

Government Decision no. 1051 of 9 August 2006, concerning the minimum safety and health requirements for the manual handling of loads where there is a risk particularly of back injury to workers, which was published in Romanian Official (Monitor), part 1, no. 713 of 21 August 2006

Chapter 1.

GENERAL PROVISIONS

This Government Decision lays down the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.

The provisions of the Law no. 319/2006, regarding of safety and health at work, shall be fully applicable to the whole sphere referred to in Article 1, without prejudice to more restrictive and/or specific provisions contained in this Government Decision.

For the purposes of this Government Decision, „manual handling of loads” means any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load, which, by reason of its characteristics or of unfavourable ergonomic conditions, involves particularly risks, especially of back injury to workers.

Chapter 2

EMPLOYERS' OBLIGATIONS

The employer has take adequate technical and organizational measures, or has got to use the appropriate means, especially mechanical equipment, in order to avoid the need for the manual handling of loads by workers.

In the events of the need for the manual handling of loads by workers cannot be avoided, the employer has take the adequate organizational measures, use the appropriate means or provide workers with such means in order to reduce the risk involved in the manual handling of such loads, having regard to the frame of reference stipulated (provided) to Annex no. I.

In all the events of the need for manual handling of loads by worker cannot be avoided, the employer must organize the workstations so that made manual handling safely as possible and in minimmal possible risk for health, having also duty/under also the obligation:

(a) assess, in advance if possible, the safety and health conditions of the type of work involved, and in particular examine the characteristics of loads, in respect with Annex no.1 provisions;

(b) take care to avoid or reduce the risks, particularly of back injury to workers, by taking appropriate measures, considering in particular the characteristics of the working environment and the requirements of the activity, in respect with Annex no.1 provisions.

For the implementation of Article 7 paragraph (4) (c) and Articles 24, 25 and 35 of the Law 319/2006, in conformity with Annex no.1 provisions/ in respect with Annex no.2 provisions.

Chapter 3.

Information, inception in training, consulting and contribution in knowledge and training of workers

Without prejudice to Article 16 and 17 of the Law 319/2006 provisions, workers and/or their representatives must be informed of all measures to be implemented, pursuant to / for bring into force of this Government Decision provisions, regarding of the protection of safety and of health.

Employers must ensure that the workers and/or their representatives receive general information and, as often as possible, precise/exact/express/distinct information on:

- a) the weight of a load;
- b) the centre of gravity or the heaviest side when a package is eccentrically loaded.

Without prejudice to Article 20 and 21 of the Law 319/2006 provisions, employers must ensure that workers receive in addition proper training and express information with regard on how to handle loads correctly and the risks they might be open, to particularly if these tasks are not performed correctly, having regard to Annexes I and II provisions.

Consultation and participation of workers and/or of their representatives regarding of tender subjects/ problems hereupon referring to this Government Decision/ on matters covered by this Government Decision, including the Annexes thereto, must be realising in respect with Article 18 and Article 19 of the Law 319/2006.

Chapter 4.

Breaching of this Government Decision bring on summary/minor offence liability, civil offence liability, or penal offence liability, as the case stands, in respect with the Law 319/2006.

Ascertainment of the summary/minor offence and infliction of the sanctions made of the labour inspectors from the Labour Inspection and by the labour medical inspectors from Ministry of Public Health.

SANCTIONS

The Annexes no. 1 and no.2 form integral parts of this Government Decision.

Ministry of Labour, Social Solidarity and Family rapport the internal regulation already adopted or in course of issue to be adopted, in settlement field of this Government Decision, to European Comision.

Present Government Decision is coming into force of 01 October 2006.

Present Government Decision transcribe the Directive 1990/269/EEC which was published in Official Journal of the European Communities (OJEC) no. L156/1990, regarding of minimal provisions of security and health for the manual handling of loads where there is a risk particularly of back injury to workers.

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REFERENCE FACTORS * 1)

[Article 5, Article 6 a) and b) and Article 9 by this Government Decision]

1. Load's characteristics

The manual handling of a load may present risks particularly of back injury if it is:

- too heavy or too large,
 - unwieldy or difficult to grasp,

 - unstable or has contents likely to shift,
 - positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk,
- susceptible of bringing forth the injury to workers, because of its contours and/or consistency, particularly in the event of a collision.

2. Physical effort required

The physical effort may present risks particularly of back injury, according as:

- too strenuous,
- only achieved by a twisting movement of the trunk,

- - it may involve a sudden movement of the load,

- made with the body in an unstable posture.

3. Characteristics of the working environment

The characteristics of the work environment may increase a risk particularly of back injury if:

- there is not enough room, in particular vertically, to carry out the activity,

- the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear,

- workplace or the working environment prevents the handling of loads at a safe height or with convenient posture by the worker,
- there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels,

- the floor or foot rest is unstable,
- the temperature, humidity or ventilation is unsuitable.

4. Requirements of the activity

The activity may present a risk particularly of back injury if it entails one or more of the following requirements:

- over-frequent or over-prolonged physical effort stressing/which force in particular the spine,
- an insufficient physiologically repose of body or recovery period,

- excessive lifting, lowering or carrying distances,

- a rate of work imposed by a process which cannot be altered by the worker.

*1) Regarding of accomplishment/ With a view to multi-factor analysing, could be take into consideration simultaneous various factors listed/ which are presented in Annexes no. 1 and 2.

ANNEX no. 2

(*) INDIVIDUAL RISK FACTORS

(Articles 7 and 9 from this Government Decision)

The worker may be at risks exposure if he/she:

- is physically inadecquate to carry out the work task in question,

- is wearing unsuitable clothing, footwear or other personal effects,
- does not have sufficient or appropriate knowledge or training.

Regarding of accomplishment/ With a view to multi-factor analysis, reference may be made simultaneously to the various factors listed/ which are presented in Annexes no.1 and no. 2.