



**LAW No. 11/2023  
of April 19th**

**Safety, Health and Hygiene at Work**

The Constitution of the Democratic Republic of Timor-Leste enshrines in Article 50 the right to safety and hygiene at work, and the Labor Law, Law No. 4/2012 of February 21, determines that the worker has the right to work in decent conditions of safety, health and hygiene, which must be ensured by the employer.

Occupational safety, health and hygiene are fundamental for work to be carried out in dignified conditions that protect the worker's physical and psychological well-being. They also reduce absenteeism and accidents, increase productivity and competitiveness, and are essential for the growth of the various sectors of activity and for economic development.

In this context, it is essential to provide the legal system with a legal framework that safeguards the conditions of safety, health and hygiene at work, appropriate to the context of the country and considering best practices.

Thus, this law provides for the establishment of a national system for the prevention of occupational risks, regulates the creation in companies of a joint committee responsible for promoting worker awareness of the risks inherent in the work and their elimination, establishes the general obligations of employers and workers in matters of safety, health and hygiene at work, as well as the obligation of employers and the state to promote training in the area of protection and prevention of safety, health and hygiene at work and for the prevention of occupational risks and diseases.

This law also determines special protection measures for pregnant and lactating workers and for underage workers, establishing the activities that are prohibited or conditioned.

Pursuant to Article 95.1 of the Constitution of the Republic, the National Parliament decrees the following to be valid as law:

**TITLE I  
GENERAL PROVISIONS**

**CHAPTER I  
OBJECT, SCOPE AND DEFINITIONS**

## **Article 1 Object**

This law establishes the general principles and rules intended to promote occupational safety, health, and hygiene.

## **Article 2 Scope of application**

1. The present law applies to all workplaces located in the territory of Timor-Leste, to workers and to national and international employers and their respective organisations.
2. The application of the present law covers, in particular:
  - a) All branches of activity, in the public, private and cooperative and social sectors;
  - b) Employees and their employers, including non-profit legal entities governed by private law;
  - c) Self-employed workers; Trainees or apprentices;
  - d) Those who are economically dependent on the employer by reason of the means of work and the result of their activity, although they do not hold a legal relationship of public or private employment.
3. The principles set out in this law shall apply, whenever they are compatible with their specific nature, to agricultural holdings and family fishing activities, as well as to domestic service, which shall be regulated by special legislation, and to situations in which work is provided by one person to another, without legal subordination, when the provider of the work is to be considered economically dependent on the beneficiary of the activity.
4. This law shall not apply, in the public sector, whenever activities are concerned that are conditioned by safety or emergency criteria and to all those who carry out such activities, namely members of the Armed Forces or the police, as well as those who carry out specific activities of the civil protection services, without prejudice to the adoption of measures to ensure the safety and health of the respective workers.

## **Article 3 Definitions**

Without prejudice to the provisions of the labor legislation, it is considered, for the purposes of the present law:

- a) "Occupational accident", that which occurs by the exercise of work, at the workplace and during working time, or in the worker's journey between his home and workplace and vice versa, in the service of the employer, causing bodily injury, functional disturbance or disease from which results death, loss or reduction, permanent or temporary, of capacity for work;

- b) "Biological agents", natural microorganisms, such as bacteria, viruses, fungi (yeasts and molds) and parasites, or genetically modified ones susceptible of causing infections, allergies or poisoning, which must be classified according to the risk they pose to health;
- c) "Occupational disease", all those directly resulting from working conditions, related to the profession, from which death, loss or reduction, permanent or temporary, of capacity for work may result;
- d) "Collective Protection Equipment (CPE)" means any means or device intended for use by a group of people against possible risks threatening their health or safety during the exercise of a given task or activity;
- e) "Individual Protective Equipment (IPE)" means any means or device intended for use by a person against possible risks threatening his health or safety during the exercise of a certain task or activity;
- f) "Work equipment" means any machine, apparatus, tool or installation used at work;
- g) "Workplace" means any place where the worker is or has to be in order to perform his work, or the place resulting from the agreement of the parties for the performance of work as provided in the employment contract or service contract, and which is directly or indirectly subject to the supervision of the employer;
- h) "Joint committee members" means workers and employers appointed to represent workers and employers in the fields of occupational safety, health and hygiene;
- i) "Hazard" means the intrinsic property of an installation, activity, equipment, agent or other material component of work with the potential to cause harm;
- j) "Prevention" means the set of public policies and programs, provisions, measures or actions aimed at avoiding or reducing occupational risks to which workers are potentially exposed and which must be taken in licensing and in all phases of activity of the company, establishment or service;
- k) "Risk" means the probability of the materialization of harm as a function of the conditions of use, exposure or interaction of the material component of the work that presents a hazard;
- l) "Hazardous or nuisance substances" means any explosive, flammable, corrosive, high temperature, carcinogenic, toxic, asphyxiating, irritating, and infectious substances or agents;
- m) "Working time" means the normal working period and any period during which the worker performs the activity or remains engaged in the performance of the service, as well as interruptions and breaks;
- n) "self-employed worker" means a person pursuing an activity as a self-employed person;

- o) "Pregnant worker" means a pregnant worker who informs her employer of her condition in writing and submits a medical certificate;
- p) "Lactating worker" means a worker who breastfeeds her child and informs her employer of her condition, in writing, upon presentation of a medical certificate;
- q) "Use of work equipment" means any activity of the worker that involves contact with work equipment, putting it into or out of service, using it, transporting it, repairing it, transforming it, maintaining it and keeping it clean;
- r) "Escape routes" means routes that are specially designed and dimensioned for guiding those inside workplaces quickly and safely to the outside or to an area free from danger;
- s) "Danger zone" means any zone in or around work equipment where the presence of an exposed worker subjects him to risks to his safety or health.

#### **Article 4** **General principles**

1. Every worker has the right to work in safe, healthy and hygienic conditions, which must be ensured by the employer.
2. The implementation of safety, health and hygiene measures shall take account of existing differences between workers and shall, in particular, be adapted as far as possible for workers with special needs.
3. The prevention of occupational risks shall be developed in accordance with principles, standards and programs aimed, in particular, at:
  - a) The promotion and surveillance of workers' health, in particular that of workers with chronic illnesses
  - b) Education, training and information to promote safety, health and hygiene at work;
  - c) The awareness of society, in order to create a true culture of prevention;
  - d) The efficiency of the public system for inspecting compliance with legislation relating to safety, health, and hygiene at work;
  - e) The definition of the technical conditions to which the design, manufacture, importation, sale, transfer, installation, organization, use and transformation of the material components of the work must conform according to the nature and degree of the risks, and also the obligations of the persons responsible for them;
  - f) The determination of the substances, agents or processes that must be prohibited, limited or subject to authorization or control by the competent authority, as well as the definition of limit values for the exposure of workers to chemical, physical and biological agents and the technical standards for sampling, measurement and evaluation of results.

4. Workers shall be entitled to compensation for damages resulting from work accidents and occupational illnesses under the terms provided for by law.
5. If the occupational accident or illness referred to in the previous number results in the death of the worker, compensation for damages shall be made under the terms of the law in force.

## **CHAPTER II PREVENTION OF OCCUPATIONAL RISKS**

### **Article 5 Integrating elements**

1. It is incumbent upon the government departments responsible for the areas of work and health to propose the definition of the policy for the promotion and supervision of occupational safety, health and hygiene and of a national system for the prevention of occupational risks.
2. The proposals referred to in the previous paragraph shall seek to develop complementarities and interdependencies between the areas of safety, health and hygiene at work.
3. In defining the policy for the promotion and supervision of occupational safety, health and hygiene, in establishing the national system for the prevention of occupational risks, and in matters related to occupational safety, health and hygiene, tripartite cooperation and consultation between the State, employers' representative organisations and workers' representative organisations shall be ensured.

### **Article 6 Policy-making, coordination and evaluation of results**

The coordination of the application of policy measures and the evaluation of results, namely, concerning inspection activity, shall be the responsibility of the government department responsible for the area of labour.

### **Article 7 National system for the prevention of occupational risks**

The State shall promote the creation of a national system for the prevention of occupational risks, which aims to put into effect the right to safety, health and hygiene at work, by safeguarding the coherence of measures and the efficacy of the intervention of public, private or co-operative entities that exercise, within this scope, competencies in the areas of regulation, licensing, certification, standardization, research, training, information, consultation and participation, technical services for prevention and health surveillance and inspection.

## **CHAPTER III RIGHTS, DUTIES, AND GUARANTEES OF THE PARTIES**

### **Section I Employers**

#### **Article 8 General obligations of the employer**

1. Without prejudice to the provisions of labour legislation, the employer shall be obliged to ensure that workers enjoy conditions of safety, health and hygiene in all aspects related to their work, and shall implement the necessary measures, taking into account the following principles of prevention:
  - a) To proceed, in the design of installations, workplaces and processes, to the identification of foreseeable risks, combating them at their source, annulling them or limiting their effects, so as to ensure an effective level of protection;
  - b) Integrate in all the activities of the company, establishment or service and at all levels, the evaluation of the risks to the safety, health and hygiene of the workers, with the adoption of appropriate prevention measures;
  - c) Ensure that exposures to chemical, physical and biological agents in the workplace do not constitute a risk to the health of workers;
  - d) Plan prevention in the undertaking, establishment or service within a coherent system which takes into account the technical component, organization of work, social relationships and material factors inherent in the work
  - e) Take into account, in the organization of the means, not only the workers, in particular the workers with special needs, but also third parties likely to be affected by the risks in the performance of the work, either on the premises or outside;
  - f) Give priority to collective protection over individual protection measures;
  - g) Organize the work, trying, namely, to eliminate the harmful effects of monotonous work and falling work on the workers' health;
  - h) Ensure the appropriate surveillance of workers' health, especially that of workers with chronic diseases, according to the risks to which they are exposed in the workplace;
  - i) Establish, in terms of first aid, fire-fighting and evacuation of workers, the measures to be adopted and the identification of the workers responsible for their application, as well as ensuring the necessary contacts with the external entities competent to carry out those operations and those of medical emergency;
  - j) Replace what is dangerous with what is harmless or less dangerous;
  - k) Give adequate instructions to the workers;

- l) Only allow workers with adequate skills and training, and only when and for the time necessary, access to areas of serious risk;
  - m) Adopt measures and give instructions that allow workers, in the case of serious and imminent danger that cannot be avoided, to cease their activity or to leave the workplace immediately without being able to resume their activity while this danger persists, except in exceptional cases and provided that adequate protection is ensured;
  - n) Take into consideration whether the workers have knowledge and skills in matters of safety and health at work that enable them to perform safely the tasks assigned to them;
  - o) Ensure that work equipment is suitable or properly adapted to the work to be done and ensures the safety and health of workers, as well as ensuring its maintenance;
  - p) Provide workers with adequate information, in a language they understand, about the equipment and tools used in the workplace;
  - q) To provide, to the workers to whom such tasks are entrusted, adequate training on the use, repair, transformation, maintenance or cleaning of equipment that presents specific risks to safety or health;
  - r) Provide individual and collective protection equipment, ensure its proper functioning, provide training and information on its use and on the risks against which the individual and collective protection equipment is intended to protect, and control its use by the workers;
  - s) Ensure that all types of equipment existing in the workplace, from work equipment to collective and individual protection equipment, are in good working order and are regularly checked and maintained within the standards or conditions of use;
  - t) Ensure the existence of adequate safety and health signs at work, whenever these risks cannot be avoided or sufficiently diminished with technical means of collective protection or with measures, methods or processes of work organization.
2. In implementing preventive measures, the employer shall use the necessary means, particularly in the fields of preventive techniques, training and information, and appropriate services, whether inside or outside the undertaking, establishment or service, as well as the protective equipment which becomes necessary, taking account of technical developments.
3. When several companies, establishments or services simultaneously carry out activities with their respective workers in the same workplace, the employers shall, taking into account the nature of the activity that each one carries out, cooperate with a view to the protection of safety and health, the obligations being ensured by the following entities:
- a) The user company, in the case of workers on a temporary work or labor assignment basis;



- b) The company on whose premises other workers provide services as self-employed, independent workers or under service provision contracts.
  - c) In all other cases, the company awarded the work or service must ensure coordination of the other employers, without prejudice to each employer's obligations towards their respective workers.
- 4. For the purposes of the provisions of this article and with the appropriate adaptations, the independent worker shall be treated as the employer.
  - 5. Breach of the provisions of paragraphs 1 and 2 of this article shall constitute a very serious administrative offence.

### **Article 9**

#### **Joint commission**

- 1. In order to fulfil the obligations provided for in this law, the employer shall ensure the organisation of occupational safety, health and hygiene activities by establishing a joint commission in accordance with the Labour Law.
- 2. The establishment of a joint commission is mandatory in companies with more than 20 workers or in companies, regardless of the number of workers, whose activity poses special risks to the safety, health and hygiene of workers.
- 3. The joint commission must be composed of:
  - a) 2 members, 1 representative of the workers and 1 representative of the employer, in companies with a number of 20 workers or less;
  - b) 4 members, 2 workers' representatives and 2 employer's representatives, in companies with more than 20 workers.
- 4. The appointment of the members of the joint commission shall observe gender balance, in accordance with the Constitution.
- 5. The workers' representatives must be elected at a workers' assembly that is expressly called for the purpose.
- 6. The joint commission shall promote worker awareness of compliance with occupational safety, health and hygiene rules and approve recommendations for the elimination of risks to the safety, health and hygiene of workers.
- 7. The joint commission meets ordinarily, four times a year, to:
  - a) Make available the results of special risk assessments concerning the groups of workers exposed to them;
  - b) Make available the list of work accidents that have caused incapacity for work of more than three days;
  - c) Discuss measures for the elimination or reduction of risks inherent to the work;



- d) Promote the awareness of workers about the risks inherent to work.
- 8. The joint commission meets extraordinarily whenever a work accident occurs or when working conditions are altered in such a way as to worsen the risks of occupational diseases.
- 9. The deliberations taken by the joint commission are recorded in minutes and duly signed by those present.
- 10. The members of the joint commission must perform their specific duties with zeal and must not be prejudiced by the performance of these activities, and the employer must provide them with the necessary time, information and adequate means for the performance of their duties.
- 11. For the purposes of the provisions of this article, whenever they are compatible with their specific nature, agricultural holdings shall adopt the regime established in the previous numbers.
- 12. Breach of the provisions of paragraph 2 of this article shall constitute a light administrative offence.

## **Article 10**

### **Communications and reports**

- 1. The employer shall notify the entity with powers of inspection of the government department responsible for the area of labour and the employee representatives on the Joint Commission of the existence of an accident at work or occupational illness which results in harm to the health of the employee, on the working day following its occurrence, without prejudice to the provisions of the following paragraph.
- 2. In the event of death or a particularly serious accident at work causing incapacity for work, even if only temporarily, the employer shall suspend work and immediately call in the inspection powers of the government department responsible for the area of labour and the police authority or the Public Prosecutor's Office to inspect the site and investigate the causes of the accident, under the terms of the law in force.
- 3. Violation of the provisions of the preceding paragraphs constitutes a serious offence.

## **Section II**

### **Workers**

## **Article 11**

### **Information and consultation for workers**

- 1. Workers must have up-to-date information about:
  - a) The assessment of the risks to safety and health at work, including those concerning groups of workers subject to special risks;

- b) The risks to safety, health and hygiene, as well as the protection and prevention measures and the way in which they are applied, whether related to the workstation or function, or, in general, to the company, establishment or service;
  - c) The measures and instructions to be adopted in the event of serious and imminent danger;
  - d) First aid, fire-fighting and worker evacuation measures in case of accidents, as well as the workers or services in charge of implementing them
  - e) The designation of the workers responsible for the application of the first aid, fire-fighting and workers' evacuation measures, their respective training and the material available;
  - f) The protection material to be used.
2. Without prejudice to the appropriate training, the information referred to in the previous number must be provided to the employee in the following cases:
- a) Admission to the company;
  - b) Change of job position or functions;
  - c) Introduction of new work equipment or changes to existing equipment;
  - d) Adoption of a new technology;
  - e) d). Activities involving workers from several companies.
3. Workers must be consulted about:
- a) Health and safety measures before they are put into effect or as soon as possible in the event of their urgent implementation;
  - b) Measures which, by virtue of their impact on technologies and functions, have an impact on safety and health at work;
  - c) The program and organization of training in the area of safety, health and hygiene at work;
  - d) The designation of the workers responsible for implementing first aid, fire-fighting and worker evacuation measures.
4. Workers may present proposals so as to minimize any occupational risk.
5. Breach of the provisions of paragraphs 1, 2 and 3 of this article shall constitute a serious administrative offence.

## **Article 12**

### **Training for workers**

1. Workers shall receive appropriate and sufficient training in occupational safety, health and hygiene, taking into account their duties and the workplace.
2. The employer shall provide workers with appropriate training in the risks of occupational accidents and diseases, irrespective of the duration of the employment relationship.
3. Without prejudice to the training referred to in the previous paragraph, workers must always receive new training in the following cases:
  - a) Change of function;
  - b) Adoption of a new technology;
  - c) Installation of new equipment or materials, or the alteration of existing equipment on the same or a different work site;
  - d) Activities involving trainees, both formal and non-formal education students, apprentices and people looking for their first job.
4. The employer shall also provide the conditions for the members of the joint committee to receive adequate training, if necessary by granting leave with or without pay where such workers are provided with a specific allowance by another employer.
5. For the purposes of the provisions of this article, the employer and his representative associations may request the support of the competent authorities when they lack the means and conditions necessary for the training to take place, as well as the workers' representative organizations with regard to the training of their representatives.
6. Workers' training on safety, health and hygiene at work shall be provided for workers or their representatives in such a way that no detriment may result to them.
7. The employer shall, taking into account the size and specific risks existing in the company, establishment or service, train the workers responsible for the application of first aid, fire-fighting and worker evacuation measures in sufficient numbers and provide them with the appropriate material.
8. Violation of the provisions of paragraphs 1 to 4, 6 and 7 of this Article constitutes a serious administrative offence.

## **Article 13**

### **General Obligations of Workers**

1. Without prejudice to the provisions of the Labour Law, the general obligations of workers shall be:

- a) Comply with the safety, health and hygiene at work prescriptions established in legal or conventional instruments and the instructions determined for this purpose by the employer;
  - b) Ensure their own safety and health, as well as the safety and health of others who may be affected by their actions or omissions at work;
  - c) Use correctly, and according to the instructions given by the employer, machines, vehicles, devices, instruments, dangerous substances and other equipment and means put at their disposal, namely collective and individual protection equipment, as well as comply with the established work procedures;
  - d) Cooperate, in the company, establishment or service, to improve the safety, health and hygiene system at work;
  - e) Immediately inform their hierarchical superior or, if this is not possible, the worker designated to perform specific functions in the fields of safety, health and hygiene at work, of any faults and deficiencies that they detect and which seem likely to cause serious and imminent danger, as well as any defects in the protection systems;
  - f) Use correctly and keep in good condition the individual protection equipment in accordance with the instructions given to them;
  - g) Participate in any training sessions promoted by the employer or by the government entities responsible for the areas of work and health or others of a public or private nature in coordination with the former;
  - h) In the event of serious and imminent danger, to adopt the measures and instructions previously established for such a situation, without prejudice to the duty to contact, as soon as possible, their hierarchical superior or the workers who have specific functions in the fields of safety, health and hygiene in the workplace.
2. A worker may not suffer any detriment because he has left his workstation or a danger zone in the event of serious and imminent danger or because he has taken measures for his own safety or the safety of others.
  3. The obligations of workers in the field of safety and health at work shall not exclude the general obligations of the employer, as set out in Article 8.
  4. Breach of the provisions of paragraph 1(b) shall constitute a serious administrative offence.
  5. Without prejudice to the provisions of the preceding paragraph, the culpable breach of the obligations set out in the paragraphs of subsection 1 or the practice of conduct that has contributed to creating a dangerous situation shall render the worker liable to disciplinary and civil action.

## **CHAPTER IV OTHER INSTRUMENTS FOR ACTION**

### **Section I Education, training and information**

#### **Article 14 Education, training and information for safety, health and hygiene at work**

1. The State shall promote the integration of content on safety, health and hygiene at work in education activities to be carried out at the various levels of education and in vocational training activities, so as to enable the acquisition of knowledge and habits to prevent accidents at work and occupational illnesses.
2. The State shall promote training and information actions aimed at employers and workers, as well as public information and clarification actions on matters of safety, health and hygiene at work.

#### **Article 15 Training actions for employers and workers**

1. Organisations representing employers and workers responsible for the areas of labour and health shall promote training actions with a view to transmitting and acquiring knowledge in the area of protection and prevention of occupational safety, health and hygiene against occupational risks and diseases.
2. Training sessions shall have a minimum duration of forty hours per year and, in the case of specific areas of activities of greater complexity or demand, shall have a minimum duration of sixty hours per year.
3. The training for employers and workers is divided into two modalities:
  - a) Initial training;
  - b) Continuous training.
4. The initial training shall take place through specific training actions promoted by the entities referred to in No. 1, namely during the initial phase of operation of the companies.
5. Continuous training shall be promoted by the employing entity itself in order to ensure that knowledge in this area is updated, particularly in the situations described in subparagraphs b) to e) of no. 2 of article 11.
6. Breach of the provisions of the previous point shall constitute a light administrative offence.

### **Section II Licensing, Inspection and Statistics**

#### **Article 16 Licensing and authorisation to operate**

The procedures for licensing and authorisation to work shall be the object of specific legislation and shall integrate the appropriate specifications for the prevention of occupational risks and protection of health.

### **Article 17 Supervision**

1. The supervision of compliance with legislation on occupational safety, health and hygiene, as well as the application of the corresponding sanctions, shall be the responsibility of the entity with powers of inspection of the government department responsible for the area of labour, without prejudice to the specific powers attributed to other entities.
2. Joint operations may be conducted with other relevant entities for the supervision of compliance with the rules for the implementation of occupational safety, health and hygiene measures provided for in this law.
3. It is also incumbent upon the entity with inspection competencies of the government department responsible for the area of labour:
  - a) Carry out mandatory enquiries in the event of a fatal work accident or a particularly serious situation;
  - b) Receive complaints from workers regarding working conditions and compliance with safety, health and hygiene standards at work.
4. The entity with inspection competencies of the Government department responsible for the area of labour may participate in the preparation of specific rules for specific branches or sectors of activities, as well as propose additional regulations to the member of the Government responsible for the area of labour.

### **Article 18 Statistics**

1. The State, through the entities responsible for the areas of labour and health, shall ensure the regular publication and dissemination of annual statistics on accidents at work and occupational diseases.
2. The statistical information shall enable occupational accidents and diseases to be characterised, in order to enable the adoption of appropriate methodologies and criteria for the design of prevention programmes and measures of national and sectorial scope.

## **TITLE II SAFETY, HEALTH AND HYGIENE MEASURES AND ACTIONS AT WORK**

### **CHAPTER I SAFETY AND HEALTH SIGNS**

## **Article 19**

### **Types of signalling**

The employer shall signal the dangers and risks associated with the activity, situation or object which may affect the safety or health of the worker or both, through the use of signs, colours, luminous or acoustic signals, verbal communications or hand signals.

## **Article 20**

### **Installation of signs**

1. The number and location of the signalling means or devices depend on the importance of the risks, the dangers and the extension of the zone to be covered.
2. Means and signalling devices shall be regularly cleaned, maintained, checked and, if necessary, repaired or replaced.
3. Signs shall be installed in a well-lit place, at an appropriate height and position, taking into account impediments and their visibility.
4. Breach of the provisions of the previous paragraphs constitutes a serious misdemeanour.

## **Article 21**

### **Signalling efficiency**

1. The employer shall ensure the accessibility and clarity of the message of safety and health signs, ensuring that they are located in visible places, exist in sufficient numbers and function properly.
2. Breach of the provisions contained in the previous subsection shall constitute a minor administrative offence.

## **CHAPTER II**

### **PROTECTION OF THE ENVIRONMENT AND WORKPLACES**

## **Article 22**

### **Hygiene**

1. In workplaces, good hygiene and health conditions shall be maintained in work facilities and equipment.
2. Workplaces shall be cleaned as often as the nature of the work requires.
3. Workplaces shall have clean, ventilated sanitary facilities, separated by gender and for workers with special needs.
4. Infringement of the provisions contained in the preceding paragraphs shall constitute a minor infraction.



### **Article 23 Lighting**

1. Workplaces where work equipment is worked on or serviced shall be adequately lit with natural light in accordance with the work to be done, with additional recourse to artificial light where this is insufficient.
2. Violation of the provisions contained in the previous number constitutes a minor administrative offence.

### **Article 24 Exterior Works**

1. Workers working outside buildings must be protected against bad weather and excessive exposure to the sun by wearing appropriate clothing, footwear and accessories.
2. Violation of the provisions contained in the previous sub-paragraph constitutes a serious administrative offence.

### **Article 25 Fire-fighting**

1. Workplaces shall be equipped with appropriate fire-fighting material or equipment in good working order, within the period of validity, accessible and duly marked for the purpose.
2. In addition to the provisions contained in the previous paragraph, the workplaces should also have evacuation routes, emergency exits and safety zones to facilitate the removal of workers from the fire zone.
3. Equipment and installations involving high fire risks must, as far as possible, be constructed in such a way that, in the event of fire, they can be easily isolated.
4. Buildings with high fire risks should have detection and alarm systems directly connected to the fire brigade's fire detection and automatic extinction center.
5. Violation of the provisions of the previous paragraphs constitutes a serious administrative offence.

### **Article 26 Prohibition of smoking and fire**

1. In places where explosive, inflammable or combustible materials are stored, stored or handled, it is forbidden to smoke, light or hold matches, lighters or other objects that produce a flame or spark.
2. The prohibition must be duly signposted.

3. Violation of the provisions of the previous paragraphs constitutes a very serious administrative offence.

## **CHAPTER III USE AND MAINTENANCE OF WORK EQUIPMENT**

### **Section I General Rules of Use**

#### **Article 27 General principle**

The rules for the use of work equipment provided for in this section shall apply in so far as the corresponding risk exists for the work equipment in question.

#### **Article 28 Conditions for work equipment**

1. Work equipment must:
  - a) be in good working order;
  - b) be within the period of validity indicated in the equipment's manual
  - c) Comply with minimum international quality standards;
  - d) They are certified by the competent authority under the terms of the law
  - e) Be appropriate and conveniently adapted to the work to be carried out in order to guarantee safety and health at work;
  - f) Series I, No. 15 Wednesday, 19 April 2023 Page 646
  - g) Be installed, arranged and used in such a way as to reduce risks;
  - h) Be used only in operations or conditions for which they are appropriate.
2. Violation of the provisions of the preceding paragraph constitutes a minor administrative offence.

#### **Article 29 Safety signs**

1. Work equipment shall be properly marked, with warnings or other signs that are essential to ensure the safety of workers, and shall contain adequate information on its use.
2. Violation of the provisions contained in the previous subsection shall constitute a minor administrative offence.

#### **Article 30 Work Equipment**

1. Whenever the use of work equipment may present a specific risk to the safety or health of workers, the employer shall take the necessary measures so that:
  - a) its use is reserved for the workers entrusted with it;

- b) the workers carrying out repairs, modifications, maintenance or cleaning are specifically qualified to do so.
2. Breach of the provisions of the preceding paragraph constitutes a minor administrative offence.

## **Section II Specific Rules of Use**

### **Article 31 Control Systems**

1. Work equipment control systems having an impact on safety must be clearly visible and identifiable and appropriately marked where necessary and, where possible, located outside danger zones.
2. Control systems must be located in identified places and be dependent on voluntary action to start and stop them in a safe manner, together with an emergency stop device.
3. Failure to comply with the provisions of the preceding paragraphs shall constitute a serious misconduct.

### **Article 32 Projections or emanations**

1. Work equipment presenting risks due to falling or ejected objects must be fitted with appropriate safety equipment.
2. Work equipment causing risks due to the emanation of gases, vapours, liquids or dusts shall be fitted with effective retention or extraction devices installed at the respective source.
3. Violation of the provisions of the previous paragraphs constitutes a serious administrative offence.

### **Article 33 Risks of mechanical contact**

1. The moving parts of work equipment that may cause accidents by mechanical contact shall have guards to prevent access to danger zones or devices that interrupt the movement of moving parts before accessing those zones.
2. Violation of the provisions of the previous number constitutes a very serious administrative offence.

### **Article 34**

#### **Electrical, fire and explosion hazards**

1. Work equipment must:
  - a) Protect exposed workers against the risks of direct or indirect contact with electricity;
  - b) Protect workers against the risks of fire, overheating or release of gases, dust, liquids, vapours or other substances produced, used or stored by them;
  - c) Prevent the risk of explosion of equipment or of substances produced, used or stored by them.
2. The violation of the provisions set forth in the previous number constitutes a very serious administrative infraction.

### **Article 35**

#### **Energy sources**

1. All energy sources and their connection to work equipment shall be clearly identified and isolated, in order to ensure the safety of workers.
2. Violation of the provisions of the previous sub-paragraph constitutes a serious administrative offence.

### **Article 36**

#### **Equipment Transporting Workers and Risk of Rollover**

1. Work equipment carrying one or more workers must be adapted in such a way as to reduce the risks to workers while it is being moved, and in particular the risk of workers coming into contact with the wheels or tracks or being trapped by these parts.
2. Work equipment carrying workers must limit the risks of roll-over.
3. In the event of a roll-over, where there is a risk of workers being crushed between the equipment and the ground, a restraining system for the workers carried must be installed.
4. Violation of the provisions of the previous points constitutes a serious administrative offence.

### **Article 37**

#### **Self-propelled mobile equipment**

1. Self-propelled work equipment shall only move within work areas in compliance with the internal rules of the company.
2. Workers shall not move on foot in areas intended for the movement of self-propelled work equipment, unless such movement is necessary for the execution of the work

and adequate measures are in place to prevent workers from being hit by the equipment.

3. Mobile work equipment with combustion engines may only be used in working areas when there is sufficient air in them to avoid risks to the safety or health of workers.
4. Violation of the provisions of the previous points constitutes a serious administrative offence.

### **Article 38** **Work equipment for lifting loads**

1. Work equipment which is mobile or can be dismantled and which lifts loads must be used in such a way as to ensure its stability during use under all foreseeable conditions, taking account of the nature of the ground and complying with the rules and limits laid down by the manufacturer.
2. Lifting of workers is permitted only with equipment intended for that purpose.
3. Without prejudice to the provisions of the preceding paragraphs, the lifting of loads must:
  - a) Be limited to the maximum amount permitted by law;
  - b) Prevent the risk of falls and other associated risks;
  - c) Ensure that workers in the surrounding areas are not subject to any hazards resulting from it.
4. The presence of workers under suspended loads or the movement of suspended loads above unprotected workplaces usually occupied by workers is prohibited unless appropriate safety measures are adopted.
5. Lifting operations must be properly planned, adequately supervised and carried out in such a way as to protect the safety of workers.
6. Lifting suspended loads must be permanently supervised, unless access to the danger zone is prevented and the load is safely secured and kept suspended.
7. Violation of the provisions of paragraphs 2, 3, 5 and 6 of this article constitutes a serious administrative offence.

### **Article 39** **Dangerous or irritating substances**

1. Hazardous or noxious substances and agents shall be replaced as far as possible by others which are not hazardous or noxious to a lesser extent.
2. Containers containing, storing or transporting hazardous or noxious substances shall be properly marked.

3. Operations involving high risks must be carried out in isolated places or buildings, with as few workers as possible, taking special precautions to avoid contact between persons and dangerous or noxious substances and agents.
4. In establishments where dangerous and troublesome substances are manufactured, handled or used there must be at least two emergency exits with doors opening outwards and kept free of any obstacle.
5. Violation of the provisions of the previous numbers constitutes a serious administrative offence.

### **Section III Rules for maintenance**

#### **Article 40 Maintenance of work equipment**

1. The employer shall ensure that the following are checked and maintained The employer shall ensure periodic checking and maintenance of work equipment in order to ensure that it is in good working order and to avoid unnecessary risks and hazards.
2. The equipment shall be maintained every six months and in accordance with the manufacturing instructions certified by the competent authority under the terms of the law.
3. Where the equipment does not meet the conditions referred to in paragraph 1, it shall be replaced immediately by other spare equipment available at the workplaces.
4. Failure to comply with the provisions of the preceding paragraphs shall constitute a serious misdemeanour.

## **CHAPTER IV ACTIVITIES PROHIBITED OR RESTRICTED TO PREGNANT OR BREASTFEEDING WORKERS AND TO MINORS**

### **Section I Activities prohibited or restricted to pregnant or breastfeeding workers**

#### **Section 41 Activities prohibited to pregnant workers**

1. A pregnant worker shall be prohibited from:
  - a) Undertaking activities where she is or could be exposed to ionizing radiation or high-pressure atmospheres, namely hyperbaric chambers or underwater diving
  - b) Any activity where she may be in contact with vectors of toxoplasma and rubella virus transmission, unless there is proof that the pregnant worker has antibodies or immunity to these agents and is sufficiently protected

- c) The performance of any activity where she may come into contact with dangerous chemical substances;
  - d) Undertaking underground work in mines.
2. The violation of the provisions of the previous point constitutes a very serious administrative offence.

**Article 42**  
**Activities prohibited to breastfeeding workers**

1. A breastfeeding worker shall be prohibited from:
- a) the performance of any activity involving exposure to ionising radiation, to substances which may cause harm to breast-fed infants, and to lead and its compounds to the extent that these agents can be absorbed by the human body;
  - b) the carrying out of underground work in mines.
2. The violation of the provisions of the preceding number shall constitute a very serious administrative offence.

**Article 43**  
**Activities restricted to pregnant workers**

1. Activities involving exposure to physical agents that may cause fetal lesions or detachment of the placenta, namely:
- a) Shocks, mechanical vibrations or movements;
  - b) Manual handling of loads that entail risks
  - c) Noise;
  - d) Extreme temperatures, cold or heat;
  - e) Movements and postures, movements both inside and outside the establishment, mental and physical fatigue and other physical overloads connected with the activity performed;
  - f) Non-ionizing radiation.
2. Violation of the provisions of the preceding paragraph constitutes a very serious administrative offence.

**Section II**  
**Activities prohibited to minors**

**Article 44**  
**Activities prohibited to minors**

1. It is forbidden to minors:
- a) The performance of activities where there is a risk of exposure to ionizing radiation, to atmospheres with high overpressure, namely in hyperbaric chambers and underwater diving, and contact with high pressure electrical energy;



- b) Any activity where there may be contact with dangerous chemical substances;
  - c) The undertaking of activities where there is a risk of exposure to strong acid processes during the manufacture of isopropyl alcohol and the manufacture and handling of devices, artifices or objects containing explosives;
  - d) The performance of activities subject to the following working conditions:
    - i. Risk of collapse;
    - ii. Manipulation of devices for production, storage or use of compressed, liquefied or dissolved gases;
    - iii. Use of tanks, reservoirs, bottles or bottles containing chemical agents;
    - iv. Driving or operating transport vehicles, tractors, forklifts and earth-moving machinery;
    - v. Leakage of molten metals;
    - vi. Glass-blowing operations;
    - vii. Glass-blowing operations; vii. Sites for breeding or keeping feral or poisonous animals;
    - viii. Carried out underground, in sewage systems, on airport runways, in nightclubs and the like.
2. Violation of the provisions of the previous number constitutes a very serious administrative offence.

## **CHAPTER V USE AND MAINTENANCE OF INDIVIDUAL AND COLLECTIVE PROTECTION EQUIPMENT**

### **Section I General Rules of Use**

#### **Article 45 General principle**

Personal protective equipment shall be used where existing risks cannot be prevented or sufficiently limited by technical means of collective protection or by work organisation measures, methods or procedures.

#### **Article 46 Conditions for equipment**

1. All personal and collective protection equipment must:
  - a) conform to the safety and health standards applicable to its design and manufacture
  - b) Be appropriate to the risks to be prevented and to the conditions existing at the place of work, without itself leading to an increase in risk;
  - c) Meet the ergonomic and health requirements of the worker;
  - d) Be appropriate to its user.

2. The individual and collective protection equipment used simultaneously must be compatible with each other and maintain their effectiveness in relation to the risks against which the worker is to be protected.
3. Violation of the provisions contained in the previous points constitutes a serious administrative offence.

## **Section II** **Specific rules for use**

### **Article 47** **Personal protective equipment**

1. Working clothes and personal protective equipment shall be available to workers against risks resulting from the operations carried out where other technical means of protection are insufficient.
2. Personal protective equipment shall be effective and suited to the human body and shall be kept in a good state of repair.
3. Personal protective equipment shall be adapted to the type of work and, as far as possible, to the specific health conditions of each worker.
4. After the daily use of this equipment, the employer shall ensure that it is stored and kept in an appropriate place.
5. Breach of the provisions of the preceding paragraphs constitutes a serious misdemeanour.

### **Article 48** **Clothing**

Working clothes must be designed with due regard to the risks to which workers are likely to be exposed.

### **Article 49** **Head protection**

1. Workers exposed to the risk of head injury shall wear appropriate helmets.
2. Workers operating or passing in the vicinity of machinery or moving parts, flames or incandescent materials shall have their hair completely protected by nylon netting or a close-fitting cap or equivalent protection.
3. Violation of the provisions of the previous paragraphs constitutes a serious administrative offence.

### **Article 50**

#### **Eye protection**

1. Workers carrying out work that may present any danger to their eyes due to the projection of splinters, hot or caustic materials, dangerous or bothersome dust or fumes, or who are subjected to dazzling by intense light or dangerous radiation, shall wear goggles adapted to the shape of their faces, visors or shields.
2. Violation of the provisions of the previous number constitutes a serious administrative offence.

### **Article 51**

#### **Ear Protection**

1. Workers who work in an environment of intense and prolonged noise shall wear ear protectors.
2. Violation of the provisions of the previous subsection constitutes a serious administrative offence.

### **Article 52**

#### **Protection of Upper Limbs**

1. Workers shall wear special gloves of suitable shape and materials whenever they perform activities that pose a risk of cutting, abrasion, burning or corrosion of the hands.
2. Workers handling toxic irritant or infectious substances shall wear high-cannon gloves so as to protect the forearms.
3. Breach of the provisions set out in the preceding paragraphs constitutes a serious administrative offence.

### **Article 53**

#### **Protection of lower limbs**

1. In work involving risks of burns, corrosion or perforation, or crushing of the feet, workers shall be provided with safety footwear that is resistant and appropriate to the nature of the risk.
2. The legs and knees shall be protected, where necessary, by durable gaiters or knee pads of material appropriate to the nature of the risk and capable of being removed instantly in an emergency.
3. Breach of the provisions set out in the preceding paragraphs constitutes a serious administrative offence.

**Article 54**  
**Protection of other parts of the body**

1. Workers exposed to risks affecting other parts of the body shall be provided with appropriate clothing, aprons, hoods or bonnets of suitable shape and material.
2. Breach of the provisions of the previous paragraph shall constitute a serious administrative offence.

**Article 55**  
**Protection of respiratory tracts**

1. Workers exposed to the risk of inhaling dust, gases or noxious vapours shall be provided with masks or other devices appropriate to the nature of the risk.
2. Breach of the provisions contained in the previous subsection shall constitute a serious administrative offence.

**Article 56**  
**Protection against falls**

1. Workers exposed to risks of free fall shall use safety belts of suitable shape and materials that are sufficiently resistant, as well as mooring ropes and respective fixing elements.
2. The violation of the provisions contained in the previous sub-paragraph constitutes a very serious administrative offence.

**Section III**  
**Maintenance Rules**

**Article 57**  
**Maintenance of individual and collective protection equipment**

1. The worker is responsible for maintaining individual and collective protection equipment in order to ensure that it is in good condition for use and to prevent risks and dangers associated with the work.
2. Whenever individual and collective protection equipment is not in the condition referred to in the previous point, the worker shall inform the employer so that it may be repaired or replaced.

**CHAPTER VI**  
**ADMINISTRATIVE OFFENCES**

**Article 58**  
**Administrative Offences related to Occupational Safety, Health and Hygiene**

1. It shall be an administrative offence to operate workplaces in disrespect for the rules of safety, health and hygiene at work established by law.
2. Administrative offences are classified as:
  - a) Minor
  - b) Serious;
  - c) Very serious.
3. In order to determine the applicable fine, under the terms of Article 60, the relevance of the interests violated, the seriousness of the infraction, the culpability of the offender and the recidivism of the employer shall be taken into account.
4. The fine under the terms of the previous number is applied by the entity with inspection competencies of the government department responsible for the area of labour.

### **Article 59** **Punishability of negligence**

Negligence is always punishable.

### **Article 60** **Person liable for the administrative offence**

The employer shall be liable for administrative offences, even if committed by his or her employees in the exercise of their respective functions, without prejudice to the liability assigned by law to other subjects.

### **Article 61** **Values of Fines**

1. The inspection of the rules on safety, health and hygiene at work shall be the responsibility of the entity with powers of inspection of the government department responsible for the area of labour, which shall also be responsible for the application of fines for non-compliance with the rules set out in this law.
2. The minimum and maximum limits of the fines to be applied for infractions of this law are:
  - a) The minimum and maximum limits of the fines corresponding to a light administrative offence is 2 to 4 base salaries defined as the minimum applicable in the civil service;
  - b) The minimum and maximum amount of the maximum fine corresponding to a serious offence is 5 to 8 base salaries, defined as the minimum applicable in the civil service;
  - c) The minimum and maximum number of basic salaries defined as the minimum applicable in the civil service for a very serious offence is 9 to 10 basic salaries.

### **TITLE III FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 62 Compensation for accidents at work and occupational diseases**

Compensation for accidents at work and occupational diseases shall be regulated by specific legislation, without prejudice to the employer's responsibility for compensation for damages caused by an accident or illness of the worker under the terms provided for in the Labour Law, and compensation shall be calculated under the general terms of civil liability.

#### **Article 63 Regulation**

Within 120 days after the entry into force of this law, the Government shall approve the necessary regulations for its implementation, namely:

- a) The norms for the protection of workers potentially exposed to physical agents containing the legal limits for noise and vibrations allowed;
- b) The regime of safety and health signage at work.

#### **Article 64 Activities of the petroleum and mining sectors**

Occupational safety, health and hygiene standards applicable to the petroleum and mining sectors shall be the object of specific legislation, and the provisions of this law shall apply subsidiarily.

#### **Article 65 Entry into force**

This law shall come into force on the day following its publication.

Approved on 28 March 2023.

The Speaker of the National Parliament,  
Aniceto Longuinhos Guterres Lopes

Promulgated on April 7, 2023. To be published.

The President of the Republic,  
José Ramos-Horta

---