) agricultural activities leading to the dispersion of chemicals;

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YOUNG WORKERS AND HAZARDOUS WORK

Article 16

1. The minimum age for assignment to work in agriculture which by its nature or the circumstances in which it is carried out is likely to harm the safety and health of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 applies shall be determined by national laws and regulations or by the competent authority, after consultation with the representative organizations of employers and workers concerned.

3. Notwithstanding paragraph 1, national laws or regulations or the competent authority may, after consultation with the representative organizations of employers and workers concerned, authorize the performance of work referred to in that paragraph as from 16 years of age on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.

TEMPORARY AND SEASONAL WORKERS

Article 17

Measures shall be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable permanent workers in agriculture.

WOMEN WORKERS

Article 18

Measures shall be taken to ensure that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health.

WELFARE AND ACCOMMODATION FACILITIES

Article 19

National laws and regulations or the competent authority shall prescribe, after consultation with the representative organizations of employers and workers concerned:

(a) the provision of adequate welfare facilities at no cost to the worker; and

(b) the minimum accommodation standards for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

WORKING TIME ARRANGEMENTS

Article 20

Hours of work, night work and rest periods for workers in agriculture shall be in accordance with national laws and regulations or collective agreements.

COVERAGE AGAINST OCCUPATIONAL INJURIES AND DISEASES

Article 21

1. In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors.

2. Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice.

FINAL PROVISIONS

Article 22

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 23

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 24

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the

preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 25

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 26

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 27

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 28

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

(a) the ratification by a Member of the new revising Convention shall ipso iure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 24 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 29

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention adopted by the General Conference of the International Labour Organization during its Eighty-ninth Session which was held at Geneva and declared closed on the twenty-first day of June 2001.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of June 2001.

The President of the Conference,
PATRICIA A. STO. TOMAS

The Director-General of the International Labour Office,
JUAN SOMAVIA

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Certified true and complete copy,

For the Director-General of the International Labour Office:
DOMINICK DEVLIN signature manual
Legal Adviser
of the International Labour Office.

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