

Evaluation of the EU Occupational Safety and Health Directives

COUNTRY SUMMARY REPORT FOR PORTUGAL

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The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission.

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ABBREVIATIONS USED

ACT	Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)
Art	Article
CAP	Confederation of Portuguese Farmers (<i>Confederação dos Agricultores de Portugal</i>)
CCP	Portuguese Trade and Services Confederation (<i>Confederação do Comércio e Serviços de Portugal</i>)
CES	Economic and Social Council (<i>Conselho Económico e Social</i>)
CIP	Entrepreneurial Confederation of Portugal (<i>Confederação da Indústria Portuguesa</i>)
CITE	Commission for Equality in Labour and Employment (<i>Comissão para a Igualdade no Trabalho e no Emprego</i>)
CGTP-IN	General Confederation of the Portuguese Workers (<i>Confederação Geral dos Trabalhadores Portugueses, Intersindical Nacional</i>)
CPMs	Common processes and mechanisms
CPPME	Portuguese Confederation of Micro, Small and Medium Size Enterprises (<i>Confederação Portuguesa das Micro, Pequenas e Médias Empresas</i>)
CTP	Tourism Confederation of Portugal (<i>Confederação do Turismo Português</i>)
DGERT	Directorate-General for Employment and Industrial Relations (<i>Direção-Geral do Emprego e das Relações de Trabalho</i>)
DGS	Directorate-General of Health (<i>Direção-Geral da Saúde</i>)
ISS	Social Security Institute (<i>Instituto da Segurança Social</i>)
MSESS	Ministry of Solidarity, Employment and Social Security (<i>Ministério da Solidariedade, Emprego e Segurança Social</i>)
MQs	Mapping Questions
OSH	Occupational Safety and Health
PNSOC	National Programme for Occupational Health (<i>Programa Nacional de Saúde Ocupacional</i>)
UGT	General Union of Workers (<i>União Geral de Trabalhadores</i>)

INTRODUCTION

General introduction to the report

This report presents a review of the main features of the practical implementation of 24 EU occupational safety and health (OSH) Directives in Portugal. The information in this report has been gathered between October 2013 and June 2014. This Country Summary Report, together with the Summary Reports prepared for each other Member States, aims at mapping the implementation of the OSH Directives in the EU as a whole. It is based on a desk-study and interviews with national stakeholders (see Annex II for details on interviews carried out) and is one of the sources of information for the overall evaluation of the implementation. The Country Summary Reports will form an Appendix to the Final Report, which will compile the results of the evaluation and the associated recommendations.

This review is based on seven key mapping questions, which will inform the evaluation of the implementation of the OSH Directives in all Member States and the EU in general. The seven general Mapping Questions (MQs), which have been defined by the Commission and are answered in this Country Summary Report are the following:

Mapping question
MQ1: "Across the Member States, how are the different 'common processes' and 'mechanisms' foreseen by the Directives put in place and how do they operate and interact with each other?"
MQ2: "What derogations and transitional periods are applied or have been used under national law under several of the Directives concerned?"
MQ3: "What are the differences in approach to and degree of fulfilment of the requirements of the EU OSH Directives in private undertakings and public-sector bodies, across different sectors of economic activity and across different sizes of companies, especially for SMEs, microenterprises and self-employed?"
MQ4: "What accompanying actions to OSH legislation have been undertaken by different actors (the Commission, the national authorities, social partners, EU-OSHA, Eurofound, etc.) to improve the level of protection of health and safety at work and to what extent are they actually used by companies and establishments to pursue the objective of protecting health and safety of workers? Are there any information needs that are not met?"
MQ5: "What are the enforcement (including sanctions) and other related activities of the competent authorities at national level and how are the priorities set among the subjects covered by the Directives?"
MQ6: "What are the differences of approach across Member States and across establishments with regard to potentially vulnerable groups of workers depending on gender, age, disability, employment status, migration status, etc., and to what extent are their specificities, resulting in particular from their greater unfamiliarity, lack of experience, absence of awareness of existing or potential dangers or their immaturity, addressed by the arrangements under question?"
MQ7: "What measures have been undertaken by the Member States to support SMEs and microenterprises (e.g. lighter regimes, exemptions, incentives, guidance, etc.)?"

The template is structured according to these mapping questions.

1 MAPPING QUESTION 1: STRUCTURAL COMPONENTS OF HEALTH AND SAFETY DIRECTIVES

This first section focuses on how the national legal and institutional frameworks have been designed to reflect the main common processes and mechanisms (CPMs) of each Directive. It includes:

- A review of the national transposing legislation and the general structure of the legal framework;
- Mechanisms of coordination amongst the different authorities responsible for the implementation of the directives;
- The identification of any delays in transposing directives, focusing on most recent ones;
- Differences between the Directives' requirements and the national ones, looking at observed discrepancies, more stringent and more detailed provisions;
- Interactions between CPMs as embedded in the legislation.

1.1 GENERAL LEGAL FRAMEWORK

In 1991, the Portuguese government and Social Partners signed a first Social Agreement in the area of health and safety at work, which marked the starting point of the transposition of the framework directive into Portuguese law. Decree Law 441/91 of 14 November 1991 establishing the legal regime of the framework of safety, hygiene and health at work applied to all types of organisations from both the public and private sectors and to all types of workers. From this common base, specific legislation was developed addressing certain risks, productive activities and OSH activities within organisations and companies.

Nowadays, Law 102/2009 of 10 September 2009 on the legal framework of the promotion of safety and health at work - as amended by Law 3/2014 of 28 January 2014 – is the main piece of legislation setting out the general OSH principles and requirements. This law applies to all branches of activities in the private and social or cooperative sectors, to workers and employers, including non-profit organisations, and to self-employed workers. This law brought some changes to the regulations, particularly in relation to the protection of pregnant, postpartum or breastfeeding workers, the protection of child labour and limitations to work involving exposure to dangerous agents or factors. Occupational health and safety for the public sector is covered by separate laws, which are Law 59/2008 of 11 September 2008 approving the Scheme of Employment Contract in Public Functions and Law 35/2014 of 20 June 2014 approving the General Law on Employment in Public Functions.

The requirements of the remaining directives have mainly been transposed through specific legislation, which are further implemented or regulated by other pieces of legislation. Directive 2003/10/EC (noise) has been transposed in the Decree Law 182/2006 of 6 September 2006, and also in the regional legal order of Azores by Regional Decree Law 23/2010/A of 30 June 2010. Directive 2004/37/EC (consolidated version) has been transposed by the Decree-Law n. 301/2000 of 18 November 2000.

Directive 2004/20/EC (electromagnetic fields) has not yet been transposed in the Portuguese legal order. However, Law 30/2010 of 2 September 2010 regulates the mechanisms and defines the limits of human exposure to magnetic, electrical and electromagnetic fields deriving from electrical lines, installations and equipment. The Decree-Law 301/2000 of 18 November 2000 transposed Directive 90/394/CEE, which was amended by Directives 94/42/CE and 1998/38/CE. The law 3/2014 of 28 January 2014 transposes Directive 2004/37/EC concerning the protection of genetic heritage. Next, Directive 2009/148/EC (asbestos) has not yet been transposed into Portuguese legislation; Decree-Law 266/2007 of 24 June 2007 transposed Directive 2003/18/EC. Finally, Directive 2000/54/EC (biological agents) has also not yet been fully transposed into the Portuguese legal order. Previous

national legislation transposed Directives 90/679/EEC, 93/88/EEC and 95/30/EC.

Several infringement cases due to late transposition have been initiated against Portugal in relation to different OSH related directives: Directive 2006/25/EC (artificial optical radiation), Directive 1999/92/EC (ATEX), Directive 2003/10/EC (noise), Directive 98/24/EC (chemical agents at work) and Directive 2002/44/EC (vibrations). In addition, there is an infringement case on non-conformity with the Framework Directive and several cases of bad application of the Framework Directive and of Directive 89/654/EC (workplace). All cases are closed, with the exception of case 2009/4069 (bad application of Framework Directive), where a reasoned opinion has been given.

The following table provides an overview of the approach to transposition, indicating whether there is one law covering all OSH issues (O) as opposed to transposition spread over different acts (S). It then lists transposing national legislation per directive, specifying whether there was legislation existing prior to transposition. Finally, it identifies any infringement proceedings, which were mentioned in an overview table provided by the Commission.

Table 1 General Legal Framework

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 89/391/EEC (Framework Directive)		S	<p><u>Main legislation – private sector</u></p> <p>Law 102/2009 of 10 September 2009 on the legal framework of the promotion of safety and health at work, Official Gazette, I Series, no. 176 (<i>Lei n.º 102/2009 de 10 de Setembro de 2009 sobre o regime jurídico da promoção da segurança e saúde no trabalho, Diário da República, I Série, N.º 176</i>) (OSH L)</p> <p>Law 3/2014 of 28 January 2014, the second amendment to Law 102/2009 of 10 September, which approves the legal framework of the promotion of safety and health at work, and the second amendment to Decree-Law 116/97 of 12 May transposing into national law Directive 93/103/EC of the Council of 23 November concerning the minimum safety and health requirements for work on board fishing vessels, Official Gazette, 1st series, no. 19 (<i>Lei n.º 3/2014 de 28 de Janeiro de 2014 que procede à segunda alteração à Lei n.º 102/2009, de 10 de setembro, que aprova o regime jurídico da promoção da segurança e saúde no trabalho, e à segunda alteração ao Decreto-Lei n.º 116/97, de 12 de maio, que transpõe para a ordem jurídica interna a Diretiva n.º 93/103/CE, do Conselho, de 23 de novembro, relativa às prescrições mínimas de segurança e de saúde no</i></p>	Y.	<p>Infringement case 1995/2140 on non-conformity – case closed</p> <p>Infringement cases 1997/4779, 2004/4379, 2005/4558 and 2006/4942 on bad application of directives – cases closed</p> <p>Infringement case 2009/4069 on bad application of directives – Reasoned opinion 258 (ex226) given</p>

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p><i>trabalho a bordo dos navios de pesca, Diário da República, 1.ª série, N.º 19)</i></p> <p><u>Main legislation – public sector</u></p> <p>Law 59/2008 of 11 September 2008 approving the Scheme of Employment Contract in Public Functions, Official Gazette, 1st series, no. 176 (<i>Lei n.º 59/2008 de 11 de Setembro de 2008 que aprova o Regime do Contrato de Trabalho em Funções Públicas, Diário República, 1ª série, N.º 176</i>) (LCPF L)</p> <p>Law 35/2014 of 20 June 2014 approving the General Law on Employment in Public Functions, Official Gazette, 1st series, no. 117 (<i>Lei n.º 35/2014, de 20 de junho de 2014, que aprova a Lei Geral do Trabalho em Funções Públicas, Diário República, 1ª série, N.º 117</i>) (EPF L)</p> <p><u>Complementing legislation:</u></p> <p>Decree-Law 49408/69 of 24 November 1969 approving the Individual Employment Contract Regime, Official Gazette, I Series, no. 275 (<i>Decreto-Lei n.º 49408/69 de 24 de Novembro de 1969 que aprova o Regime do Contrato Individual de Trabalho, Diário da República, I Série, N.º 275</i>) (ILS DL)</p> <p>Decree-Law 441/91 of 14 November 1991 establishing the legal regime of the framework of safety, hygiene and health at work, Official Gazette, I Series-A, no. 262 (<i>Decreto-Lei n.º 441/91 de 14 de Novembro de 1991 que estabelece o regime jurídico do enquadramento da segurança, higiene e saúde no trabalho, Diário República, I Série-A, N.º 262</i>) (OSHH DL)</p> <p>Decree-Law 26/94 of 1 February 1994 establishing the rules of organisation and operation of safety, hygiene and health at work activities, Official Gazette, I Series-A, no. 26 (<i>Decreto-Lei 26/94 de 1 de Fevereiro de 1994 que estabelece o regime de organização e funcionamento das actividades de segurança, higiene e saúde no trabalho, Diário da República, I Serie-A, N.º 26</i>) (SSHH DL)</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>Law 7/95 of 29 March 1995 amending, for ratification, the Decree-Law 26/94 of 1 February, Official Gazette, I Series-A, no. 75 (<i>Lei n.º 7/95 de 29 de Março de 1995 que altera, por ratificação, o Decreto-Lei n.º 26/94, de 1 de Fevereiro, Diário de República, I Série-A, N.º 75</i>) (SSHH AM)</p> <p>Decree-Law 191/95 of 28 July 1995 that regulates the system of safety, hygiene and health at work, Official Gazette, I Series-A, no. 173 (<i>Decreto-Lei n.º 191/95 de 28 de Julho de 1995 que regulamenta o regime da segurança, higiene e saúde no trabalho, Diário República, I Série-A, N.º 173</i>) (OSHH PADL)</p> <p>Decree-Law 133/99 of 21 April 1999 amending Decree-Law 441/91 of 14 November, on the principles of prevention of occupational hazards, to ensure the implementation of some rules of the framework directive on health and safety of workers in the workplace, Official Gazette, I Series-A, no.93 (<i>Decreto-Lei n.º 133/99 de 21 de Abril de 1999 que altera o Decreto-Lei n.º 441/91, de 14 de Novembro, relativo aos princípios da prevenção de riscos profissionais, para assegurar a transposição de algumas regras da directiva quadro relativa à segurança e saúde dos trabalhadores nos locais de trabalho, Diário República, I Série-A, N.º 93</i>) (OSHH AM)</p> <p>Decree-Law 110/2000 of 30 June 2000 establishing the conditions of access to and pursuit of the occupations of senior technician on health and safety at work and technician on health and safety at work, Official Gazette, I Series-A, no. 149 (<i>Decreto-Lei n.º 110/2000 de 30 de Junho de 2000 que estabelece as condições de acesso e de exercício das profissões de técnico superior de segurança e higiene do trabalho e de técnico de segurança e higiene do trabalho, Diário República, I Série-A, N.º 149</i>) (OSHO DL)</p> <p>Law 35/2004 of 29 July 2004 which</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>regulates Law 99/2003 of 27 August, which approved the Labour Code, Official Gazette, I Series-A, no. 177 (<i>Lei n.º 35/2004 de 29 de Julho de 2004 que regulamenta a Lei n.º 99/2003, de 27 de Agosto, que aprovou o Código do Trabalho, Diário da República, I Série-A, N.º 177</i>) (RLC L)</p> <p>Law 101/2009 of 8 September 2009 establishing the legal regime of domestic work, Official Gazette, 1st series, no. 174 (<i>Lei n.º 101/2009 de 8 de Setembro de 2009 que estabelece o regime jurídico do trabalho no domicílio, Diário República, 1ª série, N.º 174</i>) (HW L)</p> <p>Law 42/2012 of 28 August 2012 approving the schemes of access to and pursuit of the occupation of senior technician on safety at work and technician on safety at work, Official Gazette, 1st series, no. 166 (<i>Lei n.º 42/2012 de 28 de Agosto de 2012 que aprova os regimes de acesso e de exercício das profissões de técnico superior de segurança no trabalho e de técnico de segurança no trabalho, Diário República, 1ª série, N.º 166</i>) (OSO L)</p>		
<p>Council Directive 89/654/EEC (workplace)</p>		S	<p>Main legislation</p> <p>Decree-Law 347/93 of 1 October 1993 transposing into national law Directive 89/654/EEC of the Council of 30 November concerning the minimum safety and health requirements at workplace, Official Gazette, I Series-A, no. 231 (<i>Decreto-Lei n.º 347/93 de 1 de Outubro de 1993 que transpõe para a ordem jurídica interna a Directiva n.º 89/654/CEE, do Conselho, de 30 de Novembro, relativa às prescrições mínimas de segurança e de saúde nos locais de trabalho, Diário da República, I Série-A, N.º 231</i>) (WP DL)</p> <p>Order 987/93 of 6 October 1993 establishing the minimum safety and health requirements at the workplace, Official Gazette, I Series-B, no. 234 (<i>Portaria n.º 987/93 de 6 de Outubro de 1993 que estabelece as prescrições mínimas de segurança e saúde nos</i></p>	N.	Infringement case 2008/4729 on bad application of directives – case closed

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p><i>locais de trabalho, Diário da República, I Série-B, N.º 234) (WP P)</i></p> <p>Complementing legislation</p> <p>Implementing Decree 25/93 of 17 August 1993 approving the new Rules of Practice of Industrial Activity, Official Gazette, I Series-B, no. 192 (<i>Decreto Regulamentar n.º 25/93 de 17 de Agosto de 1993 que aprova o novo Regulamento do Exercício da Actividade Industrial, Diário da República, I Série-B, N.º 192) (IA DR)</i></p> <p>Decree-Law 282/93 of 17 August 1993 amending Decree-Law 109/91 of 15 March (establishing disciplinary norms to engage in industrial activity), Official Gazette, I Series-A, no. 192 (<i>Decreto-Lei n.º 282/93 de 17 de Agosto de 1993 que altera o Decreto-Lei n.º 109/91, de 15 de Março (estabelece normas disciplinadoras do exercício da actividade industrial), Diário da República, I Série-A, N.º 192) (IA DL)</i></p> <p>Law 7/95 of 29 March 1995 amending, for ratification, the Decree-Law 26/94 of 1 February, Official Gazette, I Series-A, no. 75 (<i>Lei n.º 7/95 de 29 de Março de 1995 que altera, por ratificação, o Decreto-Lei n.º 26/94, de 1 de Fevereiro, Diário de República, I Série-A, N.º 75) (SSH AM)</i></p>		
<p>Directive 2009/104/EC (work equipment)</p>		S	<p>Decree-Law 331/93 of 25 September 1993 transposing into national law Directive 89/655/EEC of the Council of 30 November 1989 concerning the minimum safety and health requirements for the use by workers of work equipment, Official Gazette, I Series-A, no. 226 (<i>Decreto-Lei n.º 331/93 de 25 de Setembro de 1993 que transpõe para a ordem jurídica interna a Directiva n.º 89/655/CEE, do Conselho, de 30 de Novembro de 1989, relativa às prescrições mínimas de segurança e de saúde para a utilização pelos trabalhadores de equipamentos de trabalho, Diário da República, I Série-A, N.º 226) (WE 89/655 DL)</i></p> <p>Decree-Law 50/2005 of 25 February</p>	Y.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>transposing into national law Directive 2001/45/EC of the European Parliament and of the Council of 27 June concerning the minimum safety and health requirements for the use by workers of work equipment, and repealing Decree-Law 82/99 of 16 March, Official Gazette, I Series-A, no. 40 (Decreto-Lei n.º 50/2005 de 25 de Fevereiro de 2005 que transpõe para a ordem jurídica interna a Directiva n.º 2001/45/CE, do Parlamento Europeu e do Conselho, de 27 de Junho, relativa às prescrições mínimas de segurança e de saúde para a utilização pelos trabalhadores de equipamentos de trabalho, e revoga o Decreto-Lei n.º 82/99, de 16 de Março, Diário da República, I Série-A, N.º 40) (WE DL)</p>		
<p>Council Directive 89/656/EEC (PPE)</p>		S	<p><u>Main legislation</u></p> <p>Decree-Law 348/93 of 1 October 1993 transposing into national law the Directive 89/656/EEC of the Council of 30 November concerning the minimum safety and health requirements for the use by workers of personal protective equipment at work, Official Gazette, I Series-A, no. 231 (Decreto-Lei n.º 348/93 de 1 de Outubro de 1993 que transpõe para a ordem jurídica interna a Directiva n.º 89/656/CEE, do Conselho, de 30 de Novembro, relativa às prescrições mínimas de segurança e de saúde para a utilização pelos trabalhadores de equipamento de protecção individual no trabalho, Diário da República, I Serie-A, N.º 231) (PPE DL)</p> <p>Order 988/93 of 6 October 1993 establishing minimum safety and health requirements of workers in the use of personal protective equipment, Official Gazette, I Series-B, no. 234 (Portaria n.º 988/93 de 6 de Outubro de 1993 que estabelece as prescrições mínimas de segurança e saúde dos trabalhadores na utilização de equipamento de protecção individual, Diário da República, I Serie-B, N.º 234) (PPE P)</p> <p><u>Complementing legislation</u></p> <p>Decree-Law 441/91 of 14 November 1991 establishing the legal regime of</p>	N.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>the framework of safety, hygiene and health at work, Official Gazette, I Series-A, no. 262 (Decreto-Lei n.º 441/91 de 14 de Novembro de 1991 que estabelece o regime jurídico do enquadramento da segurança, higiene e saúde no trabalho, Diário da República, I Série-A, N.º 262) (OSHH DL)</p> <p>Decree-Law 128/93 of 22 April 1993 transposing into national law Council Directive 89/686/EEC of 21 December on personal protective equipment, Official Gazette, I Series-A, no. 94 (Decreto-Lei n.º 128/93 de 22 de Abril de 1993 que transpõe para a ordem jurídica interna a Directiva do Conselho n.º 89/686/CEE, de 21 de Dezembro, relativa aos equipamentos de protecção individual, Diário da República, I Série-A, N.º 94) (PPETR DL)</p> <p>Order 1131/93 of 4 November establishing the essential requirements relating to health and safety requirements for personal protective equipment (EPI), Official Gazette, I Series-B, no. 258 (Portaria n.º 1131/93 de 4 de Novembro de 1993 que estabelece as exigências essenciais relativas à saúde e segurança aplicáveis aos equipamentos de protecção individual (EPI), Diário da República, I Série-B, N.º 258) (PPETR P)</p> <p>Decree-Law 26/94 of 1 February 1994 establishing the rules of organization and operation of safety, hygiene and health activities at work, Official Gazette, I Series-A, no. 26 (Decreto-Lei n.º 26/94 de 1 de Fevereiro de 1994 que estabelece o regime de organização e funcionamento das actividades de segurança, higiene e saúde no trabalho, Diário da República, I Série-A, N.º 26) (SSHH DL)</p>		
<p>Council Directive 92/58/EEC (OSH signs)</p>		S	<p>Decree-Law 141/95 of 14 June 1995 establishing the minimum requirements for safety and health signs at work, Official Gazette, I Series-A, no. 136 (Decreto-Lei n.º 141/95 de 14 de Junho de 1995 que estabelece as prescrições mínimas para a sinalização de segurança e de saúde no trabalho,</p>	N.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p><i>Diário da República, I Série-A, N.º 136</i> (OSHS DL)</p> <p>Order 1456-A/95 of 11 December which regulates the minimum requirements for the establishment and use of safety and health signs at work. Repealing Order 434/83 of 15 April, Official Gazette, I Series-B, no. 284 (<i>Portaria n.º 1456-A/95 de 11 de Dezembro de 1995 que regulamenta as prescrições mínimas de colocação e utilização da sinalização de segurança e de saúde no trabalho. Revoga a Portaria n.º 434/83, de 15 de Abril, Diário da República, I Série-B, N.º 284</i>) (OSHS P)</p>		
Directive 1999/92/EC (ATEX)	○		<p>Decree-Law 236/2003 of 30 September 2003 transposing into national law Directive 1999/92/EC of the European Parliament and of the Council of 16 December, concerning the minimum requirements for encouraging improvements in the protection of the safety and health of workers likely to be at risk from explosive atmospheres, Official Gazette, I Series-A, no. 226 (<i>Decreto-Lei nº 236/2003 de 30 de Setembro de 2003 que transpõe para a ordem jurídica nacional a Directiva n.º 1999/92/CE, do Parlamento Europeu e do Conselho, de 16 de Dezembro, relativa às prescrições mínimas destinadas a promover a melhoria da protecção da segurança e da saúde dos trabalhadores susceptíveis de serem expostos a riscos derivados de atmosferas explosivas, Diário da República, I Série-A, N.º 226</i>) (ATEX DL)</p>	N.	Infringement case 2003/0814 on non-communication – case closed – national measures adopted and notified following letter of formal notice
Council Directive 90/269/EEC (manual handling of loads)	○		<p>Decree-Law 330/93 of 25 September 1993 transposing into national law the Directive 90/269/EEC of the Council of 29 May concerning the minimum safety and health requirements in the manual handling of loads, Official Gazette, I Series-A, no. 226 (<i>Decreto-Lei n.º 330/93 de 25 de Setembro de 1993 que transpõe para a ordem jurídica interna a Directiva n.º 90/269/CEE, do Conselho, de 29 de Maio, relativa às prescrições mínimas de segurança e de saúde na movimentação manual de cargas, Diário da República, I Série-</i></p>	N.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			A, N.º 226) (MHL)		
Council Directive 90/270/EEC (display screen equipment)		S	<p>Decree-Law 349/93 of 1 October 1993 transposing into national law the Directive 90/270/EEC of the Council of 29 May concerning the minimum safety and health requirements for work with display screen equipment, Official Gazette, I Series-A, no. 231 (<i>Decreto-Lei n.º 349/93 de 1 de Outubro de 1993 que transpõe para a ordem jurídica interna a Directiva n.º 90/270/CEE, do Conselho, de 29 de Maio, relativa às prescrições mínimas de segurança e de saúde respeitantes ao trabalho com equipamentos dotados de visor, Diário da República, I Série-A, N.º 231</i>) (SCREEN DL)</p> <p>Order 989/93 of 6 October 1993 establishing the minimum safety and health requirements for work with display screen equipment, Official Gazette, I Series-B, no. 234 (<i>Portaria n.º 989/93 de 6 de Outubro de 1993 que estabelece as prescrições mínimas de segurança e saúde respeitantes ao trabalho com equipamentos dotados de visor, Diário da República, I Série-B, N.º 234</i>) (SCREEN P)</p>	N.	
Directive 2002/44/EC (vibration)	O		Decree-Law 46/2006 of 24 February 2006 transposing into national law Directive 2002/44/EC of the European Parliament and of the Council of 25 June concerning the minimum requirements for the protection of the health and safety of workers in case of exposure to risks from physical agents (vibration), Official Gazette, I Series-A, no. 40 (<i>Decreto-Lei n.º 46/2006 de 24 de Fevereiro de 2006 que transpõe para a ordem jurídica nacional a Directiva n.º 2002/44/CE, do Parlamento Europeu e do Conselho, de 25 de Junho, relativa às prescrições mínimas de protecção da saúde e segurança dos trabalhadores em caso de exposição aos riscos devidos a agentes físicos (vibrações), Diário da República, I Série-A, N.º 40</i>) (VIBR DL)	N.	Infringement case 2005/0855 on non-communication – case closed – national measures adopted and notified following letter of formal notice
Directive 2003/10/EC (noise)		S	Decree-Law 182/2006 of 6 September 2006 transposing into national law Directive 2003/10/EC of the European Parliament and of the Council of 6 February on the minimum health and	N.	Infringement case 2006/0510 on non-communication

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>safety requirements regarding the exposure of workers to the risks arising from physical agents (noise), Official Gazette, 1st Series, no. 172 (<i>Decreto-Lei n.º 182/2006 de 6 de Setembro de 2006 que transpõe para a ordem jurídica interna a Directiva n.º 2003/10/CE, do Parlamento Europeu e do Conselho, de 6 de Fevereiro, relativa às prescrições mínimas de segurança e de saúde em matéria de exposição dos trabalhadores aos riscos devidos aos agentes físicos (ruído), Diário da República, 1.ª série, N.º 172</i>) (NOISE DL)</p> <p>Regional Legislative Decree 23/2010/A of 30 June 2010 approving the General Regulation of noise and control of noise pollution and transposes into the regional legal order Directive 2002/49/EC of the European Parliament and of the Council of 25 June, on the assessment and management of environmental noise the Directive 2002/30/EC of the European Parliament and of the Council of 26 March, on the establishment of rules and procedures for the introduction of noise-related operating noise at Community airports and Directive 2003/10/EC of the European Parliament and of the Council of 6 February on the minimum health and safety requirements regarding the exposure of workers to the risks arising from noise (as rectified on 27 August 2010), Official Gazette, 1st Series, no. 125 (<i>Decreto Legislativo Regional n.º 23/2010/A de 30 de Junho de 2010 que aprova o regulamento geral de ruído e de controlo da poluição sonora e transpõe para a ordem jurídica regional a Directiva n.º 2002/49/CE, do Parlamento Europeu e do Conselho, de 25 de Junho, relativa à avaliação e gestão do ruído ambiente, a Directiva n.º 2002/30/CE, do Parlamento Europeu e do Conselho, de 26 de Março, relativa ao estabelecimento de regras e procedimentos para a introdução de restrições de operação relacionadas com o ruído nos aeroportos comunitários, e a Directiva n.º 2003/10/CE, do Parlamento Europeu e do Conselho, de 6 de Fevereiro,</i></p>		<p>on – case closed – national measures adopted and notified following letter of formal notice</p>

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<i>relativa às prescrições mínimas de segurança e saúde em matéria de exposição dos trabalhadores aos riscos devidos ao ruído, Diário da República, 1.ª série, N.º 125) (NOISE DLR)</i>		
Directive 2004/40/EC (electromagnetic fields)			<u><i>This directive has not been transposed in the Portuguese legal order.</i></u>		
Directive 2006/25/EC (artificial optical radiation)	O		Law 25/2010 of 30 August 2010 establishing the minimum standards for protection of workers from health and safety risks related to exposure during work, to optical radiation from artificial sources, transposing Directive 2006/25/EC of the European Parliament and of the Council of 5 April (as rectified on 27 October 2010), Official Gazette, 1st Series, no. 168 (<i>Lei n.º 25/2010 de 30 de Agosto de 2010 que estabelece as prescrições mínimas para protecção dos trabalhadores contra os riscos para a saúde e a segurança devidos à exposição, durante o trabalho, a radiações ópticas de fontes artificiais, transpondo a Directiva n.º 2006/25/CE, do Parlamento Europeu e do Conselho, de 5 de Abril, Diário da República, 1.ª série, N.º 168) (AOR L)</i>	N.	Infringement case 2010/0398 on non-communication – case closed
Directive 2004/37/EC (carcinogens or mutagens)		S	Decree-Law 301/2000 of 18 November which regulates the protection of workers from risks related to the exposure to carcinogens or mutagens at work, Official Gazette, I Series-A, no. 267 (<i>Decreto-Lei n.º 301/2000 de 18 de Novembro que regula a protecção dos trabalhadores contra os riscos ligados à exposição a agentes cancerígenos ou mutagénicos durante o trabalho, Diário da República, I Série-A, N.º 267) (CARC MUT DL)</i> Law 3/2014 of 28 January, the second amendment to Law 102/2009 of 10 September, which approves the legal framework of the promotion of safety and health at work, and the second amendment to Decree-Law 116/97 of 12 May transposing into national law Directive 93/103/EC, of the Council, of 23 November concerning the minimum safety and health requirements for work on board fishing vessels, Official Gazette, 1st series, no. 19 (<i>Lei n.º 3/2014</i>	Y.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			de 28 de Janeiro de 2014 que procede à segunda alteração à Lei n.º 102/2009, de 10 de setembro, que aprova o regime jurídico da promoção da segurança e saúde no trabalho, e à segunda alteração ao Decreto-Lei n.º 116/97, de 12 de maio, que transpõe para a ordem jurídica interna a Diretiva n.º 93/103/CE, do Conselho, de 23 de novembro, relativa às prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, 1.ª série, N.º 19) (OSH L)		
Council Directive 98/24/EC (chemical agents at work)		S	<p>Main legislation</p> <p>Law 290/2001 of 16 November 2001 transposing into national law Commission Directive 98/24/EC of the Council of 7 April, on the protection of the health and safety of workers from the risks related to chemical agents at work, as well as Directives 91/322/EEC, of the Commission, of 29 May and 2000/39/EC, of the Commission, of 8 June, on limit values for occupational exposure to chemical agents, Official Gazette, I Series-A, no. 266 (Lei n.º 290/2001 de 16 de Novembro de 2001 que transpõe para o ordenamento jurídico interno a Directiva n.º 98/24/CE, do Conselho, de 7 de Abril, relativa à protecção da segurança e saúde dos trabalhadores contra os riscos ligados à exposição a agentes químicos no trabalho, bem como as Directivas n.os 91/322/CEE, da Comissão, de 29 de Maio, e 2000/39/CE, da Comissão, de 8 de Junho, sobre valores limite de exposição profissional a agentes químicos, Diário da República, I Série-A, N.º 266) (CHEMICAL 1 DL)</p> <p>Complementing legislation:</p> <p>Law 3/2014 of 28 January 2014, the second amendment to Law 102/2009 of 10 September, which approves the legal framework for the promotion of safety and health at work, and the second amendment to Decree-Law 116/97 of 12 May transposing into national law Directive 93/103/EC, of the Council, of 23 November concerning the minimum safety and health requirements for work on board fishing vessels, Official Gazette, 1st</p>	N.	Infringement case 2001/0412 on non-communication – case closed national measures adopted and notified following letter of formal notice

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>series, no. 19 (Lei n.º 3/2014 de 28 de Janeiro de 2014 que procede à segunda alteração à Lei n.º 102/2009, de 10 de setembro, que aprova o regime jurídico da promoção da segurança e saúde no trabalho, e à segunda alteração ao Decreto-Lei n.º 116/97, de 12 de maio, que transpõe para a ordem jurídica interna a Diretiva n.º 93/103/CE, do Conselho, de 23 de novembro, relativa às prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, 1.ª série, N.º 19) (OSH L)</p> <p>Law 35/2004 of 29 July 2004 which regulates Law 99/2003 of 27 August, which approved the Labour Code, Official Gazette, I Series-A, no. 177 (Lei n.º 35/2004 de 29 de Julho de 2004 que regulamenta a Lei n.º 99/2003, de 27 de Agosto, que aprovou o Código do Trabalho, Diário da República, I Série-A, N.º 177) (RLC L)</p> <p>Decree-Law 305/2007 of 24 August 2007 transposing into national law the Directive 2006/15/EC, of the Commission, of 7 February, establishing a second list of values for professional exposure limit (indicative) to chemical agents implementing the Directive 98/24/CE of the Council of 7 April amending the Annex to Decree-Law 290/2001 of 16 November, Official Gazette, I Series, n.º 163 (Decreto-Lei n.º 305/2007 de 24 de Agosto de que transpõe para a ordem jurídica interna a Directiva n.º 2006/15/CE, da Comissão, de 7 de Fevereiro, que estabelece uma segunda lista de valores limite de exposição profissional (indicativos) a agentes químicos para execução da Directiva n.º 98/24/CE, do Conselho, de 7 de Abril, alterando o anexo ao Decreto-Lei n.º 290/2001, de 16 de Novembro, Diário da República, I Série, N.º 163) (CHEMICAL 2 DL)</p> <p>Law 102/2009 of 10 September 2009 on the legal framework of the promotion of safety and health at work, Official Gazette, I Series, n.º 176 (Lei n.º</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>102/2009 de 10 de Setembro de 2009 sobre o regime jurídico da promoção da segurança e saúde no trabalho, Diário da República, I Série, N.º 176) (OSH L)</p> <p>Decree-Law 24/2012 of 6 February 2012 which consolidates the minimum requirements for the protection of workers from risks to health and safety due to chemical agents at work and transposing Directive 2009/161/EU, of the Commission of 17 December 2009 Official Gazette, I Series, no. 26 (Decreto-Lei n.º 24/2012 de 6 de Fevereiro de 2012 que consolida as prescrições mínimas em matéria de protecção dos trabalhadores contra os riscos para a segurança e a saúde devido à exposição a agentes químicos no trabalho e transpõe a Directiva n.º 2009/161/UE, da Comissão, de 17 de Dezembro de 2009, Diário da República, I Série, N.º 26) (CHEMICAL DL)</p>		
Directive 2009/148/EC (asbestos)		O	<p><u>Note:</u> This Directive has not yet been transposed into the Portuguese legal order. The Decree-Law 266/2007, of 24 June transposes Directive 2003/18/EC.</p> <p>Decree-Law 266/2007 of 24 July 2007 transposing into national law Directive n.º 2003/18/EC of the European Parliament and of the Council of 27 March, amending Directive 83/477/EEC, of the Council, of 19 September on the protection of workers from risks related to exposure to asbestos at work, Official Gazette, 1st series, no. 141 (Decreto-Lei n.º 266/2007 de 24 de Julho de 2007 que transpõe para a ordem jurídica interna a Directiva n.º 2003/18/CE, do Parlamento Europeu e do Conselho, de 27 de Março, que altera a Directiva n.º 83/477/CEE, do Conselho, de 19 de Setembro, relativa à protecção sanitária dos trabalhadores contra os riscos de exposição ao amianto durante o trabalho, Diário da República, 1.ª série, N.º 141) (ASB DL)</p>	Y.	
Directive 2000/54/EC (biological agents)		S	<p><u>Note:</u> This Directive has not yet been fully transposed into the Portuguese legal order. Previous national legislation (see below) transposed Directives</p>	Y.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>90/679/EEC, 93/88/EEC and 95/30/EC.</p> <p>Decree-Law 84/97 of 16 of April 1997 transposing into national law Council Directives 90/679/EEC of 26 November, and 93/88/EEC of 12 October, and Directive 95/30/EC, of the Commission, of 30 June, concerning the protection of health and safety of workers from the risks arising from exposure to biological agents at work, Official Gazette, I Series-A, no. 89 (<i>Decreto-Lei n.º 84/97 de 16 de Abril de 1997 que transpõe para a ordem jurídica interna as Directivas do Conselho n.º 90/679/CEE, de 26 de Novembro, e 93/88/CEE, de 12 de Outubro, e a Directiva n.º 95/30/CE, da Comissão, de 30 de Junho, relativas à protecção da segurança e saúde dos trabalhadores contra os riscos resultantes da exposição a agentes biológicos durante o trabalho, Diário da República, I Série-A, N.º 89</i>) (BIO DL)</p> <p>Order 405/98 of 11 July 1998 which approves the classification of biological agents, Official Gazette, I Series-B, no.158 (<i>Portaria n.º 405/98 de 11 de julho de 1998 que aprova a classificação dos agentes biológicos, Diário da República, I Série-B, N.º 158</i>) (BIO P1)</p> <p>Order 1036/98 of 15 December 1998 which changes the list of classified biological agents for the prevention of occupational hazards, approved by Order 405/98 of 11 July, Official Gazette, I Series-B, no. 288 (<i>Portaria 1036/98 de 15 de Dezembro de 1998 que altera a lista dos agentes biológicos classificados para efeitos da prevenção de riscos profissionais, aprovada pela Portaria n.º 405/98, de 11 de Julho, Diário da República, I Série-B, N.º 288</i>) (BIO P2)</p> <p>Law 3/2014 of 28 January 2014, the second amendment to Law 102/2009 of 10 September, which approves the legal framework for the promotion of safety and health at work, and the second amendment to Decree-Law 116/97 of 12 May transposing into</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			national law Directive 93/103/EC, of the Council, of 23 November concerning the minimum safety and health requirements for work on board fishing vessels, Official Gazette, 1st series, no. 19 (<i>Lei n.º 3/2014 de 28 de Janeiro de 2014 que procede à segunda alteração à Lei n.º 102/2009, de 10 de setembro, que aprova o regime jurídico da promoção da segurança e saúde no trabalho, e à segunda alteração ao Decreto-Lei n.º 116/97, de 12 de maio, que transpõe para a ordem jurídica interna a Diretiva n.º 93/103/CE, do Conselho, de 23 de novembro, relativa às prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, 1.ª série, N.º 19</i>) (OSH L)		
Council Directive 92/57/EEC (temporary or mobile construction sites)		S	<p>Decree-Law 155/95 of 1 July 1995 transposing into national law the Directive 92/57/EEC, of the Council, of 24 June concerning the minimum safety and health requirements in temporary and mobile work sites, Official Gazette, I Series-A, no. 150 (<i>Decreto-Lei n.º 155/95 de 1 de Julho de 1995 que transpõe para a ordem jurídica interna a Directiva n.º 92/57/CEE, do Conselho, de 24 de Junho, relativa às prescrições mínimas de segurança e de saúde a aplicar nos estaleiros temporários ou móveis, Diário da República, I Série-A, N.º 150</i>) (CONST DL 1)</p> <p>Decree-Law 273/2003 of 29 October 2003 that revises the rules of safety and health at work in temporary or mobile construction sites of Decree-Law 155/95 of 1 July, maintaining the minimum safety and health established by Directive 92/57/EEC, of the Council, of 24 June, Official Gazette, I Series-A, no. 251 (<i>Decreto-Lei n.º 273/2003 de 29 Outubro de 2003 que procede à revisão da regulamentação das condições de segurança e de saúde no trabalho em estaleiros temporários ou móveis, constante do Decreto-Lei n.º 155/95, de 1 de Julho, mantendo as prescrições mínimas de segurança e saúde no trabalho estabelecidas pela Directiva n.º 92/57/CEE, do Conselho,</i></p>	N.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>de 24 de Junho, Diário da República, I Série-A, N.º 251) (CONST DL 1)</p> <p>Order 101/96 of 3 April 1996 regulating the minimum safety and health in workplaces and workstations in temporary or mobile construction sites, Official Gazette, I Series-B, no. 80 (<i>Portaria n.º 101/96 de 3 de Abril de 1996 que regulamenta as prescrições mínimas de segurança e de saúde nos locais e postos de trabalho dos estaleiros temporários ou móveis, Diário da República, I Série-B, N.º 80</i>) (CONST P)</p>		
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		S	<p>Decree-Law 324/95 of 29 November 1995 transposing into national law the Directives 92/91/EEC of 3 November and 92/104/EEC of 3 December concerning the minimum health and safety requirements to be applied in surface and underground mineral-extracting industries, Official Gazette, I Series-A, no. 276 (<i>Decreto-Lei n.º 324/95 de 29 de Novembro de 1995 que transpõe para a ordem jurídica interna as Directivas n.os 92/91/CEE, de 3 de Novembro, e 92/104/CEE, de 3 de Dezembro, relativas às prescrições mínimas de saúde e segurança a aplicar nas indústrias extractivas por perfuração a céu aberto ou subterrâneas, Diário da República, I Série-A, N.º 276</i>) (EXTR DL)</p> <p>Order 198/96 of 4 June 1996 regulating the minimum safety and health requirements at the workplaces and workstations in the surface or underground mineral-extracting industries, Official Gazette, I Series-B, no. 130 (<i>Portaria n.º 198/96 de 4 de Junho de 1996 que regula as prescrições mínimas de segurança e de saúde nos locais e postos de trabalho das indústrias extractivas a céu aberto ou subterrâneas, Diário da República, I Série-B, N.º 130</i>) (EXTR P)</p>	N.	
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		S	<p>Decree-Law 324/95 of 29 November 1995 transposing into national law the Directives 92/91/EEC of 3 November and 92/104/EEC of 3 December concerning the minimum health and safety requirements to be applied in</p>	N.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>surface and underground mineral-extracting industries, Official Gazette, I Series-A, no. 276 (Decreto-Lei n.º 324/95 de 29 de Novembro de 1995 que transpõe para a ordem jurídica interna as Directivas n.os 92/91/CEE, de 3 de Novembro, e 92/104/CEE, de 3 de Dezembro, relativas às prescrições mínimas de saúde e segurança a aplicar nas indústrias extractivas por perfuração a céu aberto ou subterrâneas, Diário da República, I Série-A, N.º 276) (EXTR DL)</p> <p>Order 197/96 of 4 of June 1996 regulating the minimum safety and health requirements at the workplaces and workstations in the mineral extracting industries through drilling, Official Gazette, I Series-B, no. 130 (Portaria n.º 197/96 de 4 de Junho de 1996 que regula as prescrições mínimas de segurança e de saúde nos locais e postos de trabalho das indústrias extractivas por perfuração, Diário da República, I Série-B, N.º 130) (DRILL P)</p> <p>Order 198/96 of 4 June 1996 regulating the minimum safety and health requirements at the workplaces and workstations in the surface or underground mineral-extracting industries, Official Gazette, I Series-B, no. 130 (Portaria n.º 198/96 de 4 de Junho de 1996 que regula as prescrições mínimas de segurança e de saúde nos locais e postos de trabalho das indústrias extractivas a céu aberto ou subterrâneas, Diário da República, I Série-B, N.º 130) (EXTR P)</p>		
<p>Council Directive 92/29/EEC (medical treatment on board vessels)</p>		S	<p>Decree-Law 274/95 of 23 October 1995 transposing into national law the Directive 92/29/EEC, of the Council, of 31 March concerning the minimum safety and health requirements to promote improved medical treatment on board vessels, Official Gazette, I Series-A, no. 245 (Decreto-Lei n.º 274/95 de 23 de Outubro de 1995 que transpõe para a ordem jurídica interna a Directiva n.º 92/29/CEE, do Conselho, de 31 de Março, relativa às prescrições mínimas de segurança e saúde que visam promover uma</p>	N.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p><i>melhor assistência médica a bordo dos navios, Diário da República, I Série-A, N.º 245) (BV DL)</i></p> <p>Order 6/97 of 2nd January 1997 approving the list of medical supplies that should integrate the onboard pharmacy and registration form template, Official Gazette, I Series-B, no. 1 (<i>Portaria n.º 6/97 de 2 de Janeiro de 1997 que aprova a lista da dotação médica que deve integrar as farmácias de bordo e os modelos das fichas de registo, Diário da República, I Série-B, N.º 1) (BV P)</i></p>		
<p>Council Directive 93/103/EC (work on board fishing vessels)</p>		S	<p>Decree-Law 116/97 of 12 May 1997 transposing into national law Directive 93/103/EC, of the Council, of 23 November concerning the minimum safety and health requirements for work on board fishing vessels, Official Gazette, I Series-A, no. 109 (<i>Decreto-Lei n.º 116/97 de 12 de Maio de 1997 que transpõe para a ordem jurídica interna a Directiva n.º 93/103/CE, do Conselho, de 23 de Novembro, relativa às prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, I Série-A, N.º 109) (FV DL)</i></p> <p>Order 356/98 of 24 June 1998 regulating the minimum safety and health requirements for work on board fishing vessels, Official Gazette, I Serie-A, no. 143 (<i>Portaria n.º 356/98 de 24 de junho de 1998 que regulamenta as prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, I Serie-A, N.º 143) (FV P)</i></p> <p>Law 3/2014 of 28 January 2014 the second amendment to Law 102/2009 of 10 September, which approves the legal framework for the promotion of safety and health at work, and the second amendment to Decree-Law 116/97 of 12 May transposing into national law Directive 93/103/EC, of the Council, of 23 November concerning the minimum safety and health requirements for work on board fishing vessels, Official Gazette, 1st</p>	N.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>series, no. 19 (Lei n.º 3/2014 de 28 de Janeiro de 2014 que procede à segunda alteração à Lei n.º 102/2009, de 10 de setembro, que aprova o regime jurídico da promoção da segurança e saúde no trabalho, e à segunda alteração ao Decreto-Lei n.º 116/97, de 12 de maio, que transpõe para a ordem jurídica interna a Diretiva n.º 93/103/CE, do Conselho, de 23 de novembro, relativa às prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, 1.ª série, N.º 19) (OSH L)</p>		
<p>Council Directive 92/85/EEC (pregnant/breastfeeding workers)</p>		S	<p><u>Main legislation</u></p> <p>Law 4/84 of 5 April 1984 on the protection of maternity and paternity, Official Gazette, I Serie, no. 81 (Lei n.º 4/84 de 5 de Abril de 1984 relativa à Protecção da maternidade e da paternidade, Diário da República, I Série, N.º 81) (MAT PAT)</p> <p>Law 17/95 of 9 June 1995 amending Law 4/84 of 5 April (protection of maternity and paternity), Official Gazette, I Serie-A, n.º 134 (Lei n.º 17/95 de 9 de Junho de 1995 que altera a Lei n.º 4/84, de 5 de Abril (protecção da maternidade e da paternidade), Diário da República, I Série-A, N.º 134) (MAT PAT AM 1)</p> <p>Law 99/2003 of 27 August 2003 approving the Labour Code, Official Gazette, I Series-A, no. 197 (Lei n.º 99/2003 de 27 de 2003 que aprova o Código do Trabalho, Diário da República, I Série-A, n.º 197) (LABOUR CODE L)</p> <p><u>Complementing legislation</u></p> <p>Decree-Law 333/95 of 23 December 1995 amending the system of social protection of beneficiaries of the general social security scheme, Official Gazette, I Serie-A, no. 295 (Decreto-Lei n.º 333/95 de 23 de Dezembro que altera o regime de protecção social dos beneficiários do regime geral da segurança social, Diário da República, I Série-A, N.º 295) (MAT PAT AM 2)</p>	Y.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>Decree-Law 332/95 of 23 December 1995 amending the legal regime of the individual labour contract, including farm work and housework, Official Gazette, I Series-A, no. 295 (<i>Decreto-Lei n.º 332/95 de 23 de Dezembro de 1995 que altera o regime jurídico do contrato individual de trabalho, incluindo o trabalho rural e o serviço doméstico, Diário da República, I Série-A, N.º 295</i>) (MAT PAT AM)</p> <p>Order 229/96 of 26 June 1996 fixing agents, processes and working conditions prohibited or conditioned to pregnant women and women who have recently given birth or who are breastfeeding, Official Gazette, I Series-B, no. 146 (<i>Portaria n.º 229/96 de 26 de Junho de 1996 que fixa os agentes, processos e condições de trabalho proibidos ou condicionados às mulheres grávidas, puérperas e lactantes, Diário da República, I Série-B, N.º 146</i>) (PREG/BREAST OSP P)</p> <p>Decree-Law 230/2000 of 23 September which regulates Law 4/84 of 5 April on the protection of maternity and paternity, as regards the protection of workers covered by the individual labour contract system, including agricultural workers and domestic service, Official Gazette, I Series-A, no. 221 (<i>Decreto-Lei n.º 230/2000 de 23 de Setembro de 2000 que regulamenta a Lei n.º 4/84, de 5 de Abril, sobre a protecção da maternidade e da paternidade, no que se refere à protecção de trabalhadores abrangidos pelo regime do contrato individual de trabalho, incluindo os trabalhadores agrícolas e do serviço doméstico, Diário da República, I Série-A, N.º 221</i>) (MAT PAT REG DL)</p> <p>Law 35/2004 of 29 July 2004 which regulates Law 99/2003 of 27 August, which approved the Labour Code, Official Gazette, I Series-A, no. 177 (<i>Lei n.º 35/2004 de 29 de Julho de 2004 que regulamenta a Lei n.º 99/2003, de 27 de Agosto, que aprovou o Código do</i></p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p><i>Trabalho, Diário da República, 1ª Série-A, N.º 177) (RLC L)</i></p> <p>Law 7/2009 of 12 February 2009 approving the revision of the Labour Code, Official Gazette, 1st series, no. 30 (<i>Lei n.º 7/2009 de 12 de Fevereiro de 2009 que aprova a revisão do Código do Trabalho, Diário da República, 1ª série, N.º 30) (LC R 1)</i></p> <p>Law 102/2009 of 10 September 2009 on the legal framework of the promotion of safety and health at work, Official Gazette, 1ª Série, no. 176 (<i>Lei n.º 102/2009 de 10 de Setembro de 2009 sobre o regime jurídico da promoção da segurança e saúde no trabalho, Diário da República, 1ª Série, N.º 176) (OSH L)</i></p> <p>Law 105/2009 of 14 September 2009 that regulates and amends the Labour Code, approved by Law 7/2009, of 12 February, and the first amendment of Law 4/2008, of 7 February, Official Gazette, 1st series, no. 178 (<i>Lei n.º 105/2009 de 14 de Setembro de 2009 que regulamenta e altera o Código do Trabalho, aprovado pela Lei n.º 7/2009, de 12 de Fevereiro, e procede à primeira alteração da Lei n.º 4/2008, de 7 de Fevereiro, Diário da República, 1ª série, N.º 178) (LC R 1)</i></p> <p>Law 53/2011 of 14 October 2011 to the second amendment to the Labour Code, adopted in annex to Law 7/2009, of 12 February, establishing a new system of compensation in various forms of termination of the employment contract, applicable only to new contracts of employment, Official Gazette, 1st series, no. 198 (<i>Lei n.º 53/2011 de 14 Outubro de 2011 que procede à segunda alteração ao Código do Trabalho, aprovado em anexo à Lei n.º 7/2009, de 12 de Fevereiro, estabelecendo um novo sistema de compensação em diversas modalidades de cessação do contrato de trabalho, aplicável apenas aos novos contratos de trabalho, Diário da República, 1ª série,</i></p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>N.º 198) (LC R2)</p> <p>Law 23/2012 of 25 June 2012 to the third amendment to the Labour Code, approved by Law 7/2009, of February 12, Official Gazette, 1st series, no. 121 (<i>Lei n.º 23/2012 de 25 de Junho de 2012 que procede à terceira alteração ao Código do Trabalho, aprovado pela Lei n.º 7/2009, de 12 de fevereiro, Diário da República, 1ª série, N.º 121</i>) (LC R3)</p> <p>Law 42/2012 of 28 August 2012 approving the schemes of access to and pursuit of the occupations of senior technicians for safety at work and technicians for safety at work, Official Gazette, 1st series, no. 166 (<i>Lei n.º 42/2012 de 28 de Agosto de 2012 que aprova os regimes de acesso e de exercício das profissões de técnico superior de segurança no trabalho e de técnico de segurança no trabalho, Diário República, 1ª série, N.º 166</i>) (OSOL)</p> <p>Law 69/2013 of 30 August 2013 to the fifth amendment to the Labour Code, approved by Law 7/2009, of February 12, adjusting the amount of compensation payable on termination of the employment contract, Official Gazette, 1st series, no. 167 (<i>Lei n.º 69/2013 de 30 de Agosto de 2013 que procede à quinta alteração ao Código do Trabalho, aprovado pela Lei n.º 7/2009, de 12 de fevereiro, ajustando o valor da compensação devida pela cessação do contrato de trabalho, Diário República, 1ª série, N.º 167</i>) (LC R5)</p> <p>Law 3/2014 of 28 January 2014 the second amendment to Law 102/2009 of 10 September, which approves the legal framework of the promotion of safety and health at work, and the second amendment to Decree-Law 116/97 of 12 May transposing into national law Directive 93/103/EC, of the Council, of 23 November concerning the minimum safety and health requirements for work on board</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>fishing vessels, Official Gazette, 1st series, no. 19 (<i>Lei n.º 3/2014 de 28 de Janeiro de 2014 que procede à segunda alteração à Lei n.º 102/2009, de 10 de setembro, que aprova o regime jurídico da promoção da segurança e saúde no trabalho, e à segunda alteração ao Decreto-Lei n.º 116/97, de 12 de maio, que transpõe para a ordem jurídica interna a Diretiva n.º 93/103/CE, do Conselho, de 23 de novembro, relativa às prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, 1.ª série, N.º 19</i>) (OSH L)</p>		
<p>Council Directive 91/383/EEC42 (temporary workers)</p>		S	<p>Decree-Law 47511 of 25 January 1967 which states that occupational health services should be organised in industrial and commercial undertakings, Official Gazette, I Series, no. 21 (<i>Decreto-Lei n.º 47511 de 25 de Janeiro de 1967 que determina que nas empresas industriais e comerciais sejam organizados serviços médicos de trabalho, Diário República, I Série, N.º 21</i>) (TEMP 67)</p> <p>Decree 47512 of 25 January 1967 promulgating the Regulation of Occupational Health Services of the Undertakings, Official Gazette, I Series, no. 21 (<i>Decreto n.º 47512 de 25 de Janeiro de 1967 que promulga o Regulamento dos Serviços Médicos do Trabalho das Empresas, Diário República, I Série, N.º 21</i>) (TEMP 67-2)</p> <p>Decree-Law 441/91 of 14 November 1991 establishing the legal regime of the framework of safety, hygiene and health at work, Official Gazette, I Series-A, no. 262 (<i>Decreto-Lei n.º 441/91 de 14 de Novembro de 1991 que estabelece o regime jurídico do enquadramento da segurança, higiene e saúde no trabalho, Diário República, I Série-A, N.º 262</i>) (OSHH DL)</p> <p>Law 102/2009 of 10 September 2009 on the legal framework of the promotion of safety and health at work, Official Gazette, I Series, no. 176 (<i>Lei n.º 102/2009 de 10 de Setembro de 2009</i>)</p>	Y.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>sobre o regime jurídico da promoção da segurança e saúde no trabalho, Diário da República, 1.ª Série, N.º 176) (OSH L)</p> <p>Law 3/2014 of 28 January 2014 which proceeds the second amendment to Law 102/2009 of 10 September, which approves the legal framework of the promotion of safety and health at work, and the second amendment to Decree-Law 116/97 of 12 May transposing into national law Directive 93/103/EC, of the Council, of 23 November concerning the minimum safety and health requirements for work on board fishing vessels, Official Gazette, 1st series, no. 19 (Lei n.º 3/2014 de 28 de Janeiro de 2014 que procede à segunda alteração à Lei n.º 102/2009, de 10 de setembro, que aprova o regime jurídico da promoção da segurança e saúde no trabalho, e à segunda alteração ao Decreto-Lei n.º 116/97, de 12 de maio, que transpõe para a ordem jurídica interna a Diretiva n.º 93/103/CE, do Conselho, de 23 de novembro, relativa às prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, 1.ª série, N.º 19) (OSH L)</p>		
<p>Council Directive 94/33/EC (young people at work)</p>		S	<p><u>Main legislation</u></p> <p>Law 7/2009 of 12 February 2009 approving the revision of the Labour Code, Official Gazette, 1st series, no. 30 (Lei n.º 7/2009 de 12 de Fevereiro de 2009 que aprova a revisão do Código do Trabalho, Diário da República, 1.ª série, N.º 30) (LC R 1)</p> <p>Law 47/2012 of 29 August 2012 making the fourth amendment to the Labour Code, approved by Law 7/2009, of February 12, in order to adapt it to the Law 85/2009 of 27 August, the arrangements of compulsory education for children and young people who are of school age and establishes the universality of pre-school education for children from the age of 5, Official Gazette, 1st series, no. 167 (Lei n.º 47/2012 de 29 de Agosto de 2012 que procede à quarta</p>	Y.	

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p><i>alteração ao Código do Trabalho, aprovado pela Lei n.º 7/2009, de 12 de fevereiro, por forma a adequá-lo à Lei n.º 85/2009, de 27 de agosto, que estabelece o regime da escolaridade obrigatória para as crianças e jovens que se encontram em idade escolar e consagra a universalidade da educação pré-escolar para as crianças a partir dos 5 anos de idade, Diário da República, 1ª série, N.º 167)</i> (LC R4)</p> <p><u>Complementing legislation</u></p> <p>Decree-Law 49408/69 of 24 November 1969 approving the Individual Employment Contract Regime, Official Gazette, I Series, no. 275 (<i>Decreto-Lei n.º 49408/69 de 24 de Novembro de 1969 que aprova o Regime do Contrato Individual de Trabalho, Diário da República, I Série, N.º 275</i>) (ILS DL)</p> <p>Decree-Law 409/71 of 27 September 1971 establishing the new legal system of working hours - Repeals Decree 22500 and Decree-Law 24402, Official Gazette, I Series, no. 228 (<i>Decreto-Lei n.º 409/71 de 27 de Setembro de 1971 que estabelece o novo regime jurídico da duração do trabalho - Revoga o Decreto n.º 22500 e o Decreto-Lei n.º 24402, Diário da República, I Série, N.º 228</i>) (YOUNG 71)</p> <p>Decree-Law 410/71 of 27 September 1971 amending Decree-Law 48588, inserting provisions to regulate the financial responsibilities of the National Child Benefit Fund at the current rating of the welfare institutions and extension of its work to the rural and fishery, Official Gazette, I Series, no. 228 (<i>Decreto-Lei n.º 410/71 de 27 de Setembro de 1971 que introduz alterações no Decreto-Lei n.º 48588, que insere disposições destinadas a regular as responsabilidades financeiras do Fundo Nacional do Abono de Família perante a actual classificação das instituições de previdência e alargamento da sua acção aos meios rurais e piscatórios, Diário da República, I Série, N.º 228</i>) (YOUNG 71b)</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>Decree-Law 874/76 of 28 December 1976 that defines the legal regime of vacations, holidays and absences, Official Gazette, I Series, no. 300 (Decreto-Lei n.º 874/76 de 28 de Dezembro de 1976 que define o regime jurídico de férias, feriados e faltas, Diário da República, I Série, N.º 300) (YOUNG 76)</p> <p>Law 46/86 of 14 October 1986, Educational System Basic Law, Official Gazette, I Series, no. 237 (Lei n.º 46/86 de 14 de Outubro de 1986, Lei de Bases do Sistema Educativo, Diário da República, I Série, N.º 237) (YOUNG 86)</p> <p>Decree-Law 35/90 of 25 January 1990 that defines the gratuity scheme of compulsory education (repealing Article 6. Decree-Law 301/84 of 7 September, which has been amended by Article 2. Decree-Law 243/87, 15 June), Official Gazette, I Series, no. 21 (Decreto-Lei n.º 35/90 de 25 de Janeiro de 1990 que define o regime de gratuidade da escolaridade obrigatória (revoga o artigo 6.º do Decreto-Lei n.º 301/84, de 7 de Setembro, cuja redacção foi alterada pelo artigo 2.º do Decreto-Lei n.º 243/87, de 15 de Junho), Diário da República, I Série, N.º 21) (YOUNG 90)</p> <p>Assembly of the Republic Resolution 20/90 of 8 de Junho de 1990 approves for ratification, the Convention on the Rights of the Child signed in New York on January 26, 1990, Official Gazette, I Series, no. 211 (Resolução da Assembleia da República n.º 20/90 de 8 de Junho de 1990, aprova, para ratificação, a Convenção sobre os Direitos da Criança, assinada em Nova Iorque a 26 de Janeiro de 1990, Diário da República, I Série, N.º 211) (YOUNG 90-2)</p> <p>Decree-Law 396/91 of 16 October 1991 establishing a new regime for child labour. Amending Decree-Law 49408 of 24 November 1969 approving the Legal Regime of Individual Contract of</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>Employment, Official Gazette, I Series-A, no. 238 (Decreto-Lei n.º 396/91 de 16 de Outubro de 1991 que estabelece um novo regime para o trabalho de menores. Altera o Decreto-Lei n.º 49408, de 24 de Novembro de 1969, que aprova o Regime Jurídico do Contrato Individual de Trabalho, Diário da República, I Série-A, N.º 238) (YOUNG 91)</p> <p>Decree-Law 397/91 of 16 October 1991 changing in the legal regime of vacation and unpaid leave, approved by Decree-Law 874/76 of 28 December, Official Gazette, I Series-A, no. 238 (Decreto-Lei n.º 397/91 de 16 de Outubro de 1991 que altera o regime jurídico das férias e da licença sem retribuição, aprovado pelo Decreto-Lei n.º 874/76, de 28 de Dezembro, Diário da República, I Série-A, N.º 238) (YOUNG 91-2)</p> <p>Decree-Law 398/91 of 16 October 1991 establishing a new legal regime of working hours and overtime. Amending Decree-Law 409/71, of September 27, and 421/83 of 2 December, Official Gazette, I Series-A, no. 238 (Decreto-Lei n.º 398/91 de 16 de Outubro de 1991 que estabelece um novo regime jurídico da duração do trabalho e do trabalho suplementar. Altera os Decretos-Leis n.os 409/71, de 27 de Setembro, e 421/83, de 2 de Dezembro, Diário da República, I Série-A, N.º 238) (YOUNG 91-3)</p> <p>Decree-Law 441/91 of 14 November 1991 establishing the legal regime of the framework of safety, hygiene and health at work, Official Gazette, I Series-A, no. 262 (Decreto-Lei n.º 441/91 de 14 de Novembro de 1991 que estabelece o regime jurídico do enquadramento da segurança, higiene e saúde no trabalho, Diário República, I Série-A, N.º 262) (OSHH DL)</p> <p>Order 714/93 of 3 August 1993 establishing standards for the provision of light work to be performed by minors, Official Gazette, I Series-B, no.</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>180 (<i>Portaria n.º 714/93 de 3 de Agosto de 1993 que estabelece normas relativas à prestação de trabalhos leves a desempenhar por menores, Diário da República, I Série-B, N.º 180</i>) (YOUNG 93)</p> <p>Order 715/93 of 3 August 1993 establishing standards for the provision of prohibited or conditioned work to be performed by minors, Official Gazette, I Series-B, no. 180 (<i>Portaria n.º 715/93 de 3 de Agosto de 1993 que estabelece normas relativas à prestação de trabalhos proibidos ou condicionados a desempenhar por menores, Diário da República, I Série-B, N.º 180</i>) (YOUNG 93-2)</p> <p>Decree-Law 26/94 of 1 February 1994 establishing the rules of organization and operation of safety, hygiene and health activities at work, Official Gazette, I Series-A, no. 26 (<i>Decreto-Lei n.º 26/94 de 1 de Fevereiro de 1994 que estabelece o regime de organização e funcionamento das actividades de segurança, higiene e saúde no trabalho, Diário da República, I Série-A, N.º 26</i>) (SSHH DL)</p> <p>Law 7/95 of 29 March 1995 amending, for ratification, the Decree-Law 26/94 of 1 February, Official Gazette, I Series-A, no. 75 (<i>Lei n.º 7/95 de 29 de Março de 1995 que altera, por ratificação, o Decreto-Lei n.º 26/94, de 1 de Fevereiro, Diário de República, I Série-A, N.º 75</i>) (SSHH AM)</p> <p>Law 116/99 of 4 August 1999, General regime of labour administrative offences, Official Gazette, I Series-A, no. 180 (<i>Lei n.º 116/99 de 4 de Agosto de 1999, Regime geral das contra-ordenações laborais, Diário de República, I Série-A, N.º 180</i>) (YOUNG 99-2)</p> <p>Law 118/99 of 11 August 1999 which develops and implements the general regime of labour administrative offences by typing and classification of offences corresponding to the violation</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>of regulatory statutes of the general scheme of employment contracts, Official Gazette, I Series-A, no. 186 (Lei n.º 118/99 de 11 de Agosto de 1999 que desenvolve e concretiza o regime geral das contra-ordenações laborais, através da tipificação e classificação das contra-ordenações correspondentes à violação dos diplomas reguladores do regime geral dos contratos de trabalho, Diário de República, I Série-A, N.º 186) (YOUNG 99-3)</p> <p>Law 58/99 of 30 June 1999 amending the scheme of paid labour and employment regulation for minors, Official Gazette, I Series-A, no. 150 (Lei n.º 58/99 de 30 de Junho de 1999 que altera o regime do trabalho subordinado e de regulamentação do emprego de menores, Diário República, I Série-A, N.º 150) (YOUNG 99)</p> <p>Law 99/2003 of 27 August 2003 approving the Labour Code, Official Gazette, I Serie-A, no. 197 (Lei n.º 99/2003 de 27 de 2003 que aprova o Código do Trabalho, Diário da República, I Série-A, N.º 197) (LABOUR CODE)</p> <p>Law 35/2004 of 29 July 2004 which regulates Law 99/2003 of 27 August, which approved the Labour Code, Official Gazette, I Series-A, no. 177 (Lei n.º 35/2004 de 29 de Julho de 2004 que regulamenta a Lei n.º 99/2003, de 27 de Agosto, que aprovou o Código do Trabalho, Diário da República, I Série-A, N.º 177) (RLC L)</p> <p>Council of Ministers Resolution 79/2009 of 13 August 2009 creates the structure assigned mission Programme for Inclusion and Citizenship (PIEC), which follows the Programme for the Prevention and Elimination of Child Labour (PETI), Official Gazette, 1st series, no. 170 (Resolução do Conselho de Ministros n.º 79/2009 de 13 de Agosto de 2009, cria a estrutura de missão designada Programa para a Inclusão e Cidadania (PIEC), que</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>sucede ao Programa para a Prevenção e Eliminação da Exploração do Trabalho Infantil (PETI), Diário da República, 1ª série, N.º 170) (YOUNG 09)</p> <p>Law 101/2009 of 8 September 2009 establishing the legal regime of at home work, Official Gazette, 1st series, no. 174 (Lei n.º 101/2009 de 8 de Setembro de 2009 que estabelece o regime jurídico do trabalho no domicílio, Diário República, 1ª série, N.º 174) (HW L)</p> <p>Law 102/2009 of 10 September 2009 on the legal framework of the promotion of safety and health at work, Official Gazette, I Series, no. 176 (Lei n.º 102/2009 de 10 de Setembro de 2009 sobre o regime jurídico da promoção da segurança e saúde no trabalho, Diário da República, I Série, N.º 176) (OSH L)</p> <p>Law 105/2009 of 14 September 2009 that regulates and amends the Labour Code, approved by Law 7/2009, of 12 February, and the first amendment of Law 4/2008, of 7 February, Official Gazette, 1st series, no. 178 (Lei n.º 105/2009 de 14 de Setembro de 2009 que regulamenta e altera o Código do Trabalho, aprovado pela Lei n.º 7/2009, de 12 de Fevereiro, e procede à primeira alteração da Lei N.º 4/2008, de 7 de Fevereiro, Diário da República, 1ª série, N.º 178) (LC REG L)</p> <p>Law 69/2013 of 30 August 2013 which proceeds to the fifth amendment to the Labour Code, approved by Law 7/2009, of February 12, adjusting the amount of compensation payable on termination of employment contract, Official Gazette, 1st series, no. 167 (Lei n.º 69/2013 de 30 de Agosto de 2013 que procede à quinta alteração ao Código do Trabalho, aprovado pela Lei n.º 7/2009, de 12 de fevereiro, ajustando o valor da compensação devida pela cessação do contrato de trabalho, Diário República, 1ª série, N.º 167) (LC R5)</p>		

Directive	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>Law 3/2014 of 28 January 2014 which proceeds the second amendment to Law 102/2009 of 10 September, which approves the legal framework of the promotion of safety and health at work, and the second amendment to Decree-Law 116/97 of 12 May transposing into national law Directive 93/103/EC, of the Council, of 23 November concerning the minimum safety and health requirements for work on board fishing vessels, Official Gazette, 1st series, no. 19 (<i>Lei n.º 3/2014 de 28 de Janeiro de 2014 que procede à segunda alteração à Lei n.º 102/2009, de 10 de setembro, que aprova o regime jurídico da promoção da segurança e saúde no trabalho, e à segunda alteração ao Decreto-Lei n.º 116/97, de 12 de maio, que transpõe para a ordem jurídica interna a Diretiva n.º 93/103/CE, do Conselho, de 23 de novembro, relativa às prescrições mínimas de segurança e de saúde no trabalho a bordo dos navios de pesca, Diário da República, 1.ª série, N.º 19</i>) (OSH L)</p>		

1.2 GENERAL INSTITUTIONAL FRAMEWORK

This section presents key policy documents and describes the institutional structure together with roles and responsibilities of the main authorities and other stakeholders. It reviews all mechanisms and structures for coordination amongst those authorities in the framework of the transposition and implementation of the directives. Control and enforcement authorities will be covered under Section 5 below.

In Portugal, the response to the Commission Communication “Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work” was the National Strategy for Safety and Health at Work 2008-2012. The strategy sets out the Portuguese commitment to comply and contribute to the EU strategy and the OSH objectives at national level, and includes two main elements for the development of relevant policies: public policy and health and safety in workplaces. Within the framework of the strategy, the National Programme for Occupational Health 2013-2017 was adopted to further improve the health of workers and to ensure that the health of workers is valued by employers, the government and the society at large.

There are several bodies responsible for OSH in Portugal. The Ministry of Solidarity, Employment and Social Security drafts relevant legislation and approves and implements policies through the Directorate-General for Employment and Labour Relations and the Working Conditions Authority. The Directorate supports the development of policies on employment and vocational training and on labour relations, including working conditions and health, safety and welfare at work. The Authority

ensures compliance with labour regulations and working conditions and promotes occupational risk prevention policies.

The Division of Environmental and Occupational Health of the Directorate-General of Health (*Direção Geral de Saúde - DGS*) proposes strategies and programmes on risks to human health, occupational health on prevention of accidents. The Institute of Social Security has a Department on the Protection against Occupational Hazards, which is responsible for managing the treatment and recovery from illness or disability arising from occupational hazards.

Social dialogue at national level takes place in two tri-partite consultation bodies; the Economic and Social Council and the Standing Committee on Social Agreement. The role of the Council is to support the Working Conditions Authority with the enforcement and implementation of OSH legislation. The Committee issues opinions within their competence on e.g. action plans, budgets, annual reports, regulations and policies. Stakeholders (public authorities, social partners and OSH experts) consider the coordination mechanisms in place to be insufficient and inefficient¹, and the termination of National Council of Hygiene and Safety at Work (a tripartite body which had the competence to supervise and monitor the implementation of the OSH legislation and public policies) is considered a significant loss.

1.2.1 Key policy documents

The National Strategy for Health and Safety at Work (*Estratégia Nacional para a Segurança e Saúde no Trabalho*)² was adopted in March 2008 by consensus among the social partners (it is currently under revision, taking into account any developments occurred during the process of revision of the European strategy). The Strategy aims to develop public policies which are coherent and effective, resulting from the coordination between the different departments of the Public Administration and which foster the mobilisation of society around this question; and the promotion of health and safety at work as precondition for the improvement of working conditions. The strategy includes two main elements for the development of policies for health and safety at work: public policy and health and safety in workplaces.

The National Programme for Occupational Health 2013-2017 (*Plano Nacional de Saúde Ocupacional 2013-2017*) is a relevant tool for the coordination of the implementation and enforcement of OSH legislation in Portugal. The Programme was adopted in the framework of the Strategy and sets two general objectives: to improve the health of workers and to ensure that the health of workers is valued by employers, the government and the society at large. The Programme aims, in particular, to promote an active and continuous surveillance of the health of workers; establish criteria to ensure the quality of OSH services, reinforce the organisation of OSH services in the public and private sectors, guaranteeing the access to workers to these services; value the careers and competences of OSH professionals and develop reference guidance documents for their training; promote health in the workplace and healthy lifestyles; reinforce the cooperation between and within institutions as well as the sharing of statistical data; promote the dissemination of information on OSH and reinforce knowledge management on OSH issues, through the establishment of partnerships and sharing of information.

1.2.2 Main authorities and stakeholders

In Portugal, employment legislation and legislation on health and safety at work are a competence of the Ministry of Solidarity, Employment and Social Security (*Ministério da Solidariedade, Emprego e*

¹ Conclusion based on consultation with national authorities, workers organisations, employers organisations and OSH experts.

² Available in Portuguese at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/DocumentosReferenciaAmbitoNacional/Documents/EstrategiaNacionalparaaSegurancaeSaudeNoTrabalho20082012.pdf](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/DocumentosReferenciaAmbitoNacional/Documents/EstrategiaNacionalparaaSegurancaeSaudeNoTrabalho20082012.pdf)

Segurança Social - MESS). The Ministry approves and implements policies related to employment, vocational and qualification training, labour market and industrial relations through the Directorate-General for Employment and Labour Relations and the Working Conditions Authority (see below).

The Directorate-General for Employment and Labour Relations (*Direção-Geral do Emprego e das Relações de Trabalho - DGERT*)³ is responsible for supporting the development of policies, legislation and regulations on employment and vocational training and on industrial relations, including working conditions and health, safety and welfare at work. It is also responsible for the legal framework for transposition of European and international legal instruments namely the OSH Directives.

The main authority with competences in the framework of the enforcement and implementation of the directives is the Working Conditions Authority (*Autoridade para as Condições do Trabalho - ACT*)⁴, which is responsible for promoting improved working conditions by ensuring compliance with labour regulations and for promoting occupational risk prevention policies in public administration departments and bodies, and in all sectors of activity.

Two Regional Directorates exist that contribute to the improvement of working conditions in Madeira and the Azores; these are the Regional Directorate of Labour in the Autonomous Region of Madeira (*Direção Regional do Trabalho da Região Autónoma da Madeira*) and the Regional Inspectorate of Employment from the Regional Government of Azores (*Inspecção Regional do Trabalho do Governo Regional dos Açores*), respectively.

Two other bodies are competent to promote inquiries⁵ in cases of occupational disease or other damage to health occurred during work or related to work:

- The Social Security Institute (*Instituto da Segurança Social – ISS*), through the Protection against Occupational Risks Department (*Departamento de Proteção Contra os Riscos Profissionais*), is responsible for managing the treatment and recovery from illness or disability arising from occupational hazards.
- The Directorate-General of Health (*Direção-Geral da Saúde - DGS*). The DGS is one of the main stakeholders in the definition of the promotion and enforcement of occupational health policy, through its Environmental and Occupational Health Division (*Divisão de Saúde Ambiental e Ocupacional*). The DGS is responsible for promoting the assessment of the relations between work and health/ill health and evaluate the impact of work on health (disability and death). It is also responsible for supporting the development of policies, legislation, regulations, guidelines, etc. on health surveillance.

In Portugal, the main social partners are:

- General Confederation of the Portuguese Workers (*Confederação Geral dos Trabalhadores Portugueses, Intersindical Nacional – CGTP-IN*)
- General Union of Workers (*União Geral de Trabalhadores - UGT*)
- Confederation of Portuguese Farmers (*Confederação dos Agricultores de Portugal – CAP*)
- Portuguese Trade and Services Confederation (*Confederação do Comércio e Serviços de Portugal - CCP*)
- Entrepreneurial Confederation of Portugal (*Confederação da Indústria Portuguesa - CIP*)
- Tourism Confederation of Portugal (*Confederação do Turismo Português - CTP*).

Moreover, the Portuguese Confederation of Micro, Small and Medium Size Enterprises

³ Regulatory Law 40/2012 of 12 April, available online at: <http://dre.pt/pdf1sdip/2012/04/07300/0185601858.pdf>

⁴ Regulatory Law 47/2012 of 31 July, available online at: <http://dre.pt/pdf1sdip/2012/07/14700/0395903962.pdf>

⁵ Law 3/2014 of 28 of January, available online at: <https://dre.pt/pdf1sdip/2014/01/01900/0055400591.pdf>

(*Confederação Portuguesa das Micro, Pequenas e Médias Empresas – CPPME*), deals specifically with the interests of SMES.

1.2.3 Coordination

There is a high degree of centralisation of the enforcement of all directives (except Council Directive 92/29/EEC medical treatment on board vessels), accorded by law to ACT. The services are centralised and thus coordination takes place within the Ministry itself. The coordination with the social partners which are part of the Permanent Committee for Social Dialogue - Economic and Social Council (*Comissão Permanente de Concertação Social – Conselho Económico e Social - CES*) takes place through the Consultative Council for the Promotion of Safety and Health at Work (*Conselho Consultivo para a Promoção da Segurança e Saúde no Trabalho*) of the ACT. The role of the Council is to support the ACT in the exercise of its executive powers as regards enforcement and implementation of OSH legislation. It is responsible for forming an opinion (with binding nature) on some management instruments (annual activity plans and reports, operational programmes and respective regulations, etc.). The social partners which are part of the Council may request the General Labour Inspector information on projects, the structure and functioning of ACT services and formulate proposals, suggestions or recommendations.

The coordination mechanisms in place are deemed⁶ to be insufficient and inefficient. Both public authorities, social partners and OSH experts consider that coordination mechanisms amongst competent authorities are lacking, regarding OSH legislation and policy implementation.

A clear view was expressed by social partners, who regret the termination of the National Council of Hygiene and Safety at Work (*Conselho Nacional de Higiene e Segurança no Trabalho – CNHST*). This was a tripartite body which had the competence to supervise and monitor on an ongoing basis the implementation of the OSH legislation and public policies.

⁶ Conclusion based on consultation with national authorities, workers organisations, employers organisations and OSH experts.

1.3 LEGAL COVERAGE, OBSERVED DISCREPANCIES AND MORE STRINGENT MEASURES

1.3.1 Observed discrepancies, more stringent and more detailed measures

The following tables describe observed discrepancies between the Directive's requirements and the transposing legislation and cases where the national legislation provides for more stringent, broader or more detailed measures than the Directive's ones. There is one table per directive.

Observed discrepancies between the Directive's requirements and the transposing legislation cover instances where the text of the national transposing legislation is different from the transposed Directive's provisions. This difference could lead to the non-application or partial application of the relevant CPM due to contradiction between the national provision and the corresponding one in the Directive. They are considered for each CPM, scoping requirements and limit values when relevant (tables 1-2 to 1-25).

More stringent provisions set requirements which go beyond the requirements of the Directive e.g. more severe limit values. This review covers systematically the scope and relevant definitions as well as provisions setting limit values.

The identification of more specific requirements is different from more stringent measures, as it relates to the extent to which national law includes more detailed mechanisms for the implementation of the CPMs. In such cases, the main requirements of the Directive are fully and effectively transposed and the Member States have set up more detailed rules on e.g. procedures, responsibilities, etc.

In general, Portugal has transposed OSH-related EU Directives in an almost literal way, with no reported cases of observed discrepancies. Two differences in the translation of Directive 89/391/EEC (Framework Directive) were reported; both are related to Art.11 (Consultation and participation of workers). Firstly, the English translation includes the following sentence: '*Workers and/or their representatives are entitled to appeal, in accordance with national law and/or practice, to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work.*' The Portuguese translation refers to it as '*não são suficientes*' (are not sufficient). Secondly, while the English version of the Framework Directive states that '*workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority*', the Portuguese translation refers to '*visitas e fiscalizações*' (visits and checks).

With regard to the scope of the legislation transposing the Framework Directive, Portugal includes domestic servants and it applies to all sectors of activity (public, private or co-operative and social), self-employed and home workers. The Portuguese national transposing legislation has set broader or more stringent requirements with regard to risk assessment, preventive and protective services, information for workers, training of workers, health surveillance and consultation of workers. Additionally, Law 102/2009 specifies that, besides chemical, physical and biological risks, the employer must ensure that exposure to psychosocial risks is limited and that the safety and health of workers is not at risk. Furthermore, the transposing legislation defines reporting requirements, authorities in charge of controls at the workplace, and details regarding the appointment of OSH committees and representatives within companies.

More specifically, apart from Directives 89/656/EEC (PPE) and 2004/40/EC (electromagnetic fields), national legislation has set various more detailed requirements. The scope of the individual directive is different from the transposing national legislation with regard to Directives 89/654/EEC (workplace), 1999/92/EC (ATEX), 2002/44/EC (vibration), 2003/10/EC (noise), 2006/25/EC (artificial optical radiation), 2004/37/EC (carcinogens or mutagens), 98/24/EC (chemical agents at work), 2009/148/EC (asbestos), 2000/54/EC (biological agents), 92/57/EEC (temporary or mobile construction sites), 93/103/EC (work on board fishing vessels) and 94/33/EC (young people at work). More broader or

detailed measures on risk assessment are to be found in Directives 1999/92/EC (ATEX), 90/269/EEC (manual handling of loads), 2002/44/EC (vibration), 2003/10/EC (noise), 2006/25/EC (artificial optical radiation), 98/24/EC (chemical agents at work), 2000/54/EC (biological agents), 92/57/EEC (temporary or mobile construction sites), 92/91/EEC (mineral-extracting industries through drilling) and 92/85/EEC (pregnant/breastfeeding workers).

Differences with regard to preventive and protective services were reported for Directives 2003/10/EC (noise), 2006/25/EC (artificial optical radiation) and 91/383/EEC (temporary workers). Transposing national legislation is more detailed concerning information for workers regarding Directives 92/58/EEC (OSH signs), 2002/44/EC (vibration), 2004/37/EC (carcinogens or mutagens), 98/24/EC (chemical agents at work), 2000/54/EC (biological agents), 92/29/EEC (medical treatment on board vessels), 92/85/EEC (pregnant/breastfeeding workers) and 91/383/EEC (temporary workers). Requirements on training of workers are more detailed for Directives 2002/44/EC (vibration) and 94/33/EC (young people at work). The Portuguese national legislation sets more detailed requirements on health surveillance for Directives 2002/44/EC (vibration), 2003/10/EC (noise), 2006/25/EC (artificial optical radiation), 2004/37/EC (carcinogens or mutagens), 98/24/EC (chemical agents at work), 2009/148/EC (asbestos), 2000/54/EC (biological agents), 91/383/EEC (temporary workers) and 94/33/EC (young people at work). More detailed requirements on consultation of workers are defined for Directives 2009/104/EC (work equipment) and 2003/10/EC (noise). Finally, more specific limit values and biological limit values regarding lead are set in national legislation concerning Directive 98/24/EC (chemical agents at work).

Table 1- 1 Directive 89/391/EEC (Framework Directive) – Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions (Art. 1 and 3)	<p>Art.1</p> <p>1. All sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).</p> <p>2. Not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.</p> <p>Art.3</p> <ul style="list-style-type: none"> • Apply to any person employed by an employer, including trainees and apprentices but excluding domestic servants; • Employer: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment; 	<p>No observed discrepancy has been identified in terms of scope and definitions.</p>	<ul style="list-style-type: none"> • Are specific public service activities (such as armed forces or police) included in the scope of the legislation which are not in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Does the legislation include domestic servants in its scope? <p>Y. OSH L applies to domestic servants.</p> <ul style="list-style-type: none"> • Is the definition of employer broader than the Directive's? <p>Y. The definition of employer is broader as it includes any person who employs employees and has responsibility for the undertaking or establishment. It also includes the person responsible for recruitment in the case of non-profit organisations.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y.</p> <ul style="list-style-type: none"> - The 2009 OSH legal act applies to all sectors of activity, public, private or co-operative and social. - It applies also to self-employed - It applies also to home workers (HW L).
Conducting a risk assessment Art. 6(3), 9(1)(a)	<p>Art.6</p> <ul style="list-style-type: none"> • The employer must, taking into account the nature of the activities of the enterprise and/ or establishment evaluate the risks to the safety and health of workers, inter alia in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p>	<ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>Y. The RLC L, the LCPF L and the OSH L list the high risk activities, in a total of 12.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>work places. Art.9</p> <ul style="list-style-type: none"> The employer shall be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks. 		<p>N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services Art.7(1)	<ul style="list-style-type: none"> The employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/ or establishment. Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks and shall be allowed adequate time to enable them to fulfil their obligations. If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/ or establishment, the employer shall enlist competent external services or persons. He shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers. In all cases (internal/external services), they must have the necessary capabilities/ 	<p>No observed discrepancy has been identified in relation to the preventive and protective services.</p>	<ul style="list-style-type: none"> Does the legislation define in more specific terms who shall be designated? <p>Y. The OSH L specifies that the OSH activities may be carried out by an internal service, a common/shared service; an external service or, in an undertaking of less than 10 workers and with no high risk activity, by the employer or designated worker(s). The LCPF L specifies that public employers may adopt internal services; shared services; or external services.</p> <ul style="list-style-type: none"> Are the conditions for resorting to external services more specifically defined in the legislation? <p>Y. The RLC L specifies that an undertaking with at least 400 workers with no high risk activities may resort to inter-undertaking or external services, if a set of circumstances is verified, and, if duly authorized by the competent public body, either in the area of labour or in the area of health, according to the authorisation required. These conditions are also expressed in the OSH L, regarding the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>aptitudes and means and must be sufficient in number to deal with the organization of protective and preventive measures. MS must define the necessary capabilities and aptitudes and determine the sufficient number.</p> <ul style="list-style-type: none"> • The protection from, and prevention of, the health and safety risks shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/ or establishment. The worker(s) and/ or agency(ies) must work together whenever necessary. • MS may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility. 		<p>resorting to shared or external services.</p> <ul style="list-style-type: none"> • Are the competences required from workers or external services defined in the legislation? <p>Y. The OSO L specifies the conditions of access and to exercise the occupations of OS senior technician and OS technician as well as the rules for certification of their professional competences.</p> <ul style="list-style-type: none"> • Are criteria to define the resources (number of persons designated) provided in the legislation? <p>Y. The OSH L defines the following minima:</p> <p>i) for safety services:</p> <ul style="list-style-type: none"> - in industrial establishments: up to 50 workers, 1 technician; above 50 workers, 2 technicians for each 1,500 workers, at least one of them as senior technician; - in other establishments: up to 50 workers, 1 technician; above 50 workers, 2 technicians for each 3,000 workers, at least one of them as senior technician. <p>ii) for occupational health:</p> <ul style="list-style-type: none"> - in industrial establishments or in high risk establishments: doctor at least 1 hour/month for each 10 workers; - in other establishments: doctor at least 1 hour/month for each 20 workers. <p>In undertakings with over 250 workers, the occupational doctor should be accompanied by an occupational nurse. The LCPF L defines similar minima regarding occupational safety and hygiene. As to occupational health, it defines that the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>occupational doctor must be accompanied by an occupational nurse in bodies or services with over 200 workers.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. The OSH L defines that internal services are compulsory for undertakings with high risk activities to which at least 30 workers are exposed, as well as for undertakings or groups of undertakings (spaced not more than 50 Km apart) with at least 400 workers. Exemption from internal service may be authorised by the competent body once the undertaking: does not have high risk activities; has incidence and gravity rates of accidents at work not above the average in the respective sector; has no records of occupational diseases directly related to the firm's working conditions; the employer was not punished due to a very serious infringement of the OSH legislation in the same undertaking in the last two years; the limit values for exposure to hazardous substances or factors are respected.</p> <p>The OSH L defines the employer's responsibilities when simultaneous or successive activities in the same workplace are developed.⁷</p>

⁷ This topic was stressed during interviews with national authorities.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers Art.10	<ul style="list-style-type: none"> • The employer shall ensure that workers receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of the establishment and each type of workstation. • The employer shall take appropriate measures so that employers of workers from any outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment receive similar information • The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the risk assessment and protective measures, to the list of and reports on occupational accidents and the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? Y. The OSH L specifies that updated information shall be provided to the workers and their representatives also on measures to be taken in case of serious and imminent danger, and on first aid measures, firefighting and evacuation of workers, as well on the workers or services in charge of the measures. This information shall always be provided to the worker in the following cases: admission; change of work post or job; introduction of new equipment or change in the existing ones; adoption of a new technology; activities covering workers of different undertakings. The RLC L specifies that in case the opinion of the workers representatives for OSHH or of the workers themselves is not taken by the employer, the employer must inform them about the grounds for decision. • Are there more detailed requirements relating specifically to one of the individual directives? N. • Other additional or more detailed requirements N.
Training of workers Art.12	<ul style="list-style-type: none"> • The employer shall ensure that each worker receives adequate safety and health training during working hours, in 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>particular in the form of information and instructions specific to his workstation or job and adapted to any changes in technology or risks and repeated periodically if necessary.</p> <ul style="list-style-type: none"> • The employer shall ensure that workers from outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks. • Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment. 		<p>Y.</p> <ul style="list-style-type: none"> - The PT version of the Directive mentions "receba uma formação simultaneamente suficiente e adequada" (receives training both sufficient and adequate) instead of "receives adequate [safety and health] training". - The RLC L and the LCPF L specify as adequate training the one that allows for the acquisition of basic competences on safety and hygiene at work, health, ergonomics, environment and work organisation, and that is validated by the competent body regarding safety, hygiene and health at work of the ministry of labour, or integrated in the educational system, or promoted by departments of Public Administration responsible for developing vocational training. The OSH L includes specific mention to the training of workers responsible for first aid measures, firefighting and evacuation of workers. • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there more detailed requirements relating specifically to one of the individual directives? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance	<ul style="list-style-type: none"> • The employer shall ensure that workers 	No observed discrepancy has been identified	<ul style="list-style-type: none"> • Are there more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.14	<p>receive health surveillance appropriate to the health and safety risks they incur at work.</p> <ul style="list-style-type: none"> • These measures shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals. • Health surveillance may be provided as part of a national health system. 	<p>regarding the health surveillance of workers.</p>	<p>relating specifically to one of the individual directives?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. The SSHH DL includes additional requirements regarding health surveillance. These were amended by RCL L and by OSHL (as well as by LCPF L), as follows:</p> <ul style="list-style-type: none"> - admission examinations, before starting working or, at least, in the following 15 days; - periodical examinations, yearly for minor and for workers aged over 50, and each two years for the other workers; - occasional examinations, in case of significant changes in the material components of work, or in case of return to work after an absence longer than 30 days, due to illness or accident. <p>The Order 112/2014 of 23 May regulates a provision foreseen in Article 76 of OSH L 2009 and its amendments, that gave the possibility to the National Health Service to provide health promotion and surveillance. This new legal provision came into force on 22 June 2014.</p> <p>In accordance to Order 112/2014, the provision of occupational primary health care by the National Health Service applies to the following groups of workers: independent worker; seasonal and fixed-term agricultural worker; apprentice working for an artisan; domestic service worker; worker in the fishing industry in vessel of less than 15 metres in length whose owner does not exploit more</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			than two similar fishing vessels; and the workers of microenterprises with no high risk activities.
Consultation of workers Art.11, 6(3)(c)	<ul style="list-style-type: none"> Employers shall consult workers and/ or their representatives and allow them to take part in discussions on all questions relating to safety and health at work. Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger. They shall have adequate time off work, without loss of pay, and the necessary means to enable them to exercise their rights and functions. Workers and/ or their representatives are entitled to appeal to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work. Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority. 	<p>No observed discrepancy has been identified regarding the consultation of workers.</p> <p>Remark: The PT version of the Directive mentions "não são suficientes" (are not sufficient) instead of "are adequate".</p> <p>Remark: The PT version of the Directive mentions "visitas e fiscalizações" (visits and checks) instead of "inspections visits"</p>	<ul style="list-style-type: none"> Is balanced⁸ participation reflected in the national legislation? Are specific criteria put in place? <p>N. The only relevant reference is made in the OSH L (as well as in RLC L) which determines that the elected workers' representatives will choose among themselves, according to the proportionality principle, the respective members of the OSH committee. These OSH committees, with a parity composition, may be created by collective agreement.</p> <ul style="list-style-type: none"> Are there more detailed requirements relating specifically to one of the individual directives? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	Eg. List and reports regarding occupational accidents, emergency measures,	No observed discrepancies have been identified in relation to other key requirements	Y. The OSH L specifies that the employer must ensure that exposure to chemical, physical

⁸ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	adequate controls and supervision, other protective and preventive measures.	of the Directive.	<p>and biological risks at the workplace and to psychosocial risks are not a risk to the safety and health of workers. This specific mention is also included in the RLC L and in LCPF L when listing the activities to be performed by the OSHH Services.</p> <p>The OSH L includes more details regarding: workers' representatives for OSH; occupational safety committees; and organisation of OSH activities. This is also included in RCC L and LCPF L. Further details are mentioned in SSHH DL.</p> <p>The OSH L identifies the authorities in charge of ensuring adequate controls of the implementation of the law. It also specifies that the employer must give notification of any cases of mortal accidents or indicating a particularly serious situation in the following 24 hours.</p> <p>The SSHH DL (amended by SSHH AM) specifies that the employer must prepare an annual report on the activity of the OSHH service. This requirement is also mentioned in the OSH L, as a part of the information on the social activity of the undertaking. The SSHH DL and the RLC L and the OSH L (as well as the LCPF L) specify that the OSH services must keep, duly updated: the results of risk assessment; the list of accidents at work leading to incapacity; reports on accidents at work leading to absences due to incapacity to work longer than three days; list of sickness leaves and number of days of absence, and in care of occupational disease, its identification; list of measures, proposals or recommendations of the OSH services. The RCL L and the LCPF L</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>also determine that the annual report on the activity of the OSHH service must be submitted on-line (if over 10 workers).</p> <p>The Order 112/2014 of 23 May determines that the General-Directorate on Health shall present an annual monitoring report on the implementation of this Order, which regulates the provision of occupational primary health care by the National Health Service, to the member of the Government responsible for health.</p>

Table 1- 2 Council Directive 89/654/EEC (workplace) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and Art. 2	<ul style="list-style-type: none"> The Directive applies to workplaces, but excludes from its scope of application (a) means of transport used outside the undertaking and/or the establishment, or workplaces inside means of transport, (b) temporary or mobile construction sites, (c) extracting industries, (d) fishing boats, and (e) fields, woods and other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings. 'Workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes?? N. Is the definition of 'workplace' in national law broader than the required by the Directive? N. Other additional or more detailed requirements Y (art. 2, 4, 5, 6, 7, 8, 13, 16, 18, 20)

⁹ Please note that points (b), (c) and (d) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	of his employment.		
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Workers and/ or their representatives shall be informed of all measures to be taken concerning safety and health at the workplace Framework Directive applies. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Others	Minimum health and safety requirements at the workplace (Annex I and II)	No observed discrepancies have been identified in relation to the other key requirements of the Directive, namely the minimum safety and health requirements.	The WP P is in various aspects more detailed and broader than the requirements of the Directive, implementing the Directive's general requirements in a more specific manner. For example, the WP P contains a

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			specific minimum height for rooms (3m) and a minimum surface for personal space (1,8m ²). The WP P also contains more specific requirements for ventilation and lighting of workplaces than those listed in Annex to the Directive. One final example concerns the detailed requirement for an employer to establish conditions for rest rooms and sanitary equipment. The examples provided are more detailed and broader than the Directive's general requirements ¹⁰ .

Table 1- 3 Directive 2009/104/EC (work equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and Art. 2(a)	<ul style="list-style-type: none"> The Directive relates to the use of work equipment by workers at work where work equipment is defined as any machine, apparatus, tool or installation used at work. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment Art. 3 #	<ul style="list-style-type: none"> The employer must take measures to ensure that the work equipment made available to workers is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health. In selecting the work equipment which he proposes to use, the employer must pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the sources of information and persons

¹⁰ Further details can be found in Portugal, National Implementation Report (NIR), 2013, Part A, Section II.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question.		in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. • Where appropriate, written instructions should be made available to workers on the work equipment used at work, including information on (a) the conditions of use of work equipment; (b) foreseeable abnormal situations; and (c) the conclusions to be drawn from experience, where appropriate, in using work equipment. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Other additional or more detailed requirements N.
Training of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies. • Workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail. • Workers specifically designated to carry out repairs, modifications, maintenance or servicing receive adequate specific training. 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers Art. 10	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> Is balanced¹¹ participation reflected in the national legislation? Are specific criteria put in place? N. Other additional or more detailed requirements Y. The employer must consult in written, beforehand and in due time, the workers' representatives or in its absence, the workers on the need for work equipment at least once a year. (OSH L)
Limit values	N/A	N/A	N/A
Other issues identified	N.	No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

*Where appropriate, the existence of the earlier version (89/655/EEC) will be taken into account.

Employers are required to assess possible risks in selecting work equipment.

+ Inspection (and testing) by competent persons.

Table 1- 4 Council Directive 89/656/EEC (PPE) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to personal protective equipment (PPE) used by workers at work. PPE as defined excludes (a) ordinary working clothes and uniforms not specifically designed to protect the safety and health of the worker; (b) equipment used by emergency and rescue services; (c) personal protective equipment worn or used by the military, the police and other	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation cover PPE used by emergency and rescue services? N. Does the transposing legislation cover any of the other exclusions in the Directive? N. Other additional or more detailed requirements

¹¹ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	public order agencies; (d) personal protective equipment for means of road transport; (e) sports equipment; (f) self-defence or deterrent equipment; (g) portable devices for detecting and signalling risks and nuisances.		N.
Conducting a risk assessment Art. 5*	<ul style="list-style-type: none"> Before choosing personal protective equipment, the employer is required to assess whether the personal protective equipment he intends to use satisfies certain requirements. <p>This assessment shall involve (a) an analysis and assessment of risks which cannot be avoided by other means; (b) the definition of the characteristics which personal protective equipment must have in order to be effective against such risks, taking into account any risks which this equipment itself may create; (c) comparison of those characteristics with the characteristics of the personal protective equipment available.</p> <ul style="list-style-type: none"> The assessment shall be reviewed if any changes are made to any of its elements 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be taken with regard to the health and safety of workers when personal protective equipment is used by workers at work. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements <p>N.</p>
Training of	<ul style="list-style-type: none"> The employer shall arrange for training 	No observed discrepancy has been	<ul style="list-style-type: none"> Is more specific information on the scope

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art. 4(8) and 4(9)	<p>and shall, if appropriate, organize demonstrations in the wearing of personal protective equipment.</p> <ul style="list-style-type: none"> Personal protective equipment [...] must be used in accordance with instructions. Such instructions must be understandable to the workers. 	identified in relation to the training of workers.	<p>of training on PPE provided in the legislation?</p> <p>N.</p> <ul style="list-style-type: none"> Are there detailed requirements on demonstrations to be organized in the wearing of PPE? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Health surveillance #	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	N.	No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

* The Directive makes no provision for a risk assessment. The need for the use of PPE is presumably identified in addressing the findings of other risk assessments, relating to the hazard which the PPE is intended to protect against. There is however provision for an assessment of the PPE itself (Article 5) but this is not specifically a risk assessment.
Health surveillance is covered by the provisions of those directives covering the risks from which a specific item of PPE is intended to provide protection.

Table 1- 5 Council Directive 92/58/EEC (OSH signs) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to safety and/or health signs and excludes from its scope of application signs for placing on the market of dangerous substances and preparations, products and/or equipment and signs used for regulating road, rail, inland waterway, sea or air transport. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies. Workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and/or health signs used at work. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>Y. The OSH SG DL determines that the workers and their OSHH representatives shall be informed and consulted on the measures concerning the safety and health signs used at work.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 7(2)	<ul style="list-style-type: none"> Framework Directive applies. Workers must be given specific directions concerning the safety and/or health signs used at work, in particular the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted. 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Health surveillance	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

Table 1- 6 Directive 1999/92/EC (ATEX) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> • The Directive applies to the protection of workers potentially at risk from explosive atmospheres as defined in Art. 2. It excludes from its scope of application: (a) the areas used directly for and during the medical treatment of patients; (b) the use of appliances burning gaseous fuels; (c) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances; (d) mineral extracting industries; and (e) the use of transport subject to international agreements as specified. • The Directive applies to the risk from explosive atmospheres, i.e. from mixtures with air, under atmospheric conditions, of flammable substances in the form of gases, 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Does the transposing legislation include¹² : <ul style="list-style-type: none"> - areas used directly for and during the medical treatment of patients? N. - the manufacture, handling, use, storage and transport of explosives or chemically unstable substances? N. • Other additional or more detailed requirements Y. The ATEX DL applies to central, regional and local public administration, to public institutes and other public bodies, to all activities in the private, cooperative and social sectors, as well as to independent workers.

¹² Please note that points (b), (d) and (e) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture.		
Conducting a risk assessment Art. 4(1)	<ul style="list-style-type: none"> The employer shall assess the specific risks arising from explosive atmospheres, taking account at least of: <ul style="list-style-type: none"> the likelihood that explosive atmospheres will occur and their persistence, the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective, the installations, substances used, processes, and their possible interactions, the scale of the anticipated effects. Explosion risks shall be assessed overall. 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? <p>Y. The risk assessment must be reviewed at least once a year and whenever significant changes occur. (ATEX DL)</p> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>Y. The ATEX DL also includes the risk of electrostatic discharges related to the workers or to the work environment.</p> Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers	N/A	N/A	N/A
Training of workers Annex II, 1.1	<ul style="list-style-type: none"> The employer must provide those working in places where explosive atmospheres may occur with sufficient and appropriate training with regard to explosion protection. 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	Warning signs for places where explosive atmospheres may occur.	No observed discrepancies have been identified in relation to other key requirements of the Directive.	The ATEX DL determines that the warning signs foreseen in the Directive may be added with the warning signs Explosive Atmospheres and/or Risk of Explosion.

Table 1- 7 Council Directive 90/269/EEC (manual handling of loads) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive relates to the manual handling of loads where there is a risk particularly of back injury to workers where manual handling is defined as 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 a risk particularly of back injury to workers. 	No observed discrepancy has been identified in terms of scope and definitions.	N.
Conducting a	<ul style="list-style-type: none"> Wherever the need for manual handling of 	No observed discrepancy has been	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
risk assessment Art. 4(a)	loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as safe and healthy as possible and: assess, in advance if possible, the health and safety conditions of the type of work involved, and in particular examine the characteristics of loads, taking account the reference factors provided for in Annex I to the Directive.	identified in relation to the risk assessment.	and in any event when any changes occur in the conditions of the type of work involved? N. <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive, in particular are the reference factors provided in Annex I of the Directive further detailed? N. <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? Y. The MHL DL defines weight limits in order to recognise a too heavy load: 30kg for occasional operations, and 20kg for frequent operations. <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? N. <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancy has been identified regarding the information to be	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments)

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 6	<ul style="list-style-type: none"> Workers and/or their representatives shall be informed of all measures to be implemented, pursuant to this Directive, with regard to the protection of safety and of health. Employers must ensure that workers and/or their representatives receive general indications and, where possible, precise information on: <ul style="list-style-type: none"> — the weight of a load, — the centre of gravity of the heaviest side when a package is eccentrically loaded. 	provided to workers and their representatives.	<p>in relation to workers information?</p> <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies Employers must ensure that workers receive in addition proper training and information 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 the reference factors provided for in Annex I to the Directive and the risk factors listed in Annex II to the Directive. 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation, in particular in relation to the reference and risk factors? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 7	Framework Directive applies	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key	N. Portugal introduced weight limits in order to identify loads which are too heavy:

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		requirements of the Directive.	- 30 kg for occasional operations; - 20 kg for regular operations. ¹³
Annex I	<p>Reference Factors:</p> <ul style="list-style-type: none"> • The manual handling of a load may present a risk 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; likely, because of its contours and/or consistency, to result in injury to workers, particularly in the event of a collision. • A physical effort may present a risk particularly of back injury if it is too strenuous; only achieved by a twisting movement of the trunk; likely to result in a sudden movement of the load; made with the body in an unstable posture. • 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; the place of work or the working environment prevents the handling of loads at a safe height or with good 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. • The activity may present a risk particularly of back injury if it entails over-frequent or over-prolonged physical effort involving in particular the spine; an insufficient bodily rest or recovery period; excessive lifting, lowering or carrying distances; a rate of work imposed by a process which cannot be altered by the worker. 		
Annex II	<p>Individual Risk Factors</p> <p>The worker may be at risk if he/she is physically unsuited to carry out the task in question; is wearing unsuitable clothing, footwear or other personal effects; does not have adequate or appropriate knowledge or training.</p>		

Table 1- 8 Council Directive 90/270/EEC (display screen equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions	<ul style="list-style-type: none"> • The Directive relates to work with display screen equipment as defined in Article 2, an alphanumeric or graphic display screen, regardless of the display process employed. • The Directive does not apply to: <ul style="list-style-type: none"> (a) drivers' cabs or control cabs for vehicles or machinery; 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Does the transposing legislation cover any of the elements that the Directive expressly excludes? <p>N.</p> <ul style="list-style-type: none"> • Is the definition of 'display screen equipment' in national law broader than required by the Directive?

¹³ Portugal, National Implementation Report (NIR), 2013, Part A, Section II.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	(b) computer systems on board a means of transport; (c) computer systems mainly intended for public use; (d) 'portable' systems not in prolonged use at a workstation; (e) calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment; (f) typewriters of traditional design, of the type known as 'typewriter with window'		N. • Other additional or more detailed requirements N.
Conducting a risk assessment Art.3	<ul style="list-style-type: none"> • Employers must perform an analysis of workstations in order to evaluate the safety and health conditions to which they give rise for their workers, particularly as regards possible risks to eyesight, physical problems and problems of mental stress. • Employers must take appropriate measures to remedy the risks found, on the basis of the evaluation of the safety and health conditions, taking account of the additional and/or combined effects of the risks so found. 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> • Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies. Workers shall receive information on all aspects of safety and health relating to their workstation, in particular information on such measures applicable to workstations as are implemented under Articles 3 (analysis of workstations), 7 (daily work routine) and 9 (protection of workers' eyes and eyesight). 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Is the content or form of information to workers further specified? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Training of workers Art. 6	<ul style="list-style-type: none"> Framework Directive applies. Every worker shall receive training in use of the workstation before commencing work with display screen equipment and whenever the organization of the workstation is substantially modified. 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. <ul style="list-style-type: none"> Is the notion of 'substantially modified' further specified? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Health surveillance Art. 9*	<ul style="list-style-type: none"> Workers shall be entitled to an appropriate eye and eyesight test carried out by a person with the necessary capabilities: <ul style="list-style-type: none"> before commencing display screen work, at regular intervals thereafter, and if they experience visual difficulties which may be due to display screen work. Workers shall be entitled to an 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> Are the conditions in which eye and eye sight test is required more specifically described in the legislation? N. <ul style="list-style-type: none"> Is the periodicity of eye and eye sight test provided in national law? N. <ul style="list-style-type: none"> Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>ophthalmological examination if the results such test show that this is necessary.</p> <ul style="list-style-type: none"> • If the results of the test or of the examination show that it is necessary and if normal corrective appliances cannot be used, workers must be provided with special corrective appliances appropriate for the work concerned. • In no circumstances these measure may involve workers in additional financial cost. • Protection of workers' eyes and eyesight may be provided as part of a national health system. 		<p>requirements</p> <p>N.</p>
Consultation of workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

* The primary purpose of this requirement is to identify users who have deficiencies in their eyesight which require correction to enable them to carry out their work with DSE without risk to their health.

Table 1- 9 Directive 2002/44/EC (vibration) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1(2) and Art 2	<ul style="list-style-type: none"> • This Directive shall apply to activities in which workers are or are likely to be exposed to risks from mechanical vibration during their work. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. The VIBR DL applies to all activities, in the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • 'hand-arm vibration': the mechanical vibration that, when transmitted to the human hand-arm system, entails risks to the health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders; • 'whole-body vibration': the mechanical vibration that, when transmitted to the whole body, entails risks to the health and safety of workers, in particular lower-back morbidity and trauma of the spine. 		private, cooperative and social sectors, to the central, regional and local public administration, to public institutes and other public bodies, as well as to self-employed workers.
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of mechanical vibrations to which workers are exposed. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage. • The employer shall give particular attention to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks; - the exposure limit values and the exposure action values - any effects concerning the health and safety of workers at particularly sensitive risk - any indirect effects on worker safety resulting from interactions between mechanical vibration and the workplace or other work equipment - information provided by the manufacturers of work equipment - the existence of replacement equipment designed to reduce the levels of exposure to mechanical vibration 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the extension of exposure to whole-body vibration beyond normal - working hours under the employer's responsibility - specific working conditions such as low temperatures - appropriate information obtained from health surveillance, including published information, as far as possible • The employer must be in possession of the risk assessment • The risk assessment shall be recorded on a suitable medium; it may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary. • The risk assessment shall be kept up-to-date on a regular basis, particularly in case of significant changes. 		<p>in the legislation in a more specific manner than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. The VIBR DL determines that whenever a limit value for exposure is exceeded, a risk assessment shall be conducted at least every two years.</p> <p>It also includes specific requirements regarding recording and archiving of risk assessment documents: results, as well as criteria and procedures, measurement methods and tests; identification of the workers exposed, results of health surveillance of each worker; and identification of the doctor responsible for health surveillance.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Exposed workers and/or their representatives must receive information and training on the outcome of the risk assessment in particular: - measures taken to eliminate or reduce to a minimum the risks from mechanical vibration; - the exposure limit values and the exposure action values - the results of the assessment and measurement and the potential injury arising from the work equipment in use; 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>Y. The employer must ensure also information and training if necessary on the risks to safety and health derived from exposure to mechanical vibration at work.</p> <ul style="list-style-type: none"> • Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - why and how to detect and report signs of injury; - circumstances in which workers are entitled to health surveillance - safe working practices to minimise exposure. 		<p>requirements</p> <p>N.</p>
Training of workers Art. 6	Same as above	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>Y. Same as above.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance Art. 8	<ul style="list-style-type: none"> • Health surveillance of workers measures with reference to the risk assessment outcome where it indicates a risk to their health. • Health surveillance is intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration. Such surveillance shall be appropriate where: <ul style="list-style-type: none"> - workers' exposure to vibration is such that a link can be established with an identifiable illness or harmful effects on health, - it is probable that the illness or the effects occur in a worker's particular working conditions, and - there are tested techniques for the detection of the illness or the harmful effects on health. • Workers exposed to mechanical vibration in 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to vibration? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? <p>Y. (VIBR DL)</p> <ul style="list-style-type: none"> • Does the national legislation oblige employers in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to mechanical vibration at work, to review the risk assessment and the measure to eliminate or reduce risk? <p>Y. (VIBR DL)</p> <ul style="list-style-type: none"> • Are the arrangements for health

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>excess of the values shall be entitled to appropriate health surveillance.</p> <ul style="list-style-type: none"> • Individual health records are required and kept up-to-date. • Health records to contain a summary of the results of the health surveillance and kept in a suitable form to permit any later consultation, taking into account any confidentiality. • Where a worker is found to have an identifiable disease or adverse health effect, considered by a doctor or occupational health-care professional to be the result of exposure to mechanical vibration at work: <ul style="list-style-type: none"> - The worker shall be informed of the result which relates to him personally and, in particular, information and advice regarding any health surveillance which he should undergo following the end of exposure; - The employer shall be informed of any significant findings from the health surveillance, taking into account any medical confidentiality. - Arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. The competent doctor/authority or occupational health care professional may propose that exposed persons undergo a medical examination. 		<p>surveillance records specified in the legislation, in particular in terms of content?</p> <p>N.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> The Directive provides for a set of exposure limit values and exposure action values in respect of the daily vibration exposure levels. Hand-arm vibration: <ul style="list-style-type: none"> Daily exposure limit value standardised to an eight-hour reference period: 5 m/s²; Daily exposure action value standardised to an eight-hour reference period: 2,5 m/s². For whole-body vibration: <ul style="list-style-type: none"> Daily exposure limit value standardised to an eight-hour reference period: 1,15 m/s² or, at the MS's choice, a vibration dose value of 21 m/s^{1,75}; Daily exposure action value standardised to an eight-hour reference period: 0,5 m/s² or, at the MS's choice, a vibration dose value of 9,1 m/s^{1,75}. 	No observed discrepancy has been identified related to setting of limit values.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

Table 1- 10 Directive 2003/10/EC (noise) – Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> Directive shall apply to activities in which workers are or are likely to be exposed to risks from noise as a result of their work. daily noise exposure level ($L_{EX,8h}$) (dB(A) re. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements Y. The NOISE DL applies to all activities, in the private, cooperative and social sectors, to

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>20 µPa): time weighted average of the noise exposure levels for a nominal;</p> <ul style="list-style-type: none"> - weekly noise exposure level ($L_{EX,8h}$): time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by international standard ISO 1999:1990, point 3.6 (note 2). 		<p>the central, regional and local public administration, to public institutes and other public bodies, as well as to self-employed workers.</p> <p>The national legal provisions include in the definitions the concepts of personal daily exposure level and the effective personal daily exposure level; it also mentions the personal average weekly personal exposure level.</p>
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of noise to which workers are exposed, giving particular attention, to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to impulsive noise; - the exposure limit values and the exposure action values; - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - as far as technically achievable, any effects on workers' health and safety resulting from interactions between noise and work-related toxic substances, and between noise and vibrations; - any indirect effects resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents; - information on noise emission provided by manufacturers of work equipment in accordance with relevant EU directives; 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. • Are the risks/factors to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the existence of alternative work equipment designed to reduce the noise emission; - the extension of exposure to noise beyond normal working hours under the employer's responsibility; - appropriate information from health surveillance, including published information, as far as possible; - the availability of hearing protectors with adequate attenuation characteristics. • The employer shall be in possession of the risk assessment. • The risk assessment shall be recorded on a suitable medium, according to national law and practice. • The risk assessment shall be kept up to date on a regular basis, particularly in case of significant changes which could render it out of date, or when the results of health surveillance show it to be necessary. 		<p>than in the Directive?</p> <p>Y. The measurement of noise level shall be made by an accredited entity or by an OSH senior technician or an OSH technician with certification and training on noise at work measurement. (NOISE DL)</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. It also includes specific requirements regarding recording and archiving of risk assessment documents: results, as well as criteria and procedures, measurement methods and tests; identification of the workers exposed, results of health surveillance of each worker; and identification of the doctor responsible for health surveillance.</p>
Ensuring preventive and protective services Art 4(4)	<ul style="list-style-type: none"> • The assessment and measurement shall be planned and carried out by competent services at suitable intervals 	No observed discrepancy has been identified in relation to the preventive and protective services.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. The measurement of noise levels shall be carried out by an accredited entity or by an OSH senior technician or an OSH technician with certification and training on noise at work measurements. (NOISE DL) The NOISE DL also determines that whenever the upper exposure action value is reached or exceeded the risk assessment shall be conducted at least once a year.</p>
Information for workers Art. 8	<ul style="list-style-type: none"> • Workers exposed at work at or above the lower exposure action values, and/or their representatives, receive information and 	No observed discrepancy has been identified regarding the information to be provided to workers and their	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>training relating to risks resulting from exposure concerning, in particular:</p> <ul style="list-style-type: none"> - the nature of such risks; - the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from noise, - the exposure limit values and the exposure action values - the results of the assessment and measurement together with an explanation of their significance and potential risks - the correct use of hearing protectors - why and how to detect and report signs of hearing damage - the circumstances in which workers are entitled to health surveillance and the purpose of health surveillance - safe working practices to minimise exposure to noise 	representatives.	<p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 8	Same as above	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p>
Health surveillance Art. 10	<ul style="list-style-type: none"> • Health surveillance of workers where the results of the assessment/measurement show a risk to their health. • A worker whose exposure exceeds the upper exposure action values shall have the right to have his/her hearing checked by a doctor or by another suitably qualified person under the responsibility of a doctor, • Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to noise? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? <p>Y. (NOISE DL)</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>where the risk assessment indicates a risk to health.</p> <ul style="list-style-type: none"> • The objectives of these checks are to provide early diagnosis of any hearing loss and preserve hearing function. • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance carried out. • They shall be kept in a suitable form to permit consultation, taking into account any confidentiality. • Copies of the appropriate records shall be supplied to the CA on request. The individual worker shall, at his or her request, have access to health records relating personally to him/her. • Where, as a result of surveillance, a worker is found to have identifiable hearing damage, a doctor, or a specialist if the doctor considers it necessary, shall assess if the damage is likely to be the result of exposure at work. If this is the case: <ul style="list-style-type: none"> - the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him or her personally; <p>The employer shall:</p> <ul style="list-style-type: none"> - review the risk assessment - review the risk mitigation measures taking into account the advice of the occupational healthcare professional or other suitably qualified person or the CA in implementing any measures required to 		<p>N.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Y. The periodicity of the health checks is as follows:</p> <ul style="list-style-type: none"> - yearly hearing check and audiometric test for workers whose exposure exceeds the upper exposure action values; - twice a year audiometric test for workers whose exposure exceeds the lower exposure action levels. <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>eliminate or reduce risk and, including the possibility of assigning the worker to alternative work where there is no risk of further exposure; and</p> <ul style="list-style-type: none"> - arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. 		
Consultation of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements Y. According to the NOISE DL, the employer ensures information and consultation of workers and their OSHH representatives on: risk assessment and definition of measures to be taken; measures to reduce exposure; and selection of hearing protections.
Limit values Art.3	<ul style="list-style-type: none"> • For the purposes of this Directive the exposure limit values and exposure action values in respect of the daily noise exposure levels and peak sound pressure are fixed at: <ul style="list-style-type: none"> (a) exposure limit values: $L_{EX,8h} = 87$ dB(A) and $p_{peak} = 200$ Pa (1) respectively; (b) upper exposure action values: $L_{EX,8h} = 85$ dB(A) and $p_{peak} = 140$ Pa (2) respectively; (c) lower exposure action values: $L_{EX,8h} = 80$ dB(A) and $p_{peak} = 112$ Pa (3) respectively. • When applying the exposure limit values, the determination of the worker's effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker. 	No observed discrepancy has been identified related to setting of limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> The exposure action values shall not take account of the effect of any such protectors. 		
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	Y. The transposing legislation set additional requirements regarding the issuing of authorisation for not using individual hearing protectors in specific activities. ¹⁴

Table 1- 11 Directive 2004/40/EC (electromagnetic fields) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> Directive lays down minimum requirements for the protection of workers from risks from exposure to electromagnetic fields (0 Hz to 300 GHz) during their work. It refers to the risk to the health and safety of workers due to known short-term adverse effects in the human body caused by the circulation of induced currents and by energy absorption as well as by contact currents. It does not address suggested long-term effects, nor the risks resulting from contact with live conductors. electromagnetic fields': static magnetic and time-varying electric, magnetic and electromagnetic fields with frequencies up to 300 GHz 	<i>Note: This Directive was not yet transposed to the Portuguese legal order. However, Law 30/2010 of 2 September regulates the mechanisms for definition of the limits of human exposure to magnetic, electrical and electromagnetic fields deriving from electrical lines, installations and equipment.</i>	<ul style="list-style-type: none"> Does the national legislation cover suggested long-term effects? Does the national legislation address the risks resulting from contact with live conductors? Other additional or more detailed requirements
Conducting a risk assessment	<ul style="list-style-type: none"> The employer shall assess and, if necessary, measure and/or calculate the levels of 		<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to

¹⁴ Conclusion based on interview with national authorities.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.4	<p>electromagnetic fields to which workers are exposed.</p> <ul style="list-style-type: none"> • On the basis of this assessment, if the action values are exceeded, s/he shall assess and, if necessary, calculate whether the exposure limit values are exceeded. • Assessment, measurement and/or calculations need not be carried out in workplaces open to the public provided that an evaluation has already been undertaken in accordance with Council Recommendation 1999/519/EC. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage • The employer shall give particular attention, when carrying out the risk assessment, to: <ul style="list-style-type: none"> - level, frequency spectrum, duration and type of exposure; - the exposure limit values and action values; - any effects concerning workers at particular risk; - any indirect effects. • The employer shall be in possession of a risk assessment. • The risk assessment shall be recorded on a suitable medium. It may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary. • The risk assessment shall be updated on a regular basis, particularly if there have been significant changes which could render it 		<p>national authorities whether on request or automatically?</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? • Is the content of the risk assessment more detailed than described in the Directive? • Is a more specific methodology for risk assessment provided in the legislation? • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	out of date, or when the results of health surveillance show it to be necessary.		
Ensuring preventive and protective services Art 4(4)	Assessment, measurement and/or calculations shall be planned and carried out by competent services or persons at suitable intervals,		<ul style="list-style-type: none"> • Any additional or more detailed requirements • Other additional or more detailed requirements
Information for workers Art. 6	<p>The employer shall ensure that exposed workers and/or their representatives receive any necessary information/training relating to the outcome of the risk assessment, in particular on:</p> <ul style="list-style-type: none"> - measures taken to implement this Directive; - values and concepts of the exposure limit values and action values and the associated potential risks - the results of the assessment, measurement /calculations of the levels of exposure to electromagnetic fields - how to detect adverse health effects and to report them; - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure 		<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? • Is the content or form of information to workers further specified?
Training of workers Art. 6	Same as above		<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? • Other additional or more detailed requirements
Health surveillance Art. 8	<ul style="list-style-type: none"> • Framework Directive applies • In any event, where exposure above the limit values is detected, a medical examination shall be made available to the 		<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to electromagnetic fields? • Does the national legislation oblige

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>worker(s) concerned.</p> <ul style="list-style-type: none"> If health damage resulting from exposure is detected, the employer must carry out a reassessment of the risks The employer shall take appropriate measures to ensure that the doctor and/or the medical authority responsible for the health surveillance has access to the results of the risk assessment The results of health surveillance shall be preserved in a suitable form to permit consultation at later date, taking account of confidentiality requirements. Individual workers shall, at their request, have access to their own personal health records 		<p>employers to set health surveillance requirements after the end of exposure to electromagnetic fields?</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? Are the conditions in which health surveillance is required more specifically described in the legislation? Is the periodicity of health surveillance provided in national law? Other additional or more detailed requirements
Consultation of workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies 		<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Other additional or more detailed requirements
Limit values Art.3	<p>Exposure limit values are as set out in the Annex, Table 1.</p> <p>Action values are as set out in the Annex, Table 2.</p>		<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? Other additional or more detailed requirements
Other issues identified			

Table 1- 12 Directive 2006/25/EC (artificial optical radiation) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> It lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise 	<p>No observed discrepancy has been identified in terms of scope and definitions.</p>	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>Y. The AOR L applies to all activities, in the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>from exposure to artificial optical radiation during their work.</p> <ul style="list-style-type: none"> It refers to the risk to the health and safety of workers due to adverse effects caused by exposure to artificial optical radiation to the eyes and to the skin. optical radiation: any electromagnetic radiation in the wavelength range between 100 nm and 1 mm. The spectrum of optical radiation is divided into ultraviolet radiation, visible radiation and infrared radiation: <ul style="list-style-type: none"> (i) ultraviolet radiation: optical radiation of wavelength range between 100 nm and 400 nm. The ultraviolet region is divided into UVA (315-400 nm), UVB (280-315 nm) and UVC (100-280 nm); (ii) visible radiation: optical radiation of wavelength range between 380 nm and 780 nm; (iii) infrared radiation: optical radiation of wavelength range between 780 nm and 1 mm. The infrared region is divided into IRA (780-1 400 nm), IRB (1 400-3 000 nm) and IRC (3 000 nm-1 mm); 		<p>private, cooperative and social sectors, to the central, regional and local public administration, to public institutes and other public bodies, as well as to self-employed workers.</p>
<p>Conducting a risk assessment Art.4</p>	<ul style="list-style-type: none"> The employer shall assess and, if necessary, measure and/or calculate the levels of exposure to optical radiation to which workers are likely to be exposed The data obtained shall be preserved in a suitable form to permit their consultation at a later stage. The employer shall give particular attention, when carrying out the risk assessment, to the following: 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p>	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the level, wavelength range and duration of exposure; - the exposure limit values - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - any possible effects resulting from workplace interactions between optical radiation and photosensitising chemical substances; - any indirect effects e.g. temporary blinding, explosion or fire; - the existence of replacement equipment designed to reduce the levels of exposure to artificial optical radiation; - appropriate information obtained from health surveillance, including published information, as far as possible; - multiple sources of exposure; - a classification applied to a laser as defined in accordance with the relevant IEC standard and, in relation to any artificial source likely to cause damage similar to that of a laser of class 3B or 4, any similar classification; 		<p>detailed than described in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>Y. The measurement and calculation of exposure levels shall be made by an accredited body, with theoretical and practical knowledge and enough experience to conduct tests. (AOR L)</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. It also includes specific requirements regarding recording and archiving of risk assessment documents; results, as well as criteria and procedures, measurement methods and tests; identification of the workers exposed, results of health surveillance of each worker; and identification of the doctor responsible for health surveillance.</p>
<p>Ensuring preventive and protective services Art 4(2)</p>	<ul style="list-style-type: none"> • The assessment, measurement and/or calculations referred to in paragraph 1 shall be planned and carried out by competent services or persons at suitable intervals 	<p>No observed discrepancy has been identified in relation to the preventive and protective services.</p>	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. The measurement and calculation of exposure levels shall be carried out by an accredited body, with theoretical and practical knowledge and enough experience to conduct tests. (AOR L) Still according to the AOR L, whenever the exposure limit values are exceeded the risk</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			assessment shall be conducted at least once a year.
Information for workers Art. 6	<ul style="list-style-type: none"> The employer shall ensure that workers exposed to risks from artificial optical radiation at work and/or their representatives receive necessary information and training relating to the outcome of the risk assessment in particular: <ul style="list-style-type: none"> - measures taken to implement this Directive; - the exposure limit values and the associated potential risks; - the results of the assessment, measurement and/or calculations with an explanation of their significance and potential risks; - how to detect adverse health effects of exposure and how to report them - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure; - proper use of appropriate personal protective equipment 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art. 6	Same as above	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N. Other additional or more detailed requirements N.
Health	<ul style="list-style-type: none"> Health surveillance is carried out by a 	No observed discrepancy has been	<ul style="list-style-type: none"> Does the national legislation require health

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
surveillance Art. 8	<p>doctor, an occupational health professional or a medical authority responsible for health surveillance</p> <ul style="list-style-type: none"> • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance and be kept in a suitable form to permit later consultation, taking into account any confidentiality. • Copies of the appropriate records shall be supplied to the competent authority on request, taking into account any confidentiality. • Doctor, the occupational health professional or the medical authority responsible for the health surveillance, has access to the results of the risk assessment where such results may be relevant to the health surveillance. • Individual workers shall, at their request, have access to their own personal health records • When exposure above limit values is detected, a medical examination shall be made available to the worker(s) concerned. • In both cases, when limit values are exceeded or adverse health effects (incl. diseases) are identified: <ul style="list-style-type: none"> - the worker shall be informed of the result which relates to him personally and receive information and advice regarding any health surveillance which he should undergo following the end of exposure; 	<p>identified regarding the health surveillance of workers.</p>	<p>surveillance prior to exposure to artificial optical radiation?</p> <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to artificial optical radiation? <p>Y. (AOR L)</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Y. Still according to the AOR L, whenever the exposure limit values are exceeded the risk assessment shall be conducted at least once a year.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the employer shall be informed of any significant findings of the health surveillance, taking into account any medical confidentiality; - the employer shall: <ul style="list-style-type: none"> o review the risk assessment o review the measures taken to eliminate or reduce risks o take into account the health professional advice in implementing such measures o arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. In such cases, the competent health professional may propose that the exposed persons undergo a medical examination. 		
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> • Exposure limit values for non-coherent radiation, other than that emitted by natural sources of optical radiation, are set out in Annex I. • Exposure limit values for laser radiation are set out in Annex II. 	No observed discrepancy has been identified related to setting of limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. The AOR L was amended by AOR DR. • Other additional or more detailed requirements N.
Other issues identified		No observed discrepancies have been identified in relation to other key	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		requirements of the Directive.	

Table 1- 13 Directive 2004/37/EC (carcinogens or mutagens) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 3(1) read in conjunction with Art 2	<ul style="list-style-type: none"> This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens or mutagens as a result of their work Carcinogens Substance category 1 or 2 carcinogens Annex VI to Directive 67/548/EEC Mutagens: Substance category 1 or 2 mutagens Annex VI to Directive 67/548/EEC 	No observed discrepancy has been identified.	<ul style="list-style-type: none"> Does the transposing legislation also cover reprotoxic substances (1A and 1B)? N. Does the national legislation apply the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008? N. Other additional or more detailed requirements Y. The CARC MUT DL includes additional substances, preparations, works and processes considered as carcinogens. The OSH L specifies as forbidden or conditioned activities that involve exposure to chemical, physical and biological agents or other psychosocial factors that may cause hereditary genetic effects, non-hereditary harmful effects on descendants, or harm the male and female reproductive functions and capacities, liable of implying risks to the genetic heritage.
Conducting a risk assessment Art. 3	<ul style="list-style-type: none"> nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken. The assessment shall be renewed regularly and in any event when any change occurs 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? N. Are the risks to be taken into account in

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>in the conditions which may affect workers' exposure to carcinogens or mutagens.</p> <ul style="list-style-type: none"> • The employer shall supply the authorities at their request with the information used for making the assessment. • When assessing the risk, account shall be taken of all other routes of exposure, such as absorption into and/or through the skin. 		<p>the assessment described in a more specific manner than in the Directives?</p> <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directives? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directives? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.12	<p>Appropriate measure to ensure that:</p> <ul style="list-style-type: none"> • Workers and/or any workers' representatives in the undertaking can check that this Directive is applied or can be involved in its application in particular for: <ul style="list-style-type: none"> ◦ the consequences for workers' safety and health of the selection, wearing and use of protective clothing and equipment, without prejudice to the employer's responsibility for determining the effectiveness of protective clothing and equipment; 	<p>No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.</p>	<ul style="list-style-type: none"> • Does the Directive set additional information requirements, including on: <ul style="list-style-type: none"> ◦ relevant activities and industrial processes, including reasons why carcinogens, mutagens and reprotoxins are used; ◦ quantities of substances and preparations manufactured or used that contain CMR ◦ numbers of workers exposed ◦ replacement by another product ◦ negative impacts on fertility

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> o the measures in case of foreseeable exposure • Workers and/or their representatives are informed as quickly as possible of abnormal exposures including foreseeable ones or the cause and of the measures taken or to be taken to rectify the situation • The employer keeps an up-to-date list of the workers engaged in the activities in respect of which the results of the assessment reveals a risk to workers and indicating if available their exposure • Doctors and/or competent authorities have access to this list. • Each worker has access to the information about him • Workers and/or workers representatives have access to anonymous collective information 		<p>N.</p> <ul style="list-style-type: none"> • Does the legislation provide for specific conditions in relation (e.g. size of the establishments) to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>Y. The CARC MUT DL further specifies that the employer shall inform workers on annexed installations and warehouses that contain carcinogens or mutagens agents, ensure that all recipients and packages are labelled in a clear way, and display signs of danger clearly visible.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Training of workers Art.11	<ul style="list-style-type: none"> • Sufficient and appropriate training on the basis of all available information on: <ul style="list-style-type: none"> o Potential risks to health including the additional risks due to tobacco consumption o Precautions to be taken to prevent exposure 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance Art.14 and ANNEX II	<ul style="list-style-type: none"> • Health surveillance prior exposure and at regular intervals thereafter • If a workers suffer from an abnormality suspected to be the result of exposure the 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> • Does the national legislation set health surveillance requirements after the end of exposure? <p>Y. The CARC MUT DL specifies that the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>doctor or relevant authority may require other workers who have been similarly exposed to undergo health surveillance. In that even a reassessment of the risk must be carried out.</p> <ul style="list-style-type: none"> • Medical records must be kept and doctors must propose any protective or preventive measures to be taken in respect of any individual worker. • Advice must be given to workers on health surveillance after the end of exposure • Workers have access to the result of health surveillance that concern them • Workers/employers may request a review of the results of the health surveillance 		<p>workers shall receive information and advice on health surveillance after the end of exposure.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Y. The CARC MUT DL specifies that health surveillance records shall be kept, for at least 40 years after the end of exposure. These records must include information on: the results of the risk assessment, procedures, methods and tests; the list of workers exposed, and if possible the level of exposure; and the results of health surveillance of each worker.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. The CARC MUT DL specifies that health surveillance shall include the following procedures: record of the clinical and professional history of each worker; individual health assessment; biological surveillance, whenever necessary; and screening of the early and reversible effects.</p>
Consultation of workers Art.13	<ul style="list-style-type: none"> • Framework Directive applies 	<p>No observed discrepancy has been identified regarding the consultation of workers.</p>	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Limit values Art 16 and Annex III	<ul style="list-style-type: none"> Limit values on Benzene, Vinyl chloride monomer, hardwood dusts 	No observed discrepancy has been identified related to setting of limit values.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? N. <ul style="list-style-type: none"> Does the legislation set binding limit values on other carcinogens and mutagens (e.g. refractory ceramic fibres)? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

Table 1- 14 Council Directive 98/24/EC (chemical agents at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The requirements of this Directive apply where hazardous chemical agents are present or may be present at the workplace, without prejudice to the provisions for chemical agents to which measures for radiation protection apply pursuant to Directives adopted under the Treaty establishing the European Atomic Energy Community. Chemical agent is defined as any chemical element or compound, on its own or admixed, as it occurs in the natural state or as produced, used or released, including 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Is the scope broader than the directive's for: <ul style="list-style-type: none"> Chemical agent? Hazardous chemical agent? Y. The Chemical DL includes specific requirements regarding exposure to lead. <ul style="list-style-type: none"> Other additional or more detailed requirements Y. The Chemical DL applies to all activities, in

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>release as waste, by any work activity, whether or not produced intentionally and whether or not placed on the market.</p> <ul style="list-style-type: none"> • Hazardous chemical agent is defined as <ul style="list-style-type: none"> ○ any chemical agent which meets the criteria for classification as a dangerous substance according to the criteria in Annex VI to Directive 67/548/EEC, whether or not that substance is classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the environment; ○ any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 88/379/EEC, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment; ○ any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (i) and (ii), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of workers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive. 		<p>the private, cooperative and social sectors, to the central, regional and local public administration, to public institutes and other public bodies, as well as to self-employed workers.</p>
Conducting a risk assessment Art. 4(1), (2) and (4)	<ul style="list-style-type: none"> • The Directive requires a risk assessment to be carried out by employers which must determine whether any hazardous chemical agents are present at the 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>workplace. If so they should assess them taking into account, inter alia, their hazardous properties; level, type and duration of exposure; the circumstances of work involving such agents; occupational exposure limit values or biological limit values; effect of preventive measures taken or to be taken; conclusions to be drawn from any health surveillance.</p> <ul style="list-style-type: none"> • In case of activities involving exposure to several agents, the risk must be assessed taking into account all chemical agents in combination. • The risk assessment must be documented. The employer must be in possession of the risk assessment. 		<p>Y. The OSH L determines that the employer shall make available updated information on hazardous chemical substances and preparations, the results of risk assessment and the identification of the exposed workers to the occupational doctor or to the public body responsible for health surveillance of the workers.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. The OSH L determines that assessment of risks that may have prejudicial effects on the genetic patrimony shall be conducted every quarter, as well as whenever there is a change in working conditions that may affect exposure, the results of health surveillance justify them, or there is a development of scientific research on this</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			matter. The Chemical DL specifies that the risk assessment shall be registered and duly justified, by the employer if the nature and level of risks do not justify a more detailed evaluation.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> • The employer must ensure that workers are provided with: <ul style="list-style-type: none"> ◦ Data obtained from the risk assessments ◦ Information on the hazardous chemical agents occurring in the workplace (e.g. relevant occupational exposure limit values) ◦ Training and information on appropriate precautions and actions to be taken ◦ Safety data sheet 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Does the transposing legislation set any additional information requirements? N. • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? Y. The Chemical DL mentions additional content of information to workers: statistical non-nominal results of biological control; and the application of the legal provisions. • Other additional or more detailed requirements N.
Training of workers Art.8	<ul style="list-style-type: none"> • The employer must ensure that workers are provided with: <ul style="list-style-type: none"> ◦ Training and information on appropriate precautions and actions to be taken 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent requirements?
			N.
Health surveillance Art.10	<ul style="list-style-type: none"> The employer shall provide health surveillance of workers for whom the results of the assessment of the hazardous chemical agents reveal a risk to health. Individual health and exposure records shall be made and kept up-to-date and contain a summary of the results of health surveillance and of any monitoring data representative of the exposure of the individual. Copies must be supplied on request to the authorities 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance to be provided for other workers than those for which the assessment of the hazardous chemical agents revealed a risk to health? <p>N.</p> <ul style="list-style-type: none"> Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? <p>N.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? <p>Y. The Chemical DL specifies the contents of medical examinations for workers exposed to lead.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>Y. The Chemical DL specifies these conditions in more detail regarding workers exposed to lead, in terms of the frequency of their health surveillance.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>Y. The Chemical DL provides periodicity of health surveillance for workers exposed to lead: every quarter, every semester or every year, depending on specific circumstances.</p>
Consultation of workers Art.11	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancy has been identified regarding the consultation of	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		workers.	N. • Other additional or more detailed requirements N.
Limit values Art 3 and 6(4) and (5)	<ul style="list-style-type: none"> Exposure limit values and biological limit values 	<p>No observed discrepancy has been identified related to setting of limit values.</p> <ul style="list-style-type: none"> Have higher limit values than the ones provided in these Directives been adopted? <p>N.</p>	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>Y. The Chemical DL sets specific limit values and biological limit values regarding lead.</p> <ul style="list-style-type: none"> Are the limit values adopted at national level binding or indicative? <p>National legislation adopts binding limit values regarding Metallic lead and its ionic compounds. All the other limit values adopted are indicative. Furthermore national legislation prohibits the production, manufacturing and use of the following chemical agents:</p> <ul style="list-style-type: none"> Aminodiphenyl and its salts Benzidine and its salts Naphthalenamine and its salts Nitro-1,1'-biphenyl. <ul style="list-style-type: none"> Have lower limit values than the ones provided in these Directives been adopted? <p>N.</p>
Other issues identified		No observed discrepancies have been identified in relation to other key	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		requirements of the Directive.	

Table 1- 15 Directive 2009/148/EC (asbestos) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art.1 and 2	<p>The Directive covers health and safety risks arising or likely to arise from exposure to asbestos at work where asbestos is defined as any one of six fibrous silicates:</p> <ul style="list-style-type: none"> - asbestos actinolite, CAS No 77536-66-4 (1); - asbestos grunerite (amosite), CAS No 12172-73-5 (1); - asbestos anthophyllite, CAS No 77536-67-5 (1) - chrysotile, CAS No 12001-29-5 (1); - crocidolite, CAS No 12001-28-4 (1); - asbestos tremolite, CAS No 77536-68-6 (1). 	<p>This Directive was not yet transposed to the Portuguese legal order. The Decree-Law 266/2007, of 24 June (ASB DL) transposed the Directive 2003/18/EC.</p> <p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>Y. The ASB DL includes definitions of asbestos breathable dust and of asbestos dust. The ASB DL applies to all activities, in the private, cooperative and social sectors, to the central, regional and local public administration, to public institutes and other public bodies, as well as to self-employed workers.</p>
Conducting a risk assessment Art.3(2)	<ul style="list-style-type: none"> • In the case of activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed to determine the nature and degree of the workers' exposure. 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p>	<ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services Art.7(4)	<ul style="list-style-type: none"> • Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in laboratories equipped for fibre counting. 	No observed discrepancy has been identified in relation to the preventive and protective services.	<ul style="list-style-type: none"> • Any additional or more detailed requirements N.
Information for workers Art.4(4) Art.17	<ul style="list-style-type: none"> • Art.4(4): Workers must have access to the documents used in the documentation system • Art.17: Workers must receive adequate information on: <ul style="list-style-type: none"> - potential risks to health from exposure to dust arising from asbestos or materials containing asbestos; - existence of statutory limit values and the need for the atmosphere to be monitored; - hygiene requirements, including the need to refrain from smoking; - precautions to be taken as regards the wearing and use of protective equipment and clothing; - special precautions designed to minimise exposure to asbestos. • Workers must have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results. If the results exceed the limit value, the workers concerned are informed as quickly as possible of the fact and the reasons for it and the workers are consulted 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Does the transposing legislation set any additional information requirements? N. • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	on the measures to be taken or, in an emergency, are informed of the measures which have been taken.		
Training of workers Art.14	<ul style="list-style-type: none"> • Appropriate training must be given for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers. • The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards: <ul style="list-style-type: none"> - properties of asbestos and its effects on health; - types of products or materials likely to contain asbestos; - operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure; - safe work practices, controls and protective equipment; - appropriate role, choice, selection, limitations and proper use of respiratory equipment; - emergency procedures; - decontamination procedures; - waste disposal; - medical surveillance requirements 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Are there more detailed requirements on the content of training than in the Directive? N. • Are there more detailed requirements on the regularity of training than in the Directive? N. • Other additional or more detailed requirements N.
Health surveillance Art.18 and ANNEX I	<ul style="list-style-type: none"> • Assessment of each worker's health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> • Do these health surveillance requirements also apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>of work. It must include a specific examination of the chest.</p> <ul style="list-style-type: none"> • A new assessment must be available at least once every 3 years for as long as exposure continues. • Individual health record to be established for each worker • The doctor or responsible authority shall advise on individual protective/preventive measures to be taken or determine such measures, including where appropriate the withdrawal of the worker from all exposure to asbestos. • Information and advice must be given to workers on any assessment of their health which they may undergo following the end of exposure. • The doctor may indicate that medical surveillance must continue after the end of exposure for as long as he/she considers it necessary to safeguard the health • The worker concerned or the employer may request a review of the assessments • These measures do not apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded (See Article 3(3)) 		<p>exposure limit for asbestos will not be exceeded?</p> <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation oblige worker to continue medical surveillance after exposure to asbestos? <p>N. But the ASB DL specifies that the occupational doctor shall give indications to the worker on the eventual need to continue health surveillance after the end of exposure.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Y. The ASB DL specifies that the health surveillance records shall be kept for at least 40 years after the end of exposure. These records shall include: results of the risk assessment, criteria and procedures; information on sampling; information on workers exposed; results of individual health surveillance; and identification of the doctor responsible for health surveillance.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. The ASB DL details that the health surveillance shall include at least the following procedures: record of the clinical</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			and professional history of each worker; personal interview with the worker; individual health assessment, including a specific examination of the chest; and an examination of the breathing function.
Consultation of workers Art.3(5) and 7(3) and 12	<ul style="list-style-type: none"> • Art.3(5): risk assessment is subject to worker consultation • Art.7(3): sampling is carried out after worker consultation • Art.12: workers must be consulted on measures to be taken in case of activities such as demolition, asbestos removal work, repairing and maintenance where it is foreseeable that the limit values will be exceeded, before the activities start. 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> • Does the national legislation set additional worker consultation requirements? N. • Are more specific criteria put in place? N. • Other additional or more detailed requirements N.
Limit values Art.8	<ul style="list-style-type: none"> • Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an 8-hour time-weighted average (TWA). 	No observed discrepancy has been identified related to setting of limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent limit values? N. • Other additional or more detailed requirements N.
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N. However, according to the NIR, in 2008, an Asbestos Exposure Working Group was created at ACT level, with a group of responsibilities aimed at the creation of informational tools and ACT intervention in the field of protection against asbestos exposure. The measure was adopted, as it promotes the creating of a group of tools that can assist in the standardisation and systematisation of this matter on a national level, namely the implementation of a uniform notification model, updating of information on the internet/intranet (namely through the creation of an updated national

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			record of ACT notifications), as well as the enhancement of awareness campaigns and inspections in this field ¹⁵ .

Table 1- 16 Directive 2000/54/EC (biological agents) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive covers risks, arising or likely to arise from exposure to biological agents at work. 'biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites, which may be able to provoke any infection, allergy or toxicity; 	<p>Note: This Directive was not yet fully transposed to the Portuguese legal order. Previous national legislation (BIO DL, BIO P1 and BIO P2) transposed the Directives 90/679/EEC, 93/88/EEC and 95/30/EC.</p> <p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? N. Other additional or more detailed requirements Y. The OSH L specifies as forbidden or conditioned activities those that involve exposure to chemical, physical and biological agents or other psychosocial factors that may cause hereditary genetic effects, non-hereditary harmful effects on descendants, or harm the male and female reproductive functions and capacities, liable of implying risks to the genetic heritage.
Conducting a risk assessment Art. 3, 7(1)	<ul style="list-style-type: none"> The nature, degree and duration of workers' exposure must be determined. In the case of activities involving exposure to several groups of biological agents, the risk shall be assessed on the basis of the danger presented by all hazardous agents present. The assessment must be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p> <p>A specific reference is made to the fact that the measurement and calculation of exposure levels shall be made by an accredited body, with theoretical and practical knowledge and enough experience to conduct tests. (AOR L)</p>	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities automatically? N. Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. Are the risks to be taken into account in

¹⁵ Portugal, National Implementation Report (NIR), 2013, Part A, Section II.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • The employer must supply the CAs, at their request, with the information used for making the assessment. • The assessment is conducted on the basis of all available information: <ul style="list-style-type: none"> - classification of biological agents which are or may be a hazard to human health - recommendations from a CA which indicate that the biological agent should be controlled to protect workers' health when workers are or may be exposed to such a biological agent as a result of their work - information on diseases which may be contracted as a result of the work of the workers - potential allergenic or toxigenic effects as a result of the work of the workers; - knowledge of a disease from which a worker is found to be suffering and which has a direct connection with his work • Where the assessment reveals risk to workers' health or safety, employers shall, when requested, make available to the CA appropriate information on: <ul style="list-style-type: none"> - the results of the assessment; - the activities in which workers have been exposed or may have been exposed; - the number of workers exposed; - the name and capabilities of the person responsible for OSH, - the protective and preventive measures taken; - an emergency plan for the protection of 		<p>the assessment described in a more specific manner than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>Y. The Bio DL includes additional information to be considered for risk assessment: the additional risk that biological agents may represent for workers whose sensitivity may be affected, namely due to previous illness, medication, immunity deficiency, pregnancy or breastfeeding.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	workers from exposure to a group 3 or 4 biological agent which might result from a loss of physical containment.		
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.10	<ul style="list-style-type: none"> • Employers shall provide written instructions and, if appropriate, display notices which shall, include the procedure to follow in the case of: <ul style="list-style-type: none"> - a serious accident or incident involving the handling of a biological agent; - handling a group 4 biological agent. • Employers shall inform the workers of any accident/incident which may have resulted in the release of a biological agent and could cause severe human infection and/or illness. • Employers shall inform the workers as quickly as possible when a serious accident or incident occurs, of its causes and the remedial measures taken or to be taken. • Each worker shall have access to the information on the list of exposed workers which relates to him personally. • Workers or their representatives shall have access to anonymous collective information. • Employers shall provide workers and/or their representatives, at their request, with the information for CAs (see Article 7) 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Does the information to be provided to the CAs need to be available to the workers independently of their request? Y. The BIO DL specifies that the workers and their representatives have the right to have knowledge about that information. • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.9	<ul style="list-style-type: none"> • Workers receive training concerning: <ul style="list-style-type: none"> - potential risks to health; 	No observed discrepancy has been identified in relation to the training of	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - precautions to be taken to prevent exposure; - hygiene requirements; - wearing and use of protective equipment and clothing; - steps to be taken in case of incidents and to prevent them. • Training shall be: <ul style="list-style-type: none"> - given at the beginning of work involving contact with biological agents, - adapted to new or changed risks, and repeated periodically if necessary 	workers.	<p>N.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance Art.14 and ANNEX IV	<ul style="list-style-type: none"> • Each worker can undergo, if appropriate, relevant health surveillance prior to exposure and at regular intervals • When necessary, effective vaccines should be made available for workers who are not already immune to the biological agent to which they are exposed. • A worker is found to be suffering from an infection and/or illness which is suspected to result from exposure, the doctor or responsible authority shall offer such surveillance to other workers similarly exposed. In that event, a reassessment of the risk of exposure shall be carried out • In cases where health surveillance is carried out, an individual medical record shall be kept for at least 10 years following the end of exposure. • In the special cases of infection [referred to in Article 11(2) second subparagraph], an individual medical record shall be kept for an appropriately longer time up to 40 years 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> • Does the national legislation set more stringent requirements on health surveillance (e.g. individual medical records must be kept more than 10 years)? <p>Y. The BIO DL specifies a longer time of 40 years in special cases of infection.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Y. The BIO DL specifies that the health surveillance records shall include: results of the risk assessment; list of workers exposed to biological agents of group 3 and 4; and records of the workers' health surveillance.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Y. The BIO DL provides that health surveillance</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>following the last known exposure.</p> <ul style="list-style-type: none"> • The doctor or responsible authority shall propose protective or preventive measures in respect of any individual worker. • Information and advice must be given to workers on health surveillance they may undergo after the end of exposure. • Workers shall have access to the results of the health surveillance which concern them, and they or the employer may request a review of these results. • All cases of diseases or death identified from occupational exposure to biological agents shall be notified to the CA 		<p>shall be conducted prior to exposure. Medical examinations shall take place on admission, as well as on a periodical and occasional basis.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. The CARC MUT DL specifies that health surveillance shall include the following procedures: record of the clinical and professional history of each worker; individual health assessment; biological surveillance, whenever necessary; and screening of the early and reversible effects.</p>
Consultation of workers Art.12	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancy has been identified regarding the consultation of workers.	Are there more detailed requirements than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

Table 1- 17 Council Directive 92/57/EEC (temporary or mobile construction sites) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1, 2 and 10(1) and (2)	<ul style="list-style-type: none"> • The Directive applies to the health and safety of workers at temporary or mobile construction sites, i.e. any construction site at which building or civil engineering works are carried out (a non-exhaustive list of works is provided in Annex I). It does not apply to drilling and extractive industries*. 	No observed discrepancy has been identified in terms of scope and definitions.	Y. The CONST DL 2 applies to all activities in the private, cooperative and social sectors, to the central, regional and local public administration and other public bodies, as well as to independent workers concerning the construction of buildings and civil engineering works.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.11	<ul style="list-style-type: none"> • Framework Directive applies. • Workers and/or their representatives must be informed of all the measures to be taken concerning their safety and health on the construction site. • The information must be comprehensible to the workers concerned. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 12	<ul style="list-style-type: none"> • Framework Directive applies. • The consultation of workers must be coordinated, whenever necessary, between workers and/or workers' representatives carrying out their activities at the workplace, having regard to the degree of risk and the size of the work site. 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> • Are specific criteria put in place for coordination of workers consultation e.g. based on the size of the work site? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

* The Council Decision 74/326/EEC, to which the Directive refers for a definition of "drilling and extracting industries" has been repealed by the Council Decision setting up an Advisory Committee on Safety and Health at Work.

Table 1- 18 Council Directive 92/104/EEC (surface and underground mineral-extracting industries) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to surface and underground mineral-extracting industries (excluding extraction by drilling which is subject to a separate directive).	Note: The EXTR DL transposes Directives 92/91/EEC and 92/104/EEC. No observed discrepancy has been identified.	N.
Conducting a risk assessment Art. 3.2	The employer shall ensure that a document concerning safety and health and covering the relevant requirements on risk assessment of the Framework Directive is drawn up and kept up to date. The safety and health document shall demonstrate in particular that the risks to which workers at the workplace are exposed have been determined and assessed.	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements <p>Y. The EXT DL specifies that the safety and health plan shall be reviewed annually, and whenever modifications, extensions or major changes at the workplace occur.</p>
Ensuring internal and/or external preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). The information must be comprehensible to the workers concerned. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art. 10 (Annex, Part 1.5 and 1.6)	<ul style="list-style-type: none"> Workers must be given the necessary information, instructions, training and re-training to ensure their health and safety. The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N. Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N.
Health surveillance Art. 8	<ul style="list-style-type: none"> To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals. Health surveillance may be provided as part of a national health system. 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? <p>N.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

Table 1- 19 Council Directive 92/91/EEC (mineral-extracting industries through drilling) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the safety and health protection of workers in mineral extracting industries; i.e. industries practising extraction of minerals through drilling by boreholes, prospection with a view to such extraction and/or preparation of extracted materials for sale, excluding activities of processing the materials extracted. 	<p>Note: The EXTR DL transposes Directives 92/91/EEC and 92/104/EEC.</p> <p>No observed discrepancy has been identified.</p>	N.
Conducting a risk assessment Art.3(2)	<ul style="list-style-type: none"> A 'safety and health document', covering the relevant requirements of the Framework Directive is drawn up and kept up to date. It shall demonstrate in particular that the risks incurred by the workers at the work place have been determined and assessed. 	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Does the national legislation include more specific information on the content of the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>'health and safety document' as provided for by the Directive for the part related to the risk assessment?</p> <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>Y. The EXT DL specifies that the safety and health plan shall be reviewed annually, and whenever modifications, extensions or major changes at the workplace occur.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). The information must be comprehensible to the workers concerned. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 10 (Annex Part A 2.5))	<ul style="list-style-type: none"> Workers must be given the necessary information, instructions, training and retraining to ensure their health and safety. The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Other additional or more detailed requirements N.
Health surveillance Art. 8	<ul style="list-style-type: none"> To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals. Health surveillance may be provided as part of a national health system 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? N. <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? N. <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? N. <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		requirements of the Directive.	

Table 1- 20 Council Directive 92/29/EEC (medical treatment on board vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(a) and(b), Art 2(3) and (4)	<ul style="list-style-type: none"> • The Directive applies to workers on board a vessel, i.e. any vessel flying the flag of a MS or registered under the plenary jurisdiction of a MS, seagoing or estuary-fishing, publicly or privately owned, excluding inland navigation vessels, warships, pleasure boats used for non-commercial purposes and not manned by professional crews and tugs operating in harbour areas. • It applies to workers, excluding port pilots and shore personnel carrying out work on board a vessel at the quayside. • Vessels of more than 500 gross registered tonnes with a crew of 15 or more workers and engaged in voyage of more than three days are required to have a sick bay. • Vessels with a crew of 100 or more workers and engaged in international voyage of more than 3 days are required to have a doctor responsible for medical care on board. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Does the national legislation require a sick bay for vessels board under conditions that go beyond the conditions set by the directive? N. • Does the national legislation require having a doctor responsible for medical care on board under conditions that go beyond the conditions set by the directive? N. • Other additional or more detailed requirements N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers Art. 5	<p>Each Member State shall take the measures necessary to ensure that:</p> <ol style="list-style-type: none"> 1. medical supplies are accompanied by one or more guides to their use, including instructions for use of at least the antidotes required in Annex II section III; 2. all persons receiving professional maritime training and intending to work on board ship have been given basic training in the medical and emergency measures to be taken immediately in the event of an accident or serious medical emergency; 3. the captain and any worker or workers to whom he delegates the use of the medical supplies pursuant to Article 4 (1) (b) have received special training updated periodically, at least every five years, taking into account the specific risks and needs connected with the different categories of vessel and in accordance with the general guidelines set out in Annex V' 	<p>No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.</p>	<ul style="list-style-type: none"> • Does the national legislation set additional information requirements? N. • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N. The NIR¹⁶ indicates that <i>Portugal did not adopt any additional measures directly related to the implementation of this Directive. However, additional legislation was produced in the form of regulatory standards on the professional activity of seafarers with regard to training and certification of the ship's crew. Therefore, when Portugal came to legislate on maritime labour regulations, specific requirements were established for training and the evaluation of professional aptitude, to promote the training of these workers on the subject of maritime safety and health and safety on board ships, amongst others.</i>
Training of workers Art. 5	<p>Same as above.</p>	<p>No observed discrepancy has been identified in relation to the training of workers.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel)? N.

¹⁶ Portugal, National Implementation Report (NIR), 2013, Part A, Section II.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

Table 1- 21 Council Directive 93/103/EC (work on board fishing vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(b) and(c)	<ul style="list-style-type: none"> The Directive applies to any new or existing fishing vessels with a length between perpendiculars of 15 meters or over (which on or after 23 November 1995 furthermore satisfied the conditions specified therein) or with a length of 18 metres or over respectively. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Does the national legislation apply the requirement of the Directive to other fishing vessels than the ones covered by the Directive? Y. The OSH L applies to fishing vessels with a length below 15m; to new fishing vessels with a length equal or over 15m; and to existing fishing vessels with a length equal or over 18m. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Conducting a	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<i>risk assessment</i>			
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> • The framework Directive applies. • The information must be comprehensible to the workers concerned. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Does the national legislation set additional information requirements? N. • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.9 Art.10	<p>Art.9</p> <ul style="list-style-type: none"> • Workers shall be given suitable training, in particular in the form of precise, comprehensible instructions, on safety and health on board vessels and on accident prevention • The training shall cover in particular firefighting, the use of life-saving and survival equipment and, for the workers concerned, the use of fishing gear and hauling equipment and the use of various types of signs including hand signals • Such training shall be subject to the necessary updating where this is required by changes in the activities on board 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel)? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	Art.10 <ul style="list-style-type: none"> Any person likely to command a vessel shall be given detailed training on: <ul style="list-style-type: none"> the prevention of occupational illness and accidents on board and the steps to be taken in event of accident; stability and maintenance of the vessel under all foreseeable conditions of loading and during fishing operations; radio navigation and communication, including procedures. 		
Health surveillance	N/A	N/A	N/A
Consultation of workers Art.11	<ul style="list-style-type: none"> The framework Directive applies 	No observed discrepancy has been identified regarding the consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

Table 1- 22 Council Directive 92/85/EEC (pregnant/breastfeeding workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to pregnant workers and workers who have recently given birth or who are breastfeeding. <ul style="list-style-type: none"> <i>pregnant worker</i> shall mean a pregnant worker who informs her employer of her 	No observed discrepancy has been identified in relation to the scope and definitions.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>condition, in accordance with national legislation and/or national practice;</p> <ul style="list-style-type: none"> • worker who has recently given birth shall mean a worker who has recently given birth within the meaning of national legislation and/ or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice; • worker who is breastfeeding shall mean a worker who is breastfeeding within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice. 		
<p>Conducting a risk assessment Art. 4</p>	<p>For all activities liable to involve a specific risk of exposure to the agents, processes or working conditions of which a non-exhaustive list is given in Annex I, the employer shall assess the nature, degree and duration of exposure, in the undertaking and/or establishment concerned in order to:</p> <ul style="list-style-type: none"> - assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers - decide what measures should be taken 	<p>No observed discrepancy has been identified in relation to the risk assessment.</p>	<ul style="list-style-type: none"> • Does the national legislation go beyond the Directive by prohibiting exposure of agent listed in Annex I without carrying out a risk assessment? <p>Y. The OSH L prohibits exposure to:</p> <ul style="list-style-type: none"> - ionizing radiation - lead and its components - underground mining work. <ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.4(2)	Pregnant workers, workers who have recently given birth, workers who are breastfeeding in the undertaking and/or establishment concerned shall be informed of the results of the assessment and of all measures to be taken concerning health and safety at work.	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>Y. The LC R 1 specifies that this information shall be provided in written.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Limit values Art. 6	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	Y. The NIR ¹⁷ indicates that the Portuguese legal system (by way of the Labour Code published by Law No 7/2009 of 12-02 in its current edition) has seen the extension of maternity leave to 150 days provided the leave is shared with the father. Compulsory maternity leave following the birth is six weeks, of which up to 30 days can be taken prior to the birth. Both these periods are longer than those provided for in the Directive and are aimed at safeguarding the recovery of the worker and protecting the child.

Table 1- 23 Council Directive 91/383/EEC (temporary workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 3(1) read in conjunction with Art 2	<ul style="list-style-type: none"> • This Directive shall apply to: <ul style="list-style-type: none"> ○ employment relationships governed by a fixed-duration contract of employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions such as: reaching a specific date, completing a specific task or the occurrence of a specific event; ○ temporary employment relationships between a temporary employment business which is the employer and the 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>

¹⁷ Portugal, National Implementation Report (NIR), 2013, Part A, Section II.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	worker, where the latter is assigned to work for and under the control of an undertaking and/or establishment making use of his services.		
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services Art. 6	<ul style="list-style-type: none"> Protective and prevention services are to be informed about the assignment of workers with temporary or fixed-duration contracts 	No observed discrepancy has been identified in relation to the preventive and protective services.	<ul style="list-style-type: none"> Does the legislation define in more specific terms information to be provided to such services? <p>Y. According to the LC R 1, this information shall be provided in the five days following admission of temporary workers.</p>
Information for workers Art.3 (and 7)	<ul style="list-style-type: none"> In addition to the general requirements with regard to workers' information, temporary workers shall be informed of special occupational qualifications or skills or special medical surveillance and about increased risks that the job may entail. 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>Y. The LC R 1 specifies that the temporary agency work enterprise shall inform the temporary worker in written also about the way in which the occupational doctor or the OSH technician of the temporary agency work enterprise may access his/her job.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers Art.4	<ul style="list-style-type: none"> In addition to the general requirements regarding training, each temporary worker must receive sufficient training appropriate to the particular characteristics of the job, account being taken of his qualifications and experience. 	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Health surveillance Art.5(2)	<ul style="list-style-type: none"> Workers who are used for particularly dangerous work which requires special medical surveillance must be provided with appropriate special medical surveillance. 	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> Does the transposing legislation require medical surveillance for all types of temporary workers? Y. The LC R 1 specifies that the health examinations – on the admission, periodical and occasional – of temporary workers are the temporary agency work enterprise's responsibility. Are the arrangements for health surveillance records specified in the legislation? N. Are the conditions in which health surveillance is required more specifically described in the legislation? N. Is the periodicity of health surveillance provided in national law? N. Other additional or more detailed requirements N.
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

Table 1- 24 Council Directive 94/33/EC (young people at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
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	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 2(1) in conjunction with Art. 3 Art. 2(2)	<ul style="list-style-type: none"> The Directive applies to any person under 18 years of age (defined as a 'young person') having an employment contract or an employment relationship. It provides for the optional exclusion of occasional or short-term work in domestic service in a private household or of work not considered to be harmful, damaging or dangerous to young people in a family undertaking. 	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation cover occasional or short-term work in domestic service in a private household or work not considered to be harmful, damaging or dangerous to young people in a family undertaking? <p>Y. The LC R 1 covers work of minors aged under 16 in a family undertaking under the surveillance and direction of an adult relative.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>Y. The LC R 4 specifies that a minor aged under 16 cannot be hired to an autonomous paid activity unless he/she has completed compulsory schooling or is enrolled and attending secondary education and this is considered light work.</p>
Conducting a risk assessment Art. 6(2)	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(a) the fitting-out and layout of the workplace and the workstation;</p> <p>(b) the nature, degree and duration of exposure to physical, biological and chemical agents;</p> <p>(c) the form, range and use of work</p>	No observed discrepancy has been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Does the transposing legislation provide for a risk assessment to be conducted on a regular basis (i.e. every year) independently of any major change in working conditions? <p>N.</p> <ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;</p> <p>(d) the arrangement of work processes and operations and the way in which these are combined (organization of work);</p> <p>(e) the level of training and instruction given to young people.</p> <ul style="list-style-type: none"> • Where this assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC. • The free health assessment and monitoring may form part of a national health system. 		<p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services Art. 6(4)	<ul style="list-style-type: none"> • The employer shall involve the protective and preventive services referred to in Article 7 of Directive 89/391/EEC in the planning, implementation and monitoring of the safety and health conditions applicable to young people. 	No observed discrepancy has been identified in relation to the preventive and protective services.	<ul style="list-style-type: none"> • Does the national legislation set any specific/detailed rules on the way and extent of the involvement of protective and preventive services in the planning, implementation and monitoring of the safety and health conditions applicable to young people? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Information for workers Art. 6(3)	<ul style="list-style-type: none"> • The employer shall inform young people of possible risks and of all measures adopted concerning their safety and health. Furthermore, he shall inform the legal representatives of children of possible risks and of all measures adopted concerning 	No observed discrepancy has been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> • Is the content or form of information to young workers/legal representatives of children further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	children's safety and health.		N.
Training of workers Art.6 (2)	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(e) the level of training and instruction given to young people.*</p>	No observed discrepancy has been identified in relation to the training of workers.	<ul style="list-style-type: none"> Does the transposing legislation provide for mandatory training of young workers (according to the Directive, the level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training)? <p>N.</p> <ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation in relation to young workers? <p>Y. The LC R 1 specifies that: the State shall make available adequate vocational training to minors who have completed compulsory schooling; the employer must ensure vocational training to minors at his/her service; in particular, the right to leave without pay for attending education and training is ensured to the minor; the minor without compulsory schooling or vocational qualification is entitled to part-time work to attend education or training.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Health surveillance Art. 6(2) and 9(3)	Where the assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC.	No observed discrepancy has been identified regarding the health surveillance of workers.	<ul style="list-style-type: none"> Besides night work and cases where an assessment of the hazards to young people in connection with their work was shown that there is a risk to the safety, the physical or mental health or development of young people, does the transposing legislation provide for a free health assessment of young workers in other circumstances?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>The free health assessment and monitoring may form part of a national health system.</p> <ul style="list-style-type: none"> • Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature. 		<p>Y. The LC R 1 specifies that the health assessment of young workers shall take place prior to their admission, or at least in the following 15 days. It also determines an annual health check.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Y. The LC R 1 determines that minors shall have an annual health assessment.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified		No observed discrepancies have been identified in relation to other key requirements of the Directive.	N.

* The level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training.

1.3.2 Options

This sub-section considers the options provided by the directives to the Member States to exercise their legislative powers beyond what is strictly required by the Directives. In this case, Member States can ultimately set more stringent measures than those required by the Directive. The analysis here reviews whether these options have been used, contributing to the identification of more stringent measures.

Portugal has only made use of the option laid down in Directive 2000/54/EC on biological agents.

Table 1- 25 Options

Directive	Y/N	Legal references and brief description
Directive 2000/54/EC on biological agents - Annex I	Y.	BIO DL, Annex I. Annex I of the Biological Agents DL (BIO DL) follows the same categorisation as Annex I of the Directive. However, the indicative list of activities is more detailed in category 6, since this also covers work in collection and transport of refuse, together with work in refuse disposal plants.
Directive 91/383/EEC on temporary workers - Art. 5(1)	N.	-
Directive 91/383/EEC on temporary workers - Art. 5(3)	N.	-
Directive 91/383/EEC on temporary workers - Art. 7(2) second indent	N.	-

1.4 INTERACTIONS

This section aims at identifying synergies provided in the national legislation for the transposition of CPMs across Directives.

For each of the CPMs, Law 102/2009 of 10 September (as amended by Law 3/2014 of 28 January) contains a general requirement, e.g. on risk assessment, that is often completed by specific OSH legislation, transposing the relevant individual Directives' requirements.

The results of the analysis are presented in table 1-26 below.

Table 1- 26 Interactions between CPMs across OSH Directives

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 89/391/EEC (Framework Directive)	Art. 15(2) and (3) OSH L	Art. 15(10) OSH L Art. 73-110 OSH L	Art. 9 OSH L Art. 19 OSH L	Art. 9 OSH L Art. 20 OSH L Art. 22 OSH L	Art. 15(8) OSH L	Art. 8 OSH L Art. 18 OSH L
Council Directive 89/654/EEC (workplace)	/	/	/	/	/	/
Directive 2009/104/EC (work equipment)	Art. 4, 6 WE 89/655 DL Art. 3-7 WE DL	/	Art. 7 WE 89/655 DL Art. 8 WE DL	Art. 8 WE 89/655 DL	/	Art. 9 WE 89/655 DL Art. 9 WE DL
Council Directive 89/656/EEC (PPE)	Art. 1-3; Annex I; Annex II PPE P	/	Art. 6(b) (c); 9 PPE DL	Art. 6 (d) PPE DL	/	Art. 10 PPE DL
Council Directive 92/58/EEC (OSH signs)	/	/	Art. 9(1) OSH SG DL	Art. 9(2) OSH SG DL	/	Art. 9(1) OSH SG DL
Directive 1999/92/EC (ATEX)	Art. 5 ATEX DL	Art. 6; 11; 12 ATEX DL	Art. 15(2) ATEX DL	Art. 15(1) ATEX DL	/	Art. 15(2) ATEX DL
Council Directive 90/269/EEC (manual handling of loads)	Art. 5-6 MHL DL	/	Art. 8(1) MHL DL	Art. 8(2) MHL DL	/	Art. 7 MHL DL
Council Directive 90/270/EEC (display screen equipment)	Art. 6(a) (b) SCREEN DL	Art. 6(d) SCREEN DL	Art. 6(c); 8(1) SCREEN DL	Art. 8(2) SCREEN DL	Art. 7 SCREEN DL	Art. 9 SCREEN DL
Directive 2002/44/EC (vibration)	Art. 3-7 VIBR DL	Art. 6 VIBR DL	Art. 8 VIBR DL	Art. 8 VIBR DL	Art. 10-13 VIBR DL	Art. 9 VIBR DL
Directive 2003/10/EC (noise)	Art. 5-8; Annex I-II NOISE DL;	Art. 6-7; Annex IV NOISE DL;	Art. 9-10 NOISE DL	Art. 9(1) NOISE DL	Art. 11-14 NOISE DL	Art. 10 NOISE DL
Directive 2004/40/EC (electromagnetic fields)	N/A ¹⁸	N/A	N/A	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	Art. 3-7 AOR L	Art. 6-7 AOR L	Art. 8 AOR L	Art. 8(1) AOR L	Art. 9-11 AOR L	Art. 8(3) AOR L

¹⁸ N/A refers to “not applicable because the Directive has not been transposed in national legislation”. The acronym of N/A will be used consistently throughout the remainder of the tables.

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 2004/37/EC (carcinogens or mutagens)	Art. 4-5 CARC MUT DL Art. 15(2) and (3) OSH L Art. 42 OSH L	Art. 6-7; 9-11 CARC MUT DL Art. 15(10) OSH L Art. 73-110 OSH L	Art. 14-15 CARC MUT DL Art. 9 OSH L Art. 19 OSH L Art. 43 OSH L	Art. 13 CARC MUT DL Art. 9 OSH L Art. 20 OSH L Art. 22 OSH L	Art. 12; 16-17 CARC MUT DL Art. 15(8) OSH L Art. 44-46 OSH L	Art. 15 CARC MUT DL Art. 8 OSH L Art. 18 OSH L
Council Directive 98/24/EC (chemical agents at work)	Art. 4-8 CHEMICAL 1 DL Art. 2 CHEMICAL 2 DL Art. 7-11; 13 CHEMICAL DL Art. 18-21 CHEMICAL DL Art. 4; Annex I-III CHEMICAL DL Art. 15(2) and (3) OSH L Art. 42 OSH L	Art. 5-6; 8-10 CHEMICAL 1 DL Art. 9-12 CHEMICAL DL Art. 15(10) OSH L Art. 73-110 OSH L	Art. 11-12; 14 CHEMICAL 1 DL Art. 16(1) (2) (3) CHEMICAL DL Art. 9 OSH L Art. 19 OSH L Art. 43 OSH L	Art. 11(2) (3) CHEMICAL 1 DL Art. 16(1) CHEMICAL DL Art. 9 OSH L Art. 20 OSH L Art. 22 OSH L	Art. 13 CHEMICAL 1 DL Art. 14-15 CHEMICAL DL Art. 22 CHEMICAL DL Art. 15(8) OSH L Art. 44-46 OSH L	Art. 14 CHEMICAL 1 DL Art. 16(1) (4) CHEMICAL DL Art. 8 OSH L Art. 18 OSH L
Directive 2009/148/EC (asbestos)	Art. 4-9 ASB DL	Art. 7-15 ASB DL	Art. 17-18 ASB DL	Art. 16 ASB DL	Art. 19-22 ASB DL	Art. 18 ASB DL
Directive 2000/54/EC (biological agents)	Art. 4; 6-10; Annex 1 BIO DL Art. 1; Annex BIO P1 Art. 1-4; Annex BIO P2 Art. 15(2) and (3) OSH L Art. 42 OSH L	Art. 8-9; 12-16; Annex III; IV BIO DL Art. 15(10) OSH L Art. 73-110 OSH L	Art. 18 BIO DL Art. 9 OSH L Art. 19 OSH L Art. 43 OSH L	Art. 17 BIO DL Art. 9 OSH L Art. 20 OSH L Art. 22 OSH L	Art. 11; 19 BIO DL Art. 15(8) OSH L Art. 44-46 OSH L	Art. 8 OSH L Art. 18 OSH L
Council Directive 92/57/EEC (temporary or mobile construction sites)	Art. 12 CONST DL 1 Art. 6; Annex II CONST DL 1 Art. 7 CONST DL 2	Art. 4-6; 8-10 CONST DL 1 Art. 2-28 CONST P Art. 4-6; 8-14; 17-23 CONST DL 2	Art. 11 CONST DL 1	/	/	/

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	Art. 8 EXTR DL	Art. 3-5 EXTR DL Art. 3-45 EXTR P	Art. 6(1) EXTR DL	Art. 6(2) EXTR DL	Art. 7 EXTR DL	/
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	Art. 8 EXTR DL	Art. 3-5 EXTR DL Art. 3-45 DRILL P	Art. 6(1) EXTR DL	Art. 6(2) EXTR DL	Art. 7 EXTR DL	/
Council Directive 92/29/EEC (medical treatment on board vessels)	/	Art. 4-10; 13 BV DL Art. 1-2; Annex I-II BV P	Art. 11 BV DL	Art. 12 BV DL	/	/
Council Directive 93/103/EC (work on board fishing vessels)	Art. 15(2) and (3) OSH L	Art. 3-5 FV DL Art. 8 FV DL Art. 3-25 FV P Art. 15(10) OSH L Art. 73-110 OSH L	Art. 6(1) FV DL Art. 9 OSH L Art. 19 OSH L	Art. 7 FV DL Art. 9 OSH L Art. 20 OSH L Art. 22 OSH L	Art. 15(8) OSH L	Art. 6(2) FV DL Art. 8 OSH L Art. 18 OSH L
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	Art. 16 MAT PAT AM 1 Art. 15(2) and (3) OSH L	Art. 16-17 MAT PAT L Art. 16 MAT PAT AM 1 Art. 1-2; Annex I-II PREGN / BREAST OSP P Art. 3 MAT PAT Reg DL Art. 62 LC R 1 Art. 15(10) OSH L Art. 51-60 OSH L Art. 73-110 OSH L	Art. 3 MAT PAT L Art. 9 OSH L Art. 19 OSH L	Art. 9 OSH L Art. 20 OSH L Art. 22 OSH L	Art. 4-5 MAT PAT L Art. 12(1) MAT PAT L Art. 2 MAT PAT Reg DL Art. 15(8) OSH L	Art. 8 OSH L Art. 18 OSH L
Council Directive 91/383/EEC42 (temporary workers)	Art. 15(2) and (3) OSH L	Art. 15(10) OSH L Art. 73-110 OSH L	Art. 186(2) (3) LC R 1	Art. 186(6) LC R 1	Art. 186(4) (5) (7) LC R 1	Art. 8 OSH L Art. 18 OSH L

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
			Art. 9 OSH L Art. 19 OSH L	Art. 9 OSH L Art. 20 OSH L Art. 22 OSH L	Art. 15(8) OSH L	
Council Directive 94/33/EC (young people at work)	Art. 15(2) and (3) OSH L Art. 66 LC R 1	Art. 72-80 LC R 1 Art. 15(10) OSH L Art.61-72 OSH L Art. 73-110 OSH L	Art. 9 OSH L Art. 19 OSH L	Art. 9 OSH L Art. 20 OSH L	Art. 15(8) OSH L	Art. 8 OSH L Art. 18 OSH L
Conclusions on interactions between Directives	The risk assessment is specifically mentioned in most national transposing legislation. The exception refers to the Directives on workplace, OSH signs, and medical treatment on board vessels.	The functioning of preventive and protective services is set out in most national transposing legislation. The exception refers to the Directives on workplace, work equipment, PPE, OSH signs, and manual handling of loads.	All national transposing legislation, except for the Directive on workplace, include requirements regarding information for workers.	Training of workers is addressed in most national transposing legislation, except for the Directives on workplace and temporary or mobile construction sites.	Requirements on health surveillance are included in part of the national transposing legislation. Such requirements are not specifically mentioned in the Directives on workplace, work equipment, PPE, OSH signs, ATEX, manual handling of tools, temporary or mobile construction sites, and medical treatment on board vessels.	Requirements regarding information for workers are included in most pieces of national transposing legislation. The exception refers to the Directives on workplace, temporary or mobile construction sites, surface and underground mineral-extracting industries, mineral-extracting industries through drilling, and medical treatment on board vessels.

2 MAPPING QUESTION 2: GAPS IN CONTENT OR TIME

This section aims at determining whether the Member State has applied or used derogations and transitional periods when provided for by the Directives. Provisions setting options are covered under MQ1, in section 1.3.

2.1 TRANSITIONAL PERIODS

Transitional periods: these are periods of time where a derogation applies with extended deadlines for the implementation of particular provisions of the Directives. It is noteworthy that most of the transitional periods are not applicable anymore as the dates by which provisions in question had to be implemented at latest have already passed. However, these periods should be taken into consideration to explain delays in implementation of certain Directives.

Such transitional periods can be found in eight Directives as listed below. For all of these Directives, Portugal has set transitional periods, with the exception of Directive 92/91/EC (mineral-extracting industries through drilling), and Directive 92/104/EC (surface and underground mineral extracting industries).

Table 2- 1 Transitional Periods

<i>Directive</i>	<i>Transitional periods applied</i>	<i>Transitional period respected</i>	<i>Date of end of application of the transitional period</i>
Directive 90/270/EEC (display screen equipment)	Yes	Yes	31 December 1996
Directive 92/91/EC (mineral-extracting industries through drilling)	No	-	-
Directive 92/104/EC (surface and underground mineral extracting industries)	No	-	-
Directive 93/103/EC (work on board fishing vessels)	Yes	No	24 September 1998 24 September 2005
Directive 1999/92/EC (ATEX)	Yes	No	11 September 2006
Directive 2002/44/EC (vibration)	Yes	Yes	6 July 2010 6 July 2014
Directive 2003/10/EC (noise)	Yes	Yes	15 February 2008 15 February 2011
Directive 2009/104/EC (work equipment)	Yes	Yes – SME No - other	19 July 2006 31 December 2005

2.2 DEROGATIONS

Derogations: these are provisions, which explicitly permit Member States to derogate from certain requirements contained in the Directive. All derogations are accompanied by conditions which need to be fulfilled before and/or after derogation is permitted. The following table shows which derogations have been used and whether or not the conditions attached are adequately reflected in the transposing legislation.

Portugal transposing legislation reflects some of the derogations and, as a rule, the conditions attached to them. The derogations which have been used in Portugal are, with regard to Directive 94/33/EC, the derogations from the prohibition on obtaining prior authorisation to employ children; the prohibition to employ young people for the works listed in Article 7.2; the authorization for young people to perform night work in specific circumstances; the derogations from rest periods are possible in cases of split work or work performed in the shipping or fisheries sectors, in hospitals or similar establishments, in agriculture, in the tourism industry or in the hotel, restaurant and café sector; and authorization for young people to work in case of force majeure. With regard to Directive 98/24/EC on chemical agents at work, Portugal has introduced the derogation from prohibition of the use of certain chemical agents and activities involving chemical agents in certain circumstances. Finally, with regard to Directive 2002/44/EC on vibration, national legislation specifies that derogation is also possible in the sea and air navigation sectors.

Table 2- 2 Derogations

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
Directive 89/656/EEC on personal protective equipment	Art.4.6, second indent	Member States' legislation may allow for contribution of workers towards the costs of some personal protective equipment.	N	Portugal has not made use of this derogation.	The derogation applies in circumstances where use of the equipment is not exclusive to the workplace	N	Portugal has not made use of this derogation.
Directive 92/57/EEC on temporaire or mobile construction sites	Art. 3.2	Derogation from the obligation to draw up a health and safety plan.	N	Portugal has not made use of this derogation.	The derogation does not cover work involving particular risks as listed in Annex II.	N	Portugal has not made use of this derogation.
					The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	N	ugal has not made use of this derogation.
Directive 92/58/EEC on safety and/or health signs at work	Art. 6.2.	Derogation from the application of Annex VIII, section 2	N	Portugal has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down.	N	Portugal has not made use of this derogation.
		Derogation from the application of Annex IX, section 3	N	Portugal has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down	N	Portugal has not made use of this derogation.
Directive 92/85/EEC on breastfeeding workers	Art.11.4	Member States may make entitlement to benefits conditional	N	Portugal has not made use of this derogation.	The worker concerned shall fulfil the conditions of eligibility for such benefits laid down under national legislation.	N	Portugal has not made use of this derogation.
					These conditions may under no circumstances provide for periods of previous employment in excess of 12 months	N	Portugal has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					immediately prior to the presumed date of confinement.		
Directive 94/33/EC on the protection of young people at work	Art.5.3	Derogation from the requirement to receive a prior authorisation for the employment of children for the purposes of performance of children in cultural and similar activities	Y	Portugal has made use of this derogation in Art.5(2) of LC R 1.	In the case of children of at least 13 years of age, Member States may authorize, by legislative or regulatory provision, in accordance with conditions which they shall determine, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.	Y	Children may participate in cultural and similar activities. In case they are at least 13, have not participated in similar activity in the previous 180 days, and the activity takes place in a period of 24 hours, there is no need for prior authorisation but only for a notification.
	Art. 7.3.	Derogation from the prohibition of employment of young people for works listed in Article 7.2 in the case of adolescents	Y	Portugal has made use of this derogation in Art. 68 to 72 of OSH L. Adolescents can carry out some of the works listed in Article 7.2 if certain requirements are met.	Derogations indispensable for their vocational training	N	This requirement is not reflected in national law.
					Protection of their safety and health is ensured by the fact that the work is performed under the supervision of a competent person within the meaning of Article 7 of Directive 89/391/EEC	N	This requirement is not reflected in national law.
					Protection afforded by Framework Directive is guaranteed	Y	Some of the works listed in article 7.2 involving physical, biological or chemical agents can be carried out by adolescents (e.g. work involving exposure to temperatures below 0°C or above 42 °C) provided that the employer has carried out a risk assessment and adopted the necessary

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
							measures.
	Art. 8.5	Derogations from limits on the working hours of children specified in Article 8.1.(a).	N	Portugal has not made use of this derogation.	Derogation is justified by way of exception	N	Portugal has not made use of this derogation.
					Or Derogation is used because objective grounds are provided	N	Portugal has not made use of this derogation.
					Member States shall, by legislative or regulatory provision, determine the conditions, limits and procedure for implementing such derogations.	N	Portugal has not made use of this derogation.
	Art.9.2	Article 9 (2) a Member States may, by legislative or regulatory provision, authorize work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).	Y	Art 76 (3) of labour Code (LC R 1) specifies that the minor aged 16 or over may perform night work in specific circumstances.	Work by adolescents in specific areas of activity	Y	Art 76 (3) of LC R 1: - activities foreseen in collective work regulation instruments-cultural, artistic, sports or advertising activities.
					Supervision of the adolescent by an adult where such supervision is necessary for the adolescent's protection.	Y	Art 76 (4) of LC R 1: - supervised by an adult if necessary for their safety or health protection.
					Work shall continue to be prohibited between midnight and 4 a.m.	Y	Art 76 (3) of LC R 1: - work shall continue to be prohibited between midnight and 5 a.m.
		Article 9 (2) b second indent Derogation from prohibition of night work for adolescents for: — work performed in	Y	Art 76 (3) of labour Code (LC R 1) specifies that the minor aged 16 or over may perform night work in specific circumstances.	Objective grounds for so doing	Y	Art 76 (3) of LC R 1: - justified by objective grounds, in cultural, artistic, sports or advertising activities.
					and provided that adolescents are allowed suitable compensatory	Y	Art 76 (3) of LC R 1: - provided that they are

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		the shipping or fisheries sectors; — work performed in the context of the armed forces or the police; — work performed in hospitals or similar establishments; — cultural, artistic, sports or advertising activities.			rest time		allowed equivalent compensatory rest time in the following day or asap.
					and that the objectives set out in Article 1 are not called into question:	N	
	Art.10.3	Derogation from the minimum rest periods for interruption in the case of activities involving periods of work that are split up over the day or are of short duration.	Y	Art 78 (2) of LC R 1 specifies that derogations from rest periods are possible in cases of split work.			
	Art. 10.4	Derogations from rest periods in respect of adolescents for (a) work performed in the shipping or fisheries sectors; (b) work performed in the context of the armed forces or the police; (c) work performed in hospitals or similar establishments; (d) work performed in agriculture;	Y	Art 78 (2) of LC R 1 specifies that derogations from rest periods are possible in: (a) work performed in the shipping or fisheries sectors; (b) work performed in hospitals or similar establishments; (c) work performed in agriculture; (d) work performed in the tourism industry or in the hotel, restaurant and café sector.	Objective grounds are provided and provided that they are granted appropriate compensatory rest time and that the objectives set out in Article 1 are not called into question	Y	Art 78 (2) of LC R 1: - by collective work regulation instrument; - justified by objective grounds; - not affecting safety and health - compensatory rest time in the following three days.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		(e) work performed in the tourism industry or in the hotel, restaurant and café sector; (f) activities involving periods of work split up over the day.					
	Art. 13	Member States may, by legislative or regulatory provision, authorize derogations from Article 8 (2), Article 9 (1) (b), Article 10 (1) (b) and, in the case of adolescents, Article 12, for work under force majeure	Y	Art. 76 (5) of LC R 1	Work is of a temporary nature and must be performed immediately	Y	Art. 75 (5) of LC R 1: indispensable to prevent or repair a serious loss to the undertaking; due to abnormal or unforeseen, or to a foreseeable but exceptional circumstance, which consequences could not have been avoided.
					Adult workers are not available	Y	Art. 76 (5) of LC R 1: if other worker is not available, and for up to five working days.
					Adolescents are allowed equivalent compensatory rest time within the following three weeks.	Y	Art. 76 (5) of LC R 1: equivalent compensatory rest time within the following three weeks is allowed.
Directive 98/24/EC on chemical agents at work	Art. 9.2 and 9.3	Derogations from prohibition of the use of certain chemical agents and activities involving chemical agents in the following circumstances: - for the sole purpose of scientific research and testing, including analysis,	Y	Art. 6 (1) of CHEMICAL DL: formulation similar to the Directive.	Exposure of workers to chemical agents must be prevented, via single closed systems, from which the chemical agents may be removed only to the extent necessary to monitor the process or service the system.	Y	Art. 6 (2) of CHEMICAL DL: formulation similar to the Directive regarding prevention of exposure.
					Member States may provide for systems of	Y	Art. 6 (3) of CHEMICAL DL: the authorisation depends on

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		<ul style="list-style-type: none"> - for activities intended to eliminate chemical agents that are present in the form of by-products or waste products, - for the production of the chemical agents referred to in paragraph 1 for use as intermediates, and for such use. 			individual authorisations.		request made by the employer to the competent authority, including a set of information.
					The competent authority shall request the employer to submit the information listed in Article 9.3.	Y	The employer shall submit the request of authorisation to the enforcement authorities on their request.
Directive 2002/44/EC on vibration	Art. 10.1	Derogation from the obligation to comply with exposure limit values in the case of sea and air transport,	N	Portugal has not made use of this derogation.	In duly justified circumstances with respect to whole-body vibration where, given the state of the art and the specific characteristics of workplaces, it is not possible to comply with the exposure limit value despite the technical and/or organisation measures taken.	N	Portugal has not made use of this derogation.
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer	N	Portugal has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
	Art.10.2	Derogation from the obligation to comply with exposure limit values in a case where the exposure of a worker to mechanical vibration is usually below the exposure action values but varies markedly from time to time and may occasionally exceed the exposure limit value	Y	Art. 14 (1) of VIBR DL specifies that derogation is also possible in the sea and air navigation sectors. Providing that the technical status and the specific characteristics do not allow to ensure that the level of exposure to mechanical vibrations for whole body, the employer may be authorised to not respect the exposure limit values nor the actions to be taken (as defined in Art. 7 (1) and (2) of VIBR DL).	obtain. (Art.10.3)		
					The exposure value averaged over 40 hours must be less than the exposure limit value and	Y	Art. 1 (2) of VIBR DL: formulation similar to the Directive.
					There must be evidence to show that the risks from the pattern of exposure to the work are lower than those from exposure at the exposure limit value	Y	Art. 1 (2) of VIBR DL: formulation similar to the Directive.
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3)	Y	Art. 14 (3) of VIBR DL: the workers concerned are subject to increased health surveillance.
Directive 2003/10/EC on noise	Art.11.1 and 11.2	Derogations from the provisions of Articles 6 (1)(a) and (b) and 7.in exceptional situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to	N	Portugal has not made use of this derogation.	Guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.	N	Portugal has not made use of this derogation.
					Review every four years and withdrawn as soon as the justifying circumstances no longer	N	Portugal has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		health or safety than not using such protectors			obtain.		
Directive 2004/40/EC on physical agents (electromagnetic fields)	Art.4.6	The risk assessment may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary.	N	Note: This Directive was not transposed to the Portuguese legal order.			

3 MAPPING QUESTION 3: LEVEL OF COMPLIANCE BY DIFFERENT STAKEHOLDERS

The question consists of two separate, but intertwined questions: the degree of compliance and approaches to compliance.

3.1 DEGREE OF COMPLIANCE

The question aims to ascertain the extent to which establishments in Member States comply with the key requirements of the 24 OSH Directives and to what extent differences exist between public/private sector; different sizes of establishments: micro/SMEs/large enterprises and different sectors of economic activity.

The results are summarized in tables 3.1 and 3.2. Table 3.1 outlines the range of compliance with the common processes and mechanisms (CPMs) **across all 24 OSH Directives**. Table 3.2 complements the previous table by addressing the level of compliance with the CPMs at the **level of individual Directives**.

As regards **key requirements** which do not constitute CPMs, a detailed overview is provided in Table 3.3.

The following indicators are used for estimating the degree of compliance:

- | | |
|-------------------------------------|-----------------------|
| (5) very high degree of compliance: | indicators above 80% |
| (4) high degree of compliance: | indicators 60-79% |
| (3) medium degree of compliance: | indicators 40-59% |
| (2) low degree of compliance: | indicators 20-39% |
| (1) very low degree of compliance: | indicators below 20%. |

The percentages are intended as approximate guides, not exact values.

In the case of Portugal, only little information could be gathered on the level of compliance, as the only sources available were the ESENER Survey and the “*Relatório Único*” (Single Report), which is an administrative information source that every employer - working on the mainland of Portugal and in the private sector (the public administration is not bound to complete the report and it also does not cover services and agencies that fall within the scope public functions) is obliged to complete.

With regard to the ESENER data reported upon in the below table, it should be noted that ESENER data are based on a relatively small sample size (interviews were carried out in only 28,649 establishments in 31 European countries) and composition (enterprises up to 10 employees were not involved). Moreover, this information is based on managers’ responses and the ESENER average response rate is around a third as only some 20 per cent answered in five out of the EU’s six largest countries (Germany, Spain, Italy, Poland and the UK).¹⁹ The post-test of the ESENER survey noted that “it is important to mention that companies participating in the survey are likely to be the organisations with high standards or good procedures in place and therefore represent a self-selected sample of ‘good examples’.”²⁰

In general, with relation to the public sector in Portugal, it appears that the level of compliance with OSH legislation is generally considered to be low. This is due to a number of factors, in particular the

¹⁹ EU-OSHA, European Survey of Enterprises on New and Emerging Risks - Managing safety and health at work, 2010, p.95

²⁰ EU-OSHA, Qualitative post-test evaluation of ESENER: National overview report, 2013

lack of: action on OSH in this sector, promotion of a positive safety culture, development of safety competencies and of organized and fully implemented OSH services in most Public Administration entities. As a consequence, a significant difficulty arises in electing OSH workers' safety representatives and safety committees, in each public service (mainly central public administration entities). There has been a growing concern in the improvement of occupational health and safety legislation for this sector. However, coordination problems between different public organisations, to ensure the implementation of occupational health and safety legal orientations, remain. This is an ongoing process which is often compromised by bureaucratic interaction processes. Added to this remains the difficulty in obtaining statistics on accidents at work and occupational diseases (updated and extended to the entire public sector).²¹

²¹ Baptista C., Anjos C., Gago da Silva M.: *Portuguese Strategy for Occupational Safety and Health 2008 - 2012 for Public Administration: Priorities for action, progress in the implementation of the proposed measures and their impact on occupational safety outcomes*, INA, 2011.

Table 3- 1 Degree of compliance: Common processes and mechanisms (across Directives)

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																									
Risk assessment	% of establishments which perform regular ²² risk assessment % of establishments that carry out risk management activities resulting from the risk assessment	--	The available data do not allow the calculation of the % of establishments which perform risk assessment but the number of evaluations made per risk factor. Interviews with stakeholders led to the conclusion that performance of regular risk assessment does not happen very often in most companies in Portugal, especially in what regards micro and SMEs.	Interviews with stakeholders led to the conclusion that performance of regular risk assessment is particularly difficult in micro and SMEs, compared with large companies. Differences between the types of sectors were also identified by the respondents to the interviews. Regular risk assessment is performed on a more regular basis in industry and in the construction sector. In contrast, agriculture and fisheries are among the sectors where legal requirements, namely regarding risk assessment, were less successful.																									
		According to ESENER1 data: 93.8% of workplaces are regularly checked for health and safety as part of RA	The ESENER1 survey ²³ suggests that most of the workplaces (93.8%) are regularly checked for health and safety as part of a risk assessment or similar measure.	The ESENER survey ²⁴ shows the following differences according to enterprise size and sectors: <table border="1"> <thead> <tr> <th>Company Size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10 to 19 employees</td> <td>93.87 %</td> <td>4.75 %</td> </tr> <tr> <td>20 to 49 employees</td> <td>94.17 %</td> <td>4.30 %</td> </tr> <tr> <td>50 to 249 employees</td> <td>90.96 %</td> <td>8.81 %</td> </tr> <tr> <td>250 to 499 employees</td> <td>98.46 %</td> <td>1.54 %</td> </tr> <tr> <td>500 or more employees</td> <td>98.84 %</td> <td>1.16 %</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Sector Type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production sector</td> <td>92.29 %</td> <td>6.79 %</td> </tr> <tr> <td>Private Services</td> <td>92.89 %</td> <td>4.48 %</td> </tr> </tbody> </table>	Company Size	Yes	No	10 to 19 employees	93.87 %	4.75 %	20 to 49 employees	94.17 %	4.30 %	50 to 249 employees	90.96 %	8.81 %	250 to 499 employees	98.46 %	1.54 %	500 or more employees	98.84 %	1.16 %	Sector Type	Yes	No	Production sector	92.29 %	6.79 %	Private Services
Company Size	Yes	No																											
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Production sector	92.29 %	6.79 %																											
Private Services	92.89 %	4.48 %																											

²² Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

²³ ESENER1, question MM161

²⁴ ESENER1, question MM161

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				Public Services 97.19 % 2.81 %
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	(4) high degree of compliance	<p>Assessment was made on the basis of the "Relatório Único" (Single Report) composed by 6 annexes, corresponding the Annex D to the Annual Activity Report on Safety and Health Services at Work 2011²⁵. This is an administrative information source which every employer is bound to answer, covering the entire country. The available data refer only to mainland Portugal and is only based on employers' responses.</p> <p>Mention should be made to the fact that the Public Administration is not bound to complete the Single Report because the employment relationships in these departments and agencies are framed by special legislation, thus not falling within the scope of the Labour Code. The Single Report also does not cover services and</p>	<p>Very high degree of compliance: Mining and Quarrying; Water Supply, Sewerage, Waste Management and Remediation Activities; Financial and Insurance Activities; and Electricity, Gas, Steam and Air Conditioning Supply.</p> <p>High degree of compliance: Public Administration and Defence; Compulsory Social Security.</p> <p>Medium degree of compliance in: Real Estate Activities; and Agriculture, Forestry and Fishing.</p> <p>Low degree of compliance: Activities of Extraterritorial Organisations and Bodies.</p>

²⁵ Ministry of Economy, Office for Strategy and Studies, Safety and Health at Work, 2011, page 17, available at: <http://www.gee.min-economia.pt?cfl=30861>.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			<p>agencies that fall within the scope of the System of Employment Contract in Public Functions.²⁶ The only exception occurs in cases in which the Public Administration holds employment contracts that fall within the scope of the Labour Code, i.e. with no labour relation with civil service. In this case, and only in respect to these contracts, the Public Administration must submit the Single Report.²⁷</p> <p>The available data concerns the number of establishments which have safety and health services organised, by sector of economic activity.</p>	<p>Mention should be made to the fact that the data on compliance based on the Single Report are deemed to be not accurate and representative of the reality by different stakeholders.²⁸</p>
		<p>According to ESENER1 data: 12.59% – 94.05%</p>	<p>ESENER1 2009 asks about different forms of service. Occupational Health Physician, 94.05%; Safety specialist, 77%; Psychologist 12.59%; Ergonomist, 25.65%; Health & Safety Consultant, 71.18%²⁹</p>	<p>Data based on company size showed a general trend for greater usage of ergonomists and psychologists in larger companies. Smaller companies (with up to 49 employees) show a greater usage of occupational and health physicians (together with companies with more than 500 employees) and safety experts and consultants.</p> <p>As for sectors, private services and the private sector tend to make wider use of ergonomists, occupational health physicians and safety experts. Public services score higher in the use of psychologists.</p>

²⁶ Ministry of Economy, Office for Strategy and Studies, Frequently Asked Questions –Single Report and Annexes, 2013, page 5, available at: <http://www.gee.min-economia.pt/wwwbase/wwwinclude/ficheiro.aspx?tipo=0&id=20636&ambiente=WebSiteMenu>.

²⁷ Oliveira, Lurdes et al, Vida Económica, Single Report - Practical Guidelines, 2010, page 9, available online at: http://livraria.vidaeconomica.pt/index.php?controller=attachment?id_attachment=18.

²⁸ Conclusion based on interviews with workers organisations, OSH experts and other stakeholders.

²⁹ ESENER1, questions MM150

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale															
Information for workers	% of establishments which provide information to workers	(2) low degree of compliance	<p>Assessment was made on the basis of the "Relatório Único" (Single Report) composed by 6 annexes, corresponding the Annex D to the Annual Activity Report on Safety and Health Services at Work 2011³⁰. This is an administrative information source which every employer is bound to answer, covering the entire country. The available data are referring only to mainland Portugal.</p> <p>Mention should be made to the fact that the Public Administration is not bound to complete the Single Report because The employment relationships in these departments and agencies are framed by special legislation, thus not falling within the scope of the Labour Code. The Single Report also does not cover services and agencies that fall within the scope of the System of Employment Contract in Public Functions.³¹ The only exception occurs in cases in which the Public Administration holds employment contracts that fall within the scope of the Labour Code, i.e. with no labour relation with civil service. In this case, and only in respect to these contracts, the Public Administration must submit the Single Report.³²</p> <p>In addition, to the question 'Is the health of employees monitored through regular medical</p>	<p>High degree of compliance: Electricity, Gas, Steam and Air Conditioning Supply.</p> <p>Medium degree of compliance: Water Supply, Sewerage, Waste Management and Remediation Activities. Low degree of compliance: Public Administration and Defence; Compulsory Social Security.</p> <p>Very low degree of compliance: Real Estate Activities; Agriculture, Forestry and Fishing; and Activities of Extraterritorial Organisations and Bodies.</p> <p>Mention should be made to the fact that the data on compliance based on the Single Report are deemed to be not accurate and representative of the reality by different stakeholders.³⁴</p> <p>The ESENER survey³⁵ shows the following differences according to enterprise size and sectors:</p> <table border="1"> <thead> <tr> <th>Company Size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10 to 19 workers</td> <td>91.72 %</td> <td>8.28 %</td> </tr> <tr> <td>20 to 49 workers</td> <td>95.70 %</td> <td>4.11 %</td> </tr> <tr> <td>50 to 249 workers</td> <td>86.67 %</td> <td>13.33 %</td> </tr> <tr> <td>250 to 499 workers</td> <td>89.33 %</td> <td>10.67 %</td> </tr> </tbody> </table>	Company Size	Yes	No	10 to 19 workers	91.72 %	8.28 %	20 to 49 workers	95.70 %	4.11 %	50 to 249 workers	86.67 %	13.33 %	250 to 499 workers	89.33 %	10.67 %
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³⁰ Ministry of Economy, Office for Strategy and Studies, Safety and Health at Work, 2011, page 25, available online at: <http://www.gee.min-economia.pt?cfl=30861>.

³¹ Ministry of Economy, Office for Strategy and Studies, Frequently Asked Questions –Single Report and Annexes, 2013, page 5, available at: <http://www.gee.min-economia.pt/wwwbase/wwwinclude/ficheiro.aspx?tipo=0&id=20636&ambiente=WebSiteMenu>.

³² Oliveira, Lurdes et al, Vida Económica, Single Report - Practical Guidelines, 2010, page 9, available online at: http://livraria.vidaeconomica.pt/index.php?controller=attachment?id_attachment=18.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale												
			examinations?' 92.93% of the respondents to the ESENER1 survey ³³ answered positively.	<p>500 or more workers 96.89 % 3.11 %</p> <table border="1"> <tr> <td>Sector Type</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Production sector</td> <td>96.49 %</td> <td>3.51 %</td> </tr> <tr> <td>Private Services</td> <td>91.77 %</td> <td>8.11 %</td> </tr> <tr> <td>Public Services</td> <td>87.61 %</td> <td>12.39 %</td> </tr> </table>	Sector Type	Yes	No	Production sector	96.49 %	3.51 %	Private Services	91.77 %	8.11 %	Public Services	87.61 %	12.39 %
Sector Type	Yes	No														
Production sector	96.49 %	3.51 %														
Private Services	91.77 %	8.11 %														
Public Services	87.61 %	12.39 %														
Training of workers	% of establishment which provide training to workers	(1) very low degree of compliance	<p>Assessment was made on the basis of the "Relatório Único" (Single Report) composed by 6 annexes, corresponding the Annex D to the Annual Activity Report on Safety and Health Services at Work 2011³⁶. This is an administrative information source which every employer is bound to answer, covering the entire country. The available data are referring only to mainland Portugal.</p> <p>Mention should be made to the fact that the Public Administration is not bound to complete the Single Report because The employment relationships in these departments and agencies are framed by special legislation, thus not falling within the scope of the Labour Code. The Single Report also does not cover services and agencies that fall within the scope of the System of Employment Contract in Public Functions.³⁷ The only exception occurs in cases in which the Public Administration holds employment</p>	<p>Medium degree of compliance: Water Supply, Sewerage, Waste Management and Remediation Activities; and Electricity, Gas, Steam and Air Conditioning Supply.</p> <p>Low degree of compliance: Mining and Quarrying.</p> <p>The lowest percentages are found in: Agriculture, Forestry and Fishing; Arts, Entertainment and Recreation; Other Service Activities; Real Estate Activities; and Public Administration and Defence; Compulsory Social Security.</p> <p>Mention should be made to the fact that the data on compliance based on the Single Report are deemed to be not accurate and representative of the reality by different stakeholders.³⁹</p>												

³⁴ Conclusion based on interviews with workers organisations, OSH experts and other stakeholders.

³⁵ ESENER1, question MM161

³³ ESENER1, question MM154

³⁶ Ministry of Economy, Office for Strategy and Studies, Safety and Health at Work, 2011, page 25, available online at: <http://www.gee.min-economia.pt?cfl=30861>.

³⁷ Ministry of Economy, Office for Strategy and Studies, Frequently Asked Questions –Single Report and Annexes, 2013, page 5, available at: <http://www.gee.min-economia.pt/wwwbase/wwwinclude/ficheiro.aspx?tipo=0&id=20636&ambiente=WebSiteMenu>.

³⁹ Conclusion based on consultation with workers organisations, OSH experts and other stakeholders.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			contracts that fall within the scope of the Labour Code, i.e. with no labour relation with civil service. In this case, and only in respect to these contracts, the Public Administration must submit the Single Report. ³⁸	

³⁸ Oliveira, Lurdes et al, Vida Económica, Single Report - Practical Guidelines, 2010, page 9, available online at: http://livraria.vidaeconomica.pt/index.php?controller=attachment?id_attachment=18.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Making available health surveillance	% of establishments which provide health surveillance to workers	<p>Admission medical examinations: (1) very low degree of compliance</p> <p>Periodical medical examinations: (3) medium degree of compliance</p> <p>Occasional medical examinations: (1) very low degree of compliance</p> <p>Complementary medical examinations: (3) medium degree of compliance</p>	<p>Assessment was made on the basis of the "Relatório Único" (Single Report) composed by 6 annexes, corresponding the Annex D to the Annual Activity Report on Safety and Health Services at Work 2011⁴⁰. This is an administrative information source which every employer is bound to answer, covering the entire country. The available data are referring only to mainland Portugal.</p> <p>Mention should be made to the fact that the Public Administration is not bound to complete the Single Report because The employment relationships in these departments and agencies are framed by special legislation, thus not falling within the scope of the Labour Code. The Single Report also does not cover services and agencies that fall within the scope of the System of Employment Contract in Public Functions.⁴¹ The only exception occurs in cases in which the Public Administration holds employment contracts that fall within the scope of the Labour Code, i.e. with no labour relation with civil service. In this case, and only in respect to these contracts, the Public Administration must submit the Single Report.⁴²</p> <p>The available data from the Single Report refer to the typology of the health surveillance carried</p>	<p>Concerning health medical examinations, admission examinations have a low degree of compliance in Water Supply, Sewerage, Waste Management and Remediation Activities; and in Public Administration and Defence; Compulsory Social Security.</p> <p>Periodical medical examinations which are compulsory yearly or every 2 years depending on the age of the workers have the highest degree of compliance especially in Electricity, Gas, Steam and Air Conditioning Supply; Financial Activities and Insurance; Water Supply, Sewerage, Waste Management and Remediation Activities; and Mining and Quarrying sector with a high degree of compliance.</p> <p>The Public Administration and Defence; Compulsory Social Security has a medium degree of compliance.</p> <p>Contrary, the sectors of Agriculture, Forestry and Fishing; Real Estate Activities; and Activities of Extraterritorial Organisations and Bodies have a low degree of compliance.</p> <p>Occasional medical examinations have the lowest degree of compliance possibly due to</p>

⁴⁰ Ministry of Economy, Office for Strategy and Studies, Safety and Health at Work, 2011, page 57, available online at: <http://www.gee.min-economia.pt?cfl=30861>.

⁴¹ Ministry of Economy, Office for Strategy and Studies, Frequently Asked Questions –Single Report and Annexes, 2013, page 5, available at: <http://www.gee.min-economia.pt/wwwbase/wwwinclude/ficheiro.aspx?tipo=0&id=20636&ambiente=WebSiteMenu>.

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Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			<p>out by the employers, by sector of economic activity.</p> <p>It should also be noted that the General Union of Workers (UGT) in its contribution to the NIR emphasised that the lack of compliance with Art.14 of Directive 89/391/EEC, with regard to the provision of health surveillance as part of a national health system and the absence of a Plan for Adaptation of the National Health System⁴³.</p> <p>Additional information on the public sector was released by a trade union: Sindicato dos Trabalhadores em Funções Públicas e Sociais do Sul e Regiões Autónomas (see next column)⁴⁴.</p>	<p>the fact that these are required when a substantial change of the material component of work occurs that may have harmful repercussions on the health of the worker. This aspect excludes a considerable proportion of establishments. The only sector with a low degree of compliance is Electricity, Gas, Steam and Air Conditioning Supply.</p> <p>Complementary medical examinations have a high degree of compliance in Electricity, Gas, Steam and Air Conditioning Supply Sector; Mining and Quarrying; and Water Supply, Sewerage, Waste Management and Remediation Activities.</p> <p>Low degree of compliance: Agriculture, Forestry and Fishing; Real Estate Activities; and Activities of Extraterritorial Organisations and Bodies.</p> <p>Medium degree of compliance: Public Administration and Defence; Compulsory Social Security.</p> <p>The higher degree of compliance in the sectors Electricity, Gas, Steam and Air Conditioning Supply; Water Supply, Sewerage, Waste Management and Remediation Activities; and Mining and Quarrying may be related to the type of activities performed in these sectors.</p>

⁴³ Portugal, National Implementation Report (NIR), 2013, Annex I

⁴⁴ *Sindicato dos Trabalhadores em Funções Públicas e Sociais do Sul e Regiões Autónomas*, available online at: <http://www.stfpssra.pt/index.php/noticias/trabalho-e-seguranca-social/203-autoridade-para-as-condicoes-de-trabalho-sem-medicina-do-trabalho>.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				<p>According to trade union information, the percentage of public sector services which provide health surveillance to workers is very low.</p> <p>Mention should also be made to the fact that in general the data on compliance based on the Single Report are deemed to be not accurate and representative of the reality by different stakeholders.⁴⁵</p>

⁴⁵ Conclusion based on consultation with workers organisations, OSH experts and other stakeholders.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
		<p>According to ESENER1 data: health of workers is monitored in 92.39% of the workplaces</p>	<p>The ESENER1 survey suggests that the majority of workplaces (92.39%) are monitored through regular medical examinations.⁴⁶</p>	<p>The ESENER survey⁴⁷ shows the following differences according to enterprise size and sectors:</p> <table border="1" data-bbox="1518 400 2060 616"> <thead> <tr> <th>Company size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10-19</td> <td>91.72%</td> <td>8.28%</td> </tr> <tr> <td>20-49</td> <td>95.7%</td> <td>4.11%</td> </tr> <tr> <td>50-249</td> <td>86.67%</td> <td>13.33%</td> </tr> <tr> <td>250-499</td> <td>89.33%</td> <td>10.67%</td> </tr> <tr> <td>500+</td> <td>96.89%</td> <td>3.11%</td> </tr> </tbody> </table> <table border="1" data-bbox="1518 644 2060 769"> <thead> <tr> <th>Sector type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td>96.49%</td> <td>3.51%</td> </tr> <tr> <td>Private</td> <td>91.77%</td> <td>8.11%</td> </tr> <tr> <td>Public</td> <td>87.61%</td> <td>12.39%</td> </tr> </tbody> </table>	Company size	Yes	No	10-19	91.72%	8.28%	20-49	95.7%	4.11%	50-249	86.67%	13.33%	250-499	89.33%	10.67%	500+	96.89%	3.11%	Sector type	Yes	No	Production	96.49%	3.51%	Private	91.77%	8.11%	Public	87.61%	12.39%
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⁴⁶ ESENER1 survey, question MM154

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Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Consultation of workers	% of establishments with appointed worker rep	(2) low degree of compliance According to ESENER1 data ⁴⁸ : 3.82% to 27.02% have some form of representation/consultation	ESENER1 2009 asked separately about different forms of consultation. Companies were most likely to have a health and safety representative. - Trade union representative 3.82% (production sector: 4.23%; private services: 2.34%; public services: 5.36%) - Health and safety representative: 27.02% (production sector: 30.89%; private services: 29.75%; public services: 17.83%) - Health and safety committee: 16.46% (production sector: 16.63%; private services: 18.7%; public services: 13.05%)	The analysis by size of establishment reveals that the higher establishments have higher degree of compliance: a medium degree of compliance in establishments with 500 or more workers and a low degree of compliance among those between 10 and 19 workers). The higher the dimension of the establishment, the greater the percentage in terms of the existence of a representative. The larger establishments may have better organised services, while micro and small establishments would tend to have more difficulties in terms of the technical skills related with safety and health at work. SMEs show a greater detachment of these issues as well as of the risks associated (NIR) ⁴⁹ . In terms of sectors of economic activity, public services show a very low degree of compliance regarding the existence of appointed workers' representatives.

⁴⁸ ESENER1, questions MM351-355-358.

⁴⁹ Portugal, National Implementation Report (NIR), 2013.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	<p>% of establishments which consult workers on risk assessment</p> <p>% of establishments which consult workers on measures</p>	<p>(1) very low degree of compliance</p>	<p>Assessment was made on the basis of the "Relatório Único" (Single Report) composed by 6 annexes, corresponding the Annex D to the Annual Activity Report on Safety and Health Services at Work 2011⁵⁰. This is an administrative information source which every employer is obliged to answer, covering all country. The available data are referring only to Portugal Mainland.</p> <p>Mention should be made to the fact that the Public Administration is not bound to complete the Single Report because The employment relationships in these departments and agencies are framed by special legislation, thus not falling within the scope of the Labour Code. The Single Report also does not cover services and agencies that fall within the scope of the System of Employment Contract in Public Functions.⁵¹</p> <p>The only exception occurs in cases in which the Public Administration holds employment contracts that fall within the scope of the Labour Code, i.e. with no labour relation with civil service. In this case, and only in respect to these contracts, the Public Administration must submit the Single Report.⁵²</p> <p>The data available concern the establishments</p>	

⁵⁰ Ministry of Economy, Office for Strategy and Studies, Safety and Health at Work, 2011, page 25, available online at: <http://www.gee.min-economia.pt?cfl=30861>.

⁵¹ Ministry of Economy, Office for Strategy and Studies, Frequently Asked Questions –Single Report and Annexes, 2013, page 5, available at: <http://www.gee.min-economia.pt/wwwbase/wwwinclude/ficheiro.aspx?tipo=0&id=20636&ambiente=WebSiteMenu>.

⁵² Oliveira, Lurdes et al., Vida Económica, Single Report - Practical Guidelines, 2010, page 9, available online at: http://livraria.vidaeconomica.pt/index.php?controller=attachment?id_attachment=18.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			which consult the workers but do not provide the focus of the consultation.	

Table 3- 2 Degree of compliance: Common processes and mechanisms (individual Directives)

The available information does not allow the completion of the analysis required in this table. The desk-study did not identify any information relating to compliance with individual directives. The issue was addressed during the interviews but no additional information by individual Directives was provided.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	% of establishments which perform regular ⁵³ risk	No data available			

⁵³ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	assessment % of establishments that carry out risk management activities resulting from the risk assessment				
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	No data available			
Information for workers	% of establishment which provide information to workers	No data available			
Training of workers	% of establishment which provide training to workers	No data available			
Making available health surveillance	% of establishments which provide health surveillance to workers	No data available			
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment % of establishments which consult workers on measures	No data available			

Table 3- 3 Degree of compliance: Key requirements

Results from stakeholder interviews

The available information does not allow the completion of the analysis required in this table. The desk-study did not identify any information relating to compliance with individual directives. The issue was addressed during the interviews but no additional information by individual Directives was provided.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			No data available	

3.2 APPROACHES TO COMPLIANCE

The second question complements the first sub-question in that aims to answer the question of to what extent can potential differences in the degrees of compliance observed as between private undertakings and public sector bodies, various sizes of companies, etc. be attributed to different approaches to compliance.

In Portugal, there is no specific approach to compliance set in legislation or policy, and the general approach is to comply with the minimum requirements. However, many companies – particularly SMEs, are not aware of these minimum requirements. No priorities have been set for compliance measures and stakeholders (workers and their representatives) are only involved in the forming of the compliance approach and its development on an ad hoc basis.

Table 3- 4 Approaches to compliance

The information included in the table below is based on interviews with national authorities and labour inspectorates, employers’ organisations, workers organisations, OSH experts and other stakeholders.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
What approach has been adopted? Is it systematic?	No specific approach to compliance has been adopted.	-
What are the key characteristics	The general approach is focused on the formal compliance with	The incidence rate (work accidents and occupational

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
of the approach?	minimum requirements. However, many companies, SMEs in particular, are not even aware of these legal requirements.	diseases)in public administration sector is not available
What are the criteria upon which priorities for compliance measures are set?	No priorities set	No priorities set
Are stakeholders (workers and their representatives) involved in the forming of the compliance approach and its further development?	<p>The example provided refers to a large multinational company with several establishments all over the country: the Portuguese Company of Hypermarkets Auchan (Companhia de Hipermercados Portuguesa – Auchan).</p> <p>The good practices of this company have been developed in close collaboration with the Commerce, Offices and Services of Portugal Trade Union (Sindicato dos Trabalhadores do Comércio, Escritórios e Serviços de Portugal – CESP), has been translated namely in:</p> <ul style="list-style-type: none"> • Partnership in the process of election of the representatives to the H&S Committee; • Partnership for the provision of training to the workers representatives to the H&S Committee administered by the training institute of the General Confederation of Portuguese Workers (Confederação Geral dos Trabalhadores Portugueses – Intersindical Nacional – CGTP-IN); • Specific training actions, also in partnership with CESP, on "Musculoskeletal disorders" and "The preventive role of the representatives regarding accidents at work"; • Partnership between Auchan, CESP and ACT regarding the company participation in the National Meeting of H&S Committees. 	-

4 MAPPING QUESTION 4: ACCOMPANYING ACTIONS THAT SUPPORT THE RESPECT OF THE RULE

The following types of accompanying documents/actions relating to OSH legislation are covered:

- Guidance documents (through decisions and other soft measures, guidelines);
- Awareness-raising campaigns;
- Support tools (possibly IT based); and
- Financial incentives i.e. tax benefits or possibility to offer reduction of insurance premium to reward organisations for going beyond the legal requirements
- Education and training actions.

Please note that accompanying measures targeted specifically at SME and micro-enterprises are also covered under Section 7.

In Portugal, there are various accompanying actions, in particular guidance documents and some awareness-raising programmes, and also some support tools and education and training actions, which strive to support companies in implementing OSH requirements in an efficient manner. Additionally, two particularly useful and relevant guidance documents are mentioned, even though were published in 2013 (this is outside the scope of this exercise).

However, stakeholders indicated that, overall, establishments in Portugal make low to medium use of the existing accompanying actions, and that the level of usage depends on the size of the company. Larger companies tend to make use of the actions on a more frequent basis, as they have better access to the necessary resources and have the knowledge to do so, compared to micro and SMEs, which are using the actions to a low extent due to a lack of awareness, experiences and skills and difficulties concerning accessibility of information. Trade unions could potentially play an important role in improving this.

A number of actions and tools were considered particularly useful, including prevention manuals, developed by social partners, targeting specific sectors to support awareness raising and/or facilitating implementation processes of OSH requirements; guides, developed by social partners, focusing on the participation of workers in health and safety measures or the electoral processes of their OSH representatives; a practical guide by the Working Conditions Authority about their website; and several manuals featuring different sectors (e.g. mechanical engineering). The National Association of Technical on Safety and Hygiene (ANTESHT) Agenda's on OSH made in collaboration with the Working Conditions Authority (ACT) was also mentioned as a relevant contribution to raise awareness about OSH issues. Finally, various (EU) campaigns and the instruments developed as part of them were highlighted as important for certain sectors.

Concerning the gaps in information that were indicated by the stakeholders, it looks like there is a need for less general and more targeted materials. Tools and actions are needed for specific sectors, addressing specific risks, focusing on specific types of obligations (e.g. risk assessments), and targeting specific groups of workers or specific types of companies (particularly microenterprises and SMEs). Specific type of obligation: risk assessment; health surveillance; training of workers; and participation of workers.

4.1 EXISTING ACCOMPANYING ACTIONS

This sub-section identifies the relevant accompanying documents/actions as described above. The documents covered are those issued between 2007 and 2012.

Three relevant documents were also found that were published in 2013. Although this is not included in the reference period, given their importance, both documents are listed below:

- *Guia informativo para a prevenção e combate de situações de assédio no local de trabalho: um instrumento de apoio à autorregulação* (Informative guide to prevent and combat harassment situations in the workplace: a tool to support self-regulation), 2013, guide prepared by the Commission for Equality in Labour and Employment (CITE) to support employers of all sectors and size, public or private, in the identification of situations of harassment and inspire the establishment of procedures to prevent and combat such phenomena at the workplace. [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/guia_informativo_combate_assedio.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/guia_informativo_combate_assedio.pdf)
- *Segurança e saúde do trabalho: guia para micro, pequenas e médias empresas* (Health and Safety at Work: guidance for micro, small and medium enterprises), 2013, guide document published by the Working Conditions Authority (ACT) constitutes a practical instrument for employers of micro, small and medium enterprises, compiling strategic information oriented for health and safety promotion at the workplace and for the prevention of work accidents and occupational diseases. [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/Guia%20para%20micro,%20pequenas%20e%20médias%20empresas.PDF](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/Guia%20para%20micro,%20pequenas%20e%20médias%20empresas.PDF)
- *Segurança de Máquinas e Equipamentos de Trabalho* (Machinery and Work Equipment Safety), 2013, practical guide published by the Working Conditions Authority (ACT) which aims at raising awareness of employers and workers on the risks of working with machines and work equipment and their prevention. It also provides information in relation to the Directives and national legislation in force about this specific topic. <http://www.act.gov.pt/%28pt-PT%29/crc/PublicacoesElectronicas/Documents/Seguran%C3%A7a%20de%20m%C3%A1quinas%20e%20equipamentos%20de%20trabalho%20guias%20praticos.pdf>

The following accompanying documents actions were identified for the period 2007-2012:

Directive 89/391/EEC (Framework Directive)

- Working Conditions Authority (ACT): website gathering and making available all information related to OSH in Portugal. The website contains links to legislation, guidance documents, inspection reports, statistics, awareness-raising campaigns, information about financial and technical supports to promote OSH projects. Different support tools are also available: checklists, check-up and diagnostic instruments of work conditions to employers and employees, that maybe adopted towards the achievement of prevention activities in their respective enterprises, etc. <http://www.act.gov.pt>
- *Campanha de Avaliação de Riscos Psicossociais* (Psychosocial Risks Assessment Campaign), awareness-raising campaign for the organisations of the health sector aimed to promote and improve psychosocial risks assessment at the workplace, 2012, by ACT. The campaign consists in awareness and training activities to the labour inspectors and guidance documents. [http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/AvaliacaoRiscosPsicossociais/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/AvaliacaoRiscosPsicossociais/Paginas/default.aspx)
- *Segurança e saúde no trabalho agrícola e florestal* (Campaign on safety and health in agriculture and forestry) awareness-raising campaign for employers, workers and their representatives for the prevention of occupational risks, 2012, ACT. The campaign consists in awareness and training activities to farmers and foresters, communication tools, checklist, as well as inspection visits to farming and forestry businesses. [http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/Trabalho_Agricola_Florestal/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/Trabalho_Agricola_Florestal/Paginas/default.aspx)
- *Instrumentos de apoio à ação inspetiva no combate à discriminação de género no trabalho* (Tools to promote inspection activities against gender discrimination at work), 2012, guidance

document prepared by the ACT and Commission for Equality in Labour and Employment (CITE) consisting of a set of tools that facilitate the inspectors' activity in the identification of discriminatory practices on grounds of sex and promotes the acquisition of knowledge and competences in gender equality. [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/Instrumentos apoio ação inspetiva combate di scriminação.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/Instrumentos%20apoio%20a%20inspetiva%20combate%20di%20scriminacao.pdf)

- *Tendinites (doença profissional) Como Agir?* (Tendinitis (occupational disease) How to act?), 2011, guide document published by the Trade Union Federation of Textiles, Clothing, Fur, Footwear and Leather Goods Workers of Portugal for workers with tendinitis. <http://fesete.pt/portal/docs/pdf/GUIATEND.pdf>
- *Segurança e Saúde no Trabalho e a Prevenção do Consumo de Substâncias Psicoativas: Linhas Orientadoras para a Intervenção em Meio Laboral* (Safety and Health at Work and the Prevention of Consumption of Psychoactive Substances: Guidelines for Intervention in the Working Environment), 2011, guidance document published by the ACT, for employers, workers and OSH professionals that develop projects in the area of OSH. Intends to integrate the concerns of the working environment and reflects a number of suggestions aimed at providing organisations with a technical-legal framework that responds to the most different situations in the context of this problem. [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/LinhasOrientadorasParaIntervencaoEmMeioLaboral 2011 23.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/LinhasOrientadorasParaIntervencaoEmMeioLaboral%202011%2023.pdf)
- *Campanha nacional sobre trabalhos de reparação e manutenção seguros 2010-2011* (Campaign on Safe Repairing and Maintenance Works - 2010-2011), awareness-raising campaign on legal and other responsibilities of employers on the importance of maintaining the safety and health of workers, 2010-2011, ACT. The campaign, which involves raising awareness and clarification, is targeted at micro, small and medium enterprises, with five specific objectives: to sensibilise, inform, develop and provide access to resources, promote activities that have an impact in the workplace and identify and recognize good practices.
- *Construção: manual de prevenção* (Construction: prevention manual), 2010, guidance document published by ACT to support risk assessment in the construction industry. <http://catesoc.gep.msess.gov.pt/plinkres.asp?Base=CATESOC&Form=COMP&StartRec=0&RecPag=5&NewSearch=1&SearchTxt=%22TCO%20Constru%E7%E3o%20%3A%20manual%20de%20preven%E7%E3o%22%20%2B%20%22TCO%20Constru%E7%E3o%20%3A%20manual%20de%20preven%E7%E3o%24%22>
- *Diagnóstico e gestão do risco em saúde ocupacional* (Diagnosis and risk management in occupational health), 2010, guidance document published by ACT. <http://catesoc.gep.msess.gov.pt/plinkres.asp?Base=CATESOC&Form=COMP&StartRec=0&RecPag=5&NewSearch=1&SearchTxt=%22TCO%20Diagn%F3stico%20e%20gest%E3o%20do%20risco%20em%20sa%FAde%20ocupacional%22%20%2B%20%22TCO%20Diagn%F3stico%20e%20gest%E3o%20do%20risco%20em%20sa%FAde%20ocupacional%24%22>
- *Campanha nacional: Locais de trabalho seguros e saudáveis. Bom para si. Bom para a empresa* (National Campaign: Safe and Healthy Workplaces: Good for you. Good for business), campaign to employers/enterprises (particularly micro enterprises and SMEs) to raise awareness on their legal responsibility and the need in practice to assess all of the risks at the workplace, targeting in particular those persons involved in implementing OSH measures: OSH representatives, OSH experts, social partners, businesses, the science and technical community and political decision-makers and to promote a phased approach to risk assessment, 2008/9, ACT.

Directive 89/654/EEC (Workplace)

- *Campanha de promoção das condições de trabalho em espaços confinados* (Campaign to promote working conditions in confined spaces), awareness-raising campaign in particular for employers, workers and prevention technicians in construction and agriculture, 2012, by ACT. The campaign included awareness activities for trade unions, employers, workers, universities, labour inspectors and prevention technicians, and training activities to labour inspectors and prevention technicians. The campaign consists of guidance documents and communication tools as well as inspection visits. [http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/CampanhaTrabalhoemEspacosConfinados/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/CampanhaTrabalhoemEspacosConfinados/Paginas/default.aspx)
- PREVENTOR Program for Industrial SMEs (a multimedia diagnostic and counselling tool for working conditions in small and medium sized industries).
- *Manual de Segurança e Saúde no Trabalho para micro e pequenas e médias empresas* (Health and safety at work manual for micro, small and medium enterprises), 2011, guidance document prepared by Training and cultural entertainment Cooperative (COFAC – *Cooperativa de Formação e Animação Cultural*) constitutes a practical instrument for employers and workers of micro, small and medium enterprises and supported by the Working Conditions Authority (ACT).
- *Guia de Prevenção Segurança no trabalho nas micro e pequenas empresas* (Safety at work prevention guide for micro and small enterprises): guide document supported by the Working Conditions Authority (ACT) constitutes a practical instrument for employers and workers of micro and small enterprises.

Council Directive 89/656/EEC (PPE)

- *Manual de Segurança e Saúde no Trabalho para micro e pequenas e médias empresas* (Health and safety at work manual for micro, small and medium enterprises), 2011, guidance document prepared by Training and cultural entertainment Cooperative (COFAC – *Cooperativa de Formação e Animação Cultural*) constitutes a practical instrument for employers and workers of micro, small and medium enterprises and supported by the Working Conditions Authority (ACT).
- *Guia de Prevenção Segurança no trabalho nas micro e pequenas empresas* (Safety at work prevention guide for micro and small enterprises): guide document supported by the Working Conditions Authority (ACT) constitutes a practical instrument for employers and workers of micro and small enterprises.
- *Caraterização, avaliação e prevenção de riscos profissionais no setor dos curtumes* (Characterization, evaluation and prevention of occupational risks in the tanning sector), 2012, guidance document prepared by the Trade Union Federation of Textiles, Clothing, Fur, Footwear and Leather Goods Workers of Portugal for workers with tendinitis (FESETE – *Federação dos Sindicatos dos Trabalhadores Têxteis, Lanifícios, Vestuário, Calçado e Peles de Portugal*) supported by the Working Conditions Authority (ACT).
- *Manuais de Formação de procedimentos de segurança e saúde no trabalho* (Training manuals on procedures of safety and health at work), 2004-2012, training manuals prepared by four trade unions Fiequimetal, IBJC, SNTSF, FECTRANS for OSH representatives and supported by the Working Conditions Authority (ACT).
- *Ferramenta multimédia de diagnóstico das condições de trabalho e de aconselhamento para as PME's das industriais portuguesas em geral* (Multimedia diagnostic and advice tool of working conditions for SMEs of the Portuguese industry), 2004, prepared by Beira Interior University (UBI – *Universidade da Beira Interior*) and supported by the Working Conditions Authority (ACT).

- *Brochuras e DVD sobre riscos profissionais associados à metalomecânica* (Brochures and DVD on occupational risks in the engineering industry) prepared by the Pombal Council Industrial Associations (*Associação de Industriais do Concelho de Pombal - AICP*) and supported by the Working Conditions Authority (ACT).
- *DVD sobre a Prevenção de riscos profissionais na área da vitivinícola* (DVD on Prevention of occupational risks in the vine area) prepared by the Lafões Business Association and supported by the Working Conditions Authority (ACT).

Directive 1999/92/EC (ATEX)

- *Guia para a preparação de uma avaliação dos riscos relativos ao uso de explosivos* (Guide for the preparation of a risk assessment on the use of explosives), 2011, guidance document prepared by the Safety and Health Commission for the Mining and Other Extractive Industries: Committee “opencast” (European Coal and Steel Community - ECSC) and edited by ACT. Guidelines issued by ACT considered as good practice by the inspective activity of the labour inspectors. [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/Guia_para_a_preparacao_de_uma_avaliacao_dos_riscos_relativos_ao_uso_de_explosivos.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/Guia_para_a_preparacao_de_uma_avaliacao_dos_riscos_relativos_ao_uso_de_explosivos.pdf)

Council Directive 90/269/EEC ((manual handling of loads)

- *Campanha Europeia sobre movimentação manual de cargas na Europa* (European campaign on the manual handling of loads in Europe), 2007, ACT was responsible for implementing the European campaign on the manual handling of loads, geared towards improving the expected effects of the implementation of Directive 90/269/EEC in the reduction of musculoskeletal disorders. The Campaign was implemented primarily in transport and the health care and welfare sectors. The campaign included inspection visits to 100 enterprises in the transport sector and 200 to health care institutions and homes for the elderly. Instruments and procedures geared towards bringing about changes in workplaces were used to reduce the risks of injuries caused by the manual handling of loads. [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/RelatorioActividades/Documents/Relatorio_Actividades_SST.pdf](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/RelatorioActividades/Documents/Relatorio_Actividades_SST.pdf)

Directive 2002/44/EC (vibration)

- *Guia não vinculativo de boas práticas para a aplicação da Directiva 2002/44/CE vibrações mecânicas no trabalho* (Non-binding good practice guide for implementation of Directive 2002/44/EC on mechanical vibration at work), 2007, guidance document prepared by DG Employment, [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/Guia_Vibracoes_mecanicas.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/Guia_Vibracoes_mecanicas.pdf)

Directive 2003/10/EC (noise)

- *Guia indicativo de boas práticas para a aplicação da Directiva 2003/10 CE “Ruído no trabalho”* (Indicative good practice guide for implementation of Directive 2003/10 EC on noise at work), 2007, guidance document prepared by DG Employment, [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/Guia_Ruido_no_Trabalho.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/Guia_Ruido_no_Trabalho.pdf)

Directive 2006/25/EC (artificial optical radiation)

- *Guia de boas práticas não vinculativo para a aplicação da Directiva 2006/25/CE radiação óptica artificial* (Non-binding good practice guide for implementation of Directive 2006/25/EC artificial optical radiation), 2010, guidance document prepared by DG Employment, [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/Guia_Radiacao_Optica_Artificial.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/Guia_Radiacao_Optica_Artificial.pdf)

Directive 2004/37/EC (carcinogens or mutagens)

- *Campanha nacional para a prevenção de exposição a sílica* (National Campaign to Prevent Exposure to Silica), campaign involving awareness-raising and clarification, targets for enterprises making or using products that may lead to exposure to crystalline silica, including units in which that material is handled, stored and transported, 2008, ACT. The campaign stresses aspects of prevention, and in particular the need, in the workplace, to prevent or reduce the formation of dust; to contain the spread of dust; and to prevent workers from inhaling dust. It also emphasised the importance of organising occupational safety and health (OSH) departments and dissemination of good practices. http://www.act.gov.pt/pt-PT/SobreACT/DocumentsOrientadores/RelatorioActividades/Documents/Relatorio_Anual_de_Actividades_2009.pdf

Directive 98/24 (chemical agents at work)

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- *Campanha nacional substâncias perigosas: Esteja alerta, avaliar e proteger* (National campaign Hazardous Substances: Be alert, assess and protect), it targets employers, workers and their representatives in micro, small and medium enterprises in the sectors of wood processing and furniture industry, 2010-2011, ACT. The campaign consists in awareness activities and inspection visits. http://www.act.gov.pt/pt-PT/SobreACT/DocumentsOrientadores/RelatorioActividades/Documents/relatorio_actividades_ACT_2010.pdf
- *Construção: substâncias perigosas: guia prático* (Construction: dangerous substances: Practical Guide), 2009, guidance document published by ACT. <http://catesoc.gep.msess.gov.pt/plinkres.asp?Base=CATESOC&Form=COMP&StartRec=0&RecPag=5&NewSearch=1&SearchTxt=%22TCO%20Contru%E7%E3o%20%3A%20subst%E2ncias%20perigosas%20%3A%20guia%20pr%E1tico%22%20%2B%20%22TCO%20Contru%E7%E3o%20%3A%20subst%E2ncias%20perigosas%20%3A%20guia%20pr%E1tico%24%22>
- *Prevenção de riscos ocupacionais em lavandarias hospitalares* (Occupational risks prevention in a hospital laundry), 2007, guidance document supported by the Working Conditions Authority (ACT).
- *Condições de trabalho dos trabalhadores do setor da limpeza* (Working conditions of Cleaning sector's workers) 2007, guidance document supported by the Working Conditions Authority (ACT).
- *Segurança e saúde no trabalho, riscos Químicos* (OHS Chemical risks), 2007, guidance document supported by the Working Conditions Authority (ACT).
- *Orientações não vinculativas em matéria de protecção de SST contra riscos químicos relacionados com a utilização de produtos químicos: tradução do documento da Comissão Europeia* (Translation of the European Commission document: Non-mandatory guidelines on OSH protection from chemical risks related to the use of chemicals), 2009, guidance document published by ACT;
- Training actions on OSH
- Safety data sheets management

Directive 2009/148/EC (asbestos)

- *Construção: remoção de fibrocimento: guia prático* (Construction: asbestos-cement removal: Practical Guide), 2010, guidance document published by ACT to support the asbestos-cement removal process. <http://catesoc.gep.msess.gov.pt/plinkres.asp?Base=CATESOC&Form=COMP&StartRec=0&>

[RecPag=5&NewSearch=1&SearchTxt=%22TCO%20Constru%E7%E3o%20%3A%20remo%E7%E3o%20de%20fibrocimento%20%3A%20guia%20pr%E1tico%22%20%2B%20%22TCO%20Constru%E7%E3o%20%3A%20remo%E7%E3o%20de%20fibrocimento%20%3A%20guia%20pr%E1tico%24%22](http://www.act.gov.pt/pt-PT/crc/PublicacoesElectronicas/Documents/Guia_Estaleiros.pdf)

Directive 2000/54/EC (biological agents)

- *Medidas de controlo de agentes biológicos nocivos à saúde dos trabalhadores* – Módulo 1 (Control measures of harmful biological agents to workers' health – Module 1), 2006, prepared by Directorate-General of Health (Direção-Geral da Saúde).
- *Brochuras setoriais sobre aos riscos biológicos ex: setor da limpeza, serviços de saneamento* (Sectoral brochures on biological risks e.g. cleaning sector, sanitation services) supported by the Working Conditions Authority (ACT).

Council Directive 92/57/EEC (temporary or mobile construction sites)

- *Guia de boas práticas não vinculativo para a compreensão e aplicação da Directiva 92/57/CEE “estaleiros”* (Non-binding good practice guide for understanding and implementing Directive 92/57/EEC temporary or mobile construction sites), 2010, guidance document prepared by DG Employment, http://www.act.gov.pt/pt-PT/crc/PublicacoesElectronicas/Documents/Guia_Estaleiros.pdf
- *Construção: organização do estaleiro: guia prático* (Construction: organisation of the site: Practical Guide), 2009, guidance document published by ACT to support construction sites. <http://catesoc.gep.msess.gov.pt/plinkres.asp?Base=CATESOC&Form=COMP&StartRec=0&RecPag=5&NewSearch=1&SearchTxt=%22TCO%20Constru%E7%E3o%20%3A%20organiza%E7%E3o%20do%20estaleiro%20%3A%20guia%20pr%E1tico%22%20%2B%20%22TCO%20Constru%E7%E3o%20%3A%20organiza%E7%E3o%20do%20estaleiro%20%3A%20guia%20pr%E1tico%24%22>

Council Directive 92/104/EEC (surface and underground mineral-extracting industries)

- *Guia para a preparação de uma avaliação dos riscos relativos ao uso de explosivos* (Guide for the preparation of a risk assessment on the use of explosives), 2011, guidance document prepared by the Safety and Health Commission for the Mining and Other Extractive Industries: Committee “opencast” (European Coal and Steel Community - ECSC) and edited by ACT. Guidelines issued by ACT considered as good practice by the inspective activity of the labour inspectors. http://www.act.gov.pt/pt-PT/crc/PublicacoesElectronicas/Documents/Guia_para_a_preparacao_de_uma_avaliacao_dos_riscos_relativos_ao_uso_de_explosivos.pdf

Directive 94/33/EEC (young people at work)

- Several campaigns in mass media
- Several education and vocational training sessions for labour inspectors on young people at work in performances and cultural activities, 2009.

For each identified document/action, the table indicates:

- The name of the action
- The type of accompanying action: guidance (G)/awareness-raising programme (AR)/support tool (IT) financial incentive (FI)/ education and training actions (ET);
- The entity who initiated it: authorities (A)/social partners (SP);
- The target groups of the action: specific sectors, specific groups, SMEs.

Table 4- 1 Accompanying Actions

Name	Type	Initiated by (and date)	Target groups
Directive 89/391/EEC (Framework Directive)			
Health and Safety at Work: guidance micro, small and medium enterprises	G	A(2013)	Employers, micro, small and medium enterprises
Tools to promote inspectorate activities against gender discrimination at work	G	A(2013)	Employers of micro, small and medium enterprises
Training actions on OSH	ET	A	Trade unions, OSH representatives.
ACT website with information on OSH	IT, G	A	Public, in particular employers, workers, OSH representatives, OSH experts, social partners, businesses
Diagnosis of working conditions	IT	A	Employers
Safety check-up of your enterprises	G	A	Employers
Basic OSH activities	G	A	Employers, workers
Lifting objects, falling objects	G	A	Employers, workers
Cashiers	G	A	Employers, workers
Bakery/Bread making	G	A	Employers, workers
Falls from a height	G	A	Employers, workers
Common risks in the various sections of a commercial establishment	G	A	Employers, workers
Electrical risks	G	A	Employers, workers
Burial	G	A	Employers, workers
OSH in industrial SMEs	G	A	Employers, workers
Butcher's shops and fishmongers	G	A	Employers, workers
In site transport	G		
Psychosocial Risks Assessment Campaign	AR, ET, G	A(2012)	Labour inspectors: specifically covering organisations of health sector
Campaign on safety and health in agriculture and forestry	AR	A(2012)	Employers, workers and their OSH representatives from agriculture and forestry sector
Tools to promote inspectorate activities against gender discrimination at work	G	A(2012)	Labour inspectors
Tendinitis (occupational diseases) How to act?	G	SP (2011)	Workers whit tendinitis
Safety and Health at Work and the Prevention of Consumption of Psychoactive Substances: Guidelines for Intervention in working environment	G	A(2011)	Employers, workers, OSH professional that develop projects in OSH area
Campaign on Safe	AR, G	A (2010/2011)	Employers

Name	Type	Initiated by (and date)	Target groups
Repairing and Maintenance Works			
Construction: prevention manual	G	A (2010)	Employers of the construction industry
Diagnosis and risk management in occupational health	G	A (2010)	Employers
National Campaign: Safe and Healthy Workplaces: Good for you. Good for business	AR	A (2008/9)	OSH representatives, OSH experts, social partners, businesses, the science and technical community and political decision-makers
Council Directive 89/654/EEC (workplace)			
Campaign to promote working conditions in confined spaces	AR, G	A (2012)	In particular, employers, workers and prevention technicians in construction and agriculture sectors
PREVENTOR Program for Industrial SMEs	G, IT		
Health and safety at work guidance for micro, small and medium enterprises	G	A (2011)	Employers and workers of micro, small and medium enterprises
Safety at work prevention guide for micro and small enterprises	G	A	Employers and workers of micro, small and medium enterprises
Directive 2009/104/EC (work equipment)			
No accompanying action identified			
Council Directive 89/656/EEC (PPE)			
Health and safety at work guidance for micro, small and medium enterprises	G	A (2011)	Employers and workers of micro, small and medium enterprises
Safety at work prevention guide for micro and small enterprises	G	A	Employers and workers of micro, small and medium enterprises
Characterization, evaluation and prevention of occupational risks in the tanning sector	G	SP (2012)	Employers, workers
Training manuals on procedures of safety and health at work	ET	SP(2004-2012)	OSH representatives
Multimedia diagnostic and advice tool of working conditions for SMES Portuguese industry	IT	A (2004)	Employers and workers of micro, small and medium enterprises
Brochures and DVD on occupational risks in the engineering industry	IT	A	Employers, workers
DVD on Prevention of	IT	A	Employers, workers

Name	Type	Initiated by (and date)	Target groups
occupational risks in the vine area			
Council Directive 92/58/EEC (OSH signs)			
No accompanying action identified			
Directive 1999/92/EC (ATEX)			
Guide for the preparation of a risk assessment on the use of explosives	G	A (2011)	Labour inspectors
Council Directive 90/269/EEC (manual handling of loads)			
European campaign on the manual handling of loads	AR	A (2007)	Employers, transport and health care and welfare sectors
Council Directive 90/270/EEC (display screen equipment)			
ACT website	IT	A	Public, in particular employers, workers, OSH representatives, OSH experts, social partners, businesses
Directive 2002/44/EC (vibration)			
Non-binding good practice guide for implementation of Directive 2002/44/EC mechanical vibration at work	G	A (2007)	Employers, prevention advisers and workers
Directive 2003/10/EC (noise)			
Indicative good practice guide for implementation of Directive 2003/10 EC noise in work	G	A (2007)	Employers, prevention advisers and workers
Directive 2004/40/EC (electromagnetic fields)			
No accompanying action identified			
Directive 2006/25/EC (artificial optical radiation)			
Non-binding good practice guide for implementation of Directive 2006/25/EC artificial optical radiation	G	A (2010)	Employers, prevention advisers and workers
Directive 2004/37/EC (carcinogens or mutagens)			
National Campaign to Prevent Exposure to Silica	AR	A (2008)	Employers, workers
Council Directive 98/24/EC (chemical agents at work)			
National campaign Hazardous Substances:	AR	A (2010/2011)	Employers, workers and their representatives
Construction: dangerous substances: Practical Guide	G	A (2009)	Employers, prevention advisers and workers
Occupational risks prevention in a hospital laundry	G	A (2007)	Employers, prevention advisers and workers
Working conditions of Cleaning sector's	G	A (2007)	Employers, prevention advisers and workers

Name	Type	Initiated by (and date)	Target groups
workers			
OHS Chemical risks	G	A (2007)	Employers, prevention advisers and workers
Translation of the European Commission document: Non-mandatory guidelines on OSH protection from chemical risks related to the use of chemicals	G	A (2009)	Employers, prevention advisers and workers
Safety data sheets management	G	A (2012)	Employers, prevention advisers and workers
Training actions on OSH	ET	A	Trade unions, OSH representatives
Directive 2009/148/EC (asbestos)			
Construction: asbestos-cement removal: Practical Guide	G	A (2010)	Employers, prevention advisers and workers
Directive 2000/54/EC (biological agents)			
Control measures of harmful biological agents to workers' health – Module 1	ET	A (2006)	Addressed to workers, employers and OSH professionals in the field of biological agents
Sectoral brochures to biological risks e.g. s cleaning sector, sanitation services	IT	A	Addressed to workers, employers and OSH professionals in the field of biological agents
Council Directive 92/57/EEC (temporary or mobile construction sites)			
Transport on building sites	G	A	Employers, workers
Non-binding good practice guide for understanding and implementation of Directive 92/57/EEC temporary or mobile construction sites	G	A (2010)	Employers, prevention advisers and workers
Construction: organisation of the site: Practical Guide	G	A (2009)	Employers, prevention advisers and workers
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
Several non-identified OSH actions	AR, IT, ET	A, SP	N.A.
Guide for the preparation of a risk assessment on the use of explosives	G	A (2011)	Employers, workers
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
No accompanying action identified			
Council Directive 92/29/EEC (medical treatment on board vessels)			
No accompanying action identified			
Council Directive 93/103/EC (work on board fishing vessels)			
No accompanying action identified			
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			

Name	Type	Initiated by (and date)	Target groups
No accompanying action identified			
Council Directive 91/383/EEC42 (temporary workers)			
No accompanying action identified			
Council Directive 94/33/EC (young people at work)			
Several campaigns in mass media	AR	A	Public
Several education and vocational training sessions	ET	A	Labour inspectors

4.2 USE OF ACCOMPANYING ACTIONS

This sub-section assess to what extent the accompanying actions are actually used by establishments to pursue the objective of protecting health and safety of workers.

Interviews with public authorities, workers organisations, employers' organisations, OSH experts and other stakeholders led to the conclusion that establishments in Portugal make a low to medium use of the existing accompanying actions.

Most interviewees make a distinction between large companies and micro and SMEs. In large companies, the actions are deemed to be used to a medium extent, which is facilitated by their enhanced possibility to access information, namely available online, as well as by the presence of internal OSH technicians, and by their recognition of the added value associated with investment in OSH. In micro and SMEs the actions are deemed to be used to a low extent, due to the lack of awareness of the entrepreneurs, the lack of technical skills, the difficulties in accessing information, and the inexistence of a prevention culture.

Specific reference was made (both by public authorities and workers organisations) to the relevance of the role of trade unions on this respect.

Consultation with stakeholders also allowed the identification of actions or tools at the disposal of companies deemed as particularly useful to creating awareness and/or in helping them to implement OSH requirements:

- Some of these are prevention manuals in specific sectors initiated by social partners, such as:
 - Risks Prevention Manual in Textile and Clothing Industry, 2010⁵⁴.
 - Risks Prevention Manual (metal industry), 2010⁵⁵.
- Guides about the participation of workers in safety and health measures or in the electoral process of their OSH representatives, initiated by social partners:
 - Guide to Conscious Participation on Safety and Health at Work, 2010⁵⁶.

⁵⁴ Technological Centre for the Textile and Clothing Industries of Portugal (CITEVE) and Entrepreneurial Confederation of Portugal (CIP), *Manual de Prevenção de Riscos na Indústria Têxtil e do Vestuário*, 2010, available online at: <http://www.cip.org.pt/irj/servlet/prt/portal/prtroot/com.sap.km.cm.docs/cip/conteudos/framedestaques/destaques/908ef4ab-8bf5-2d10-58a8-f217fee1be44.xml>.

⁵⁵ Center for Technological Support for Metalworking Industry (CATIM); Entrepreneurial Confederation of Portugal (CIP), *Manual de Prevenção de Riscos*, 2010, available online at: <http://www.cip.org.pt/irj/servlet/prt/portal/prtroot/com.sap.km.cm.docs/cip/conteudos/framedestaques/destaques/908ef4ab-8bf5-2d10-58a8-f217fee1be44.xml>.

- Guide to Monitoring the Workers' Representatives Electoral Process for Safety and Health at Work, (no date)⁵⁷.
- A practical guide initiated by the Working Conditions Authority (ACT) about the organisation of the site was also referred⁵⁸.
- Publications related to risks in some occupations / sectors:
 - Risk Assessment in Hospital Environment, 2008⁵⁹.
 - Biological risk in units of selective collection and landfill - Case Study⁶⁰.
- Several manuals featuring different sectors⁶¹, namely Metallurgical and Mechanical Engineering; wood and furniture; textile and clothing; ceramics and glass; rubber and plastics; food and beverages; jewellery and watchmaking. It was also mentioned the existence of good practice guides for the same sectors⁶². These manuals and guides were developed within the scope of the Prevention Programme (Programa Prevenir), which was promoted by the Entrepreneurial Association of Portugal (Associação Empresarial de Portugal – AEP), with the support of Eurisko, in collaboration with the Working Conditions Authority (Autoridade para as Condições de Trabalho – ACT).
- A non-binding good practice guide for understanding and implementing Directive 92/57/EEC temporary or mobile construction sites, prepared by DG Employment (in the Portuguese translation), was also mentioned by interviewees⁶³.
- A critical analysis about the Services Organization for Safety and Health at Work initiated by the Construction and Public Works and Services Association (AECOPS)⁶⁴.
- The reference document about the Performance of Industrials in OSH area initiated by the Working Conditions Authority (ACT) and the General-Directorate of Health (DGS)⁶⁵.

⁵⁶ General Confederation of the Portuguese Workers (CGTP-IN), Departamento Segurança, Higiene e Saúde no Local de Trabalho, *Guia para a Participação Consciente em Segurança e Saúde no Trabalho*, 2010, available online at: <http://www.stml.pt/images/stories/documentos/guiaparticipacaoconsciente.pdf>.

⁵⁷ General Confederation of the Portuguese Workers (CGTP-IN), Departamento Segurança, Higiene e Saúde no Local de Trabalho, *Guia para o Acompanhamento do Processo Eleitoral dos Representantes dos Trabalhadores para a Segurança e Saúde no Trabalho*, no date, available online at: http://sitiodosdireitos.net/index.php?option=com_phocadownload&view=category&download=23:guia-de-implementao-do-processo-eleitoral-para-rt-s-para-a-sst&id=1:downloads&Itemid=14.

⁵⁸ Working Conditions Authority (ACT), *Construção: organização do estaleiro: guia prático*, 2009, available online at: <http://catesoc.gep.msess.gov.pt/plinkres.asp?Base=CATESOC&Form=COMP&StartRec=0&RecPag=5&NewSearch=1&SearchTxt=%22TCO%20Constru%E7%E3o%20%3A%20organiza%E7%E3o%20do%20estaleiro%20%3A%20guia%20pr%E1tico%22%20%2B%20%22TCO%20Constru%E7%E3o%20%3A%20organiza%E7%E3o%20do%20estaleiro%20%3A%20guia%20pr%E1tico%24%22>.

⁵⁹ Coimbra Hospital Centre, E.P.E. (CHC), *Avaliação de Riscos em Meio Hospitalar*, 2008, available online at: http://www.inform.pt/seminarios/shst/pdf/AR_JorgeDias_Ana%20Lanca.pdf.

⁶⁰ Higher School of Health Technology of Coimbra, (IPC) and Higher school of Technology and Management of Viana do Castelo (IPVC), *Risco Biológico em unidades de recolha seletiva e aterro sanitário - Estudo de Caso*, 2012, available online at: http://prezi.com/gxhb9k3r9q/_risco-biologico-em-unidades-de-recolha-seletiva-e-aterro-sanitario-estudo-de-caso/.

⁶¹ Portuguese Entrepreneurial Association (AEP), *Programa Prevenir – “Prevenção como solução”*, available online at: <http://www.prevenirparainovar.com/>.

⁶² Portuguese Entrepreneurial Association (AEP), *Programa Prevenir – “Prevenção como solução”*, available online at: <http://www.prevenirparainovar.com/>.

⁶³ DG Employment, *Guia de boas práticas não vinculativo para a compreensão e aplicação da Directiva 92/57/CEE “estaleiros”*, 2010, available online at: [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/Guia_Estaleiros.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/Guia_Estaleiros.pdf).

⁶⁴ Construction and Public Works and Services Association (AECOPS), *A Organização de Serviços de Segurança e Saúde no Trabalho – Análise Crítica*, 2010, available online at: http://prewww.aecops.pt/pls/daecops3/get_noticia?id=29731378.

⁶⁵ Working Conditions Authority (ACT) and General-Directorate of Health (DGS), Documento de referência: Atuação dos Industriais no SIR (Segurança e Saúde no Trabalho), 2013, available online at: <http://www.dgs.pt/saude-ocupacional/documentos-legais-e-normativos/orientacoes-tecnicasnormativas/no-ambito-do-programa-da-industria-responsa-pdf.aspx>.

Mention was also made (although not in a detailed way) to other tools considered as facilitators to compliance with legal requirements among SMEs in particular:

- Guides in the prevention area targeting medium-sized enterprises, young entrepreneurs, construction industry and agriculture.
- Working conditions check-lists by sector, occupational risk, and group of workers.
- OiRA—Online interactive Risk Assessment, made available by the OSHA.

The National Association of Technical on Safety and Hygiene (ANTESHT) Agenda's on OSH made in collaboration with the Working Conditions Authority (ACT) was mentioned as a relevant contribution to raise awareness about OSH issues. Apart from being an agenda, this publication also gives scheduled information about some national and international meetings and events taking place during the year on OSH thematics. It also gives a list of the legislation in force, as well as many contacts of national and international associations and entities working on this matter⁶⁶. As a complement, the Legal Framework for the Promotion of Safety and Health at Work⁶⁷ was also published.

Some interviewees mentioned the importance of existing campaigns in some specific sectors, namely regarding the Workplace Directive, the Manual handling of Loads Directive, the Chemical agents at work Directive and the Framework Directive. ACT was responsible for the implementation of these campaigns, some of them initiated at the European level⁶⁸. The following campaigns were recognised as particularly relevant to creating awareness:

- Campaign for the continuous improvement of working conditions in the footwear industry, 2013-2014;
- Psychosocial risks assessment campaign, 2012;
- Campaign on safety and health in agriculture and forestry, 2012;
- Campaign to promote working conditions in confined spaces, 2012;
- National campaign Hazardous Substances: Be alert, assess and protect, 2010-2011.
- National Campaign: Safe and Healthy Workplaces: Good for you. Good for business, 2008-2009;
- European campaign on the manual handling of loads in Europe, 2007.

The fact that the instruments developed within the scope of these campaigns are based on the contribution of social and institutional partners is valued both by public authorities and social partners. This improves their adherence to reality and wider dissemination.

None of the accompanying actions and tools mentioned above were identified as targeting SMEs in particular.

One additional tool recommended as a good practice by a public authority is the call centre at the Authority for Working Conditions. This phone line functions during working hours. The phone call is paid but the service provided is free of charge.

⁶⁶ National Association of Technical on Safety and Hygiene, *Agenda 2013 de Segurança e Higiene no Trabalho*, 2013.

⁶⁷ National Association of Technical on Safety and Hygiene, *Agenda 2013 de Segurança e Higiene no Trabalho – Regime Jurídico da Promoção da Segurança e Saúde no Trabalho*, 2013.

⁶⁸ Authority for Working Conditions, see different campaigns at <http://www.act.gov.pt/%28ptPT%29/CentroInformacao/campanhas/Paginas/default.aspx>.

4.3 GAPS

This sub-section aims at determining whether there are any information needs that are not met.

Several information are currently not met in Portugal⁶⁹. Therefore, additional actions/documents should be developed for the following:

- Specific sectors: construction; hospitals; industry; agriculture; trade; services; and green economy.
- Specific risks (including emerging risks): psychosocial risks, including moral harassment; ionising radiations; asbestos; nanotechnologies; display screen equipment; risks associated to work in hospitals; and tendinitis. Risk assessment should be made adopting a gender-sensitive approach.
- Specific type of obligation: risk assessment; health surveillance; training of workers; and participation of workers.
- Specific groups of workers: health professionals; older workers; younger workers; posted/mobile workers; chronically ill workers; workers who suffered accidents at work; precarious workers; and migrant workers.
- Specific sizes of company: microenterprises and SMEs.

⁶⁹ Conclusion based on interviews with national authorities, workers organisations, employers organisations, OSH experts and other stakeholders.

5 MAPPING QUESTION 5: ENFORCEMENT

The following section provides information on enforcement of the 24 directives. It describes the structure in place for enforcement.

In Portugal, the main authority in charge of OSH legislation enforcement and implementation is the Working Conditions Authority (ACT), which is under the responsibility of the Ministry of Solidarity, Employment and Social Security and which covers all directives, with the exception of Directive 92/29/EEC on medical treatment on board vessels. For this Directive, the Directorate-General of Port, Shipping and Maritime Transport enforces relevant legislation. This Directorate-General is, together with the ACT, also responsible for the enforcement of Directive 93/103/EC (work on board fishing vessels). The Directorate-General of Health is in charge of the enforcement of OSH legislation, together with the ACT, of Directive 89/391/EEC (Framework Directive), Directive 2004/37/EC (carcinogens or mutagens) and Directive 2000/54/EC (biological agents). Finally, Regional Delegations of Industry and Energy enforce, together with the ACT legislation related to Directive 92/104/EEC (surface and underground mineral-extracting industries) and Directive 92/91/EEC (mineral-extracting industries through drilling).

The ACT coordinates the work of the various labour inspectors, in accordance with the inspective work plan, through regular monthly meetings with the directors of the decentralised departments.

In terms of statistical information on inspections, unfortunately there is only very little or disaggregated data available and it was therefore not possible to report on data in terms of labour inspectors' activity areas (e.g. OSH) but only according to economic activities. Additionally, the ACT was recruiting labour inspectors during the years 2010 and 2011 as the number of inspectors decreased due to a high number of retirements in combination with an increase of departures of labour inspectors to other public administration bodies.

Structure for enforcement

The table below provides a list of the bodies in charge of enforcement in the Member State, by Directive if applicable.

Table 5- 1 Enforcement authorities

Name	Type of authority
Directive 89/391/EEC (Framework Directive)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	The ACT is the main authority responsible for the enforcement and implementation of OSH legislation. Under the Ministry of Solidarity, Employment and Social Security (<i>Ministério da Solidariedade, Emprego e Segurança Social – MESS</i>), the ACT is responsible for promoting improved working conditions by ensuring compliance with labour regulations and for promoting occupational risk prevention policies in public administration departments and bodies, and in all sectors of activity. Labour inspectors work under the authority of the ACT.
DGS – General Directorate of Health (<i>Direção-Geral da Saúde</i>)	The DGS, under the Ministry of Health (<i>Ministério da Saúde</i>) is one of main stakeholders in the definition of the promotion and enforcement of occupational health policy through the National Programme for Occupational Health 2013-

Name	Type of authority
	2017 (Programa Nacional de Saúde Ocupacional – PNSOC 2013- 2017)- Environmental and Occupational Health Division (<i>Departamento de Proteção Contra os Riscos Profissionais</i>). The DGS is responsible for promoting the assessment of the relations between work and health / ill health and for evaluating the impact of work on health (disability and death). It is also responsible for supporting the development of policies, legislation, regulations, guidelines, etc. on health surveillance and for promoting inquiries related to disease or other damage to health occurred during work or related to work.
Social Security Institute - Department of Protection Against Occupational Risks (<i>Instituto de Segurança Social -Departamento de Proteção contra os Riscos Profissionais</i>)	The Social Security Institute, under the Ministry of Solidarity, Employment and Social Security (<i>Ministério da Solidariedade, Emprego e Segurança Social – MSESS</i>), through the Protection Against Occupational Risks Department (<i>Departamento de Proteção Contra os Riscos Profissionais</i>), is responsible for promoting inquiries in cases of occupational disease or other damage to health occurred during work or related to work.
Council Directive 89/654/EEC (workplace)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directive 2009/104/EC (work equipment)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Council Directive 89/656/EEC (PPE)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Council Directive 92/58/EEC (OSH signs)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directive 1999/92/EC (ATEX)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Council Directive 90/269/EEC (manual handling of loads)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Council Directive 90/270/EEC (display screen equipment)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directive 2002/44/EC (vibration)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directive 2003/10/EC (noise)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directive 2004/40/EC (electromagnetic fields)	
N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directive 2004/37/EC (carcinogens or mutagens)	

Name	Type of authority
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
DGS – General Directorate of Health (<i>Direção-Geral da Saúde</i>)	See Framework Directive
Council Directive 98/24/EC (chemical agents at work)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directive 2009/148/EC (asbestos)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directive 2000/54/EC (biological agents)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
DGS – General Directorate of Health (<i>Direção-Geral da Saúde</i>)	See Framework Directive
Council Directive 92/57/EEC (temporary or mobile construction sites)	
A ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Regional Delegations of Industry and Energy (<i>Delegações Regionais da Indústria e Energia</i>), according to Decree-Law 324/95 of 29 November. Currently Regional Directorates of Economy (<i>Direcções Regionais da Economia</i>) (in process of extinction).	Ministry of Economy (<i>Ministério da Economia</i>)
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Regional Delegations of Industry and Energy (<i>Delegações Regionais da Indústria e Energia</i>), according to Decree-Law 324/95 of 29 November. Currently Regional Directorates of Economy (<i>Direcções Regionais da Economia</i>) (in process of extinction).	Ministry of Economy (<i>Ministério da Economia</i>)
Council Directive 92/29/EEC (medical treatment on board vessels)	
Directorate-General of Port, Shipping and Maritime Transport (<i>Direcção-Geral de Portos, Navegação e Transportes Marítimos</i>), according to Decree-Law 274/95 of 23 October. Currently the Directorate-General of Natural Resources, Security and Maritime Services (<i>Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos</i>).	Ministry of Agriculture and Sea (<i>Ministério da Agricultura e do Mar</i>)
Council Directive 93/103/EC (work on board fishing vessels)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Directorate-General of Port, Shipping and Maritime Transport (<i>Direcção-Geral de Portos, Navegação e Transportes Marítimos</i>), according to Decree-Law 274/95 of 23 October. Currently the Directorate-General of Natural Resources, Security and Maritime Services (<i>Direcção-Geral de Recursos Naturais, Segurança e Serviços Marítimos</i>).	Ministry of Agriculture and Sea (<i>Ministério da Agricultura e do Mar</i>)
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Council Directive 91/383/EEC42 (temporary workers)	
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive
Council Directive 94/33/EC (young people at work)	

Name	Type of authority
ACT – Working Conditions Authority (<i>Autoridade para as Condições do Trabalho</i>)	See Framework Directive

In addition, information is provided on any interactions between the enforcement bodies listed above.

There is a high degree of centralisation of the enforcement of all directives (except Council Directive 92/29/EEC on medical treatment on board vessels), accorded by law to ACT. The services are centralised within the ACT. Therefore, coordination takes place within the Ministry itself.

The ACT coordinates the work of the various labour inspectors, in accordance with the inspective work plan, through regular monthly meetings with the directors of the decentralised departments. Beyond articulation with the members of the Consultative Council for the Promotion of Safety and Health at Work, ad-hoc meetings with other relevant institutional partners, such as in the areas of health, social security, and foreigners and borders control, are conducted whenever necessary. However, a combined enforcement strategy as such is deemed to be necessary.⁷⁰

Inspections

Statistical Information

The table below provides information on the statistical data available in the Portugal National Implementation Report (NIR), 2013. Due to the unavailability of disaggregated data, it is not possible to specify the data in terms of labour inspectors' activity areas (specifically: labour code implementation and OHS), but only according to economic activities. The Working Conditions Authority (ACT) performs the tasks of promoting, monitoring and checking compliance with the legislation on occupational health and safety at work under Portuguese legislation.

Table 5- 2 Inspections statistical data

	Number of labour inspectors ⁷¹	Number of workers per labour inspector ⁷²	Number of inspections per 100.000 workers ⁷³	Frequency of inspections	Comments
2007	283	18,267.7	1,180	ESENER survey results 2009 ⁷⁴ : % of undertakings subject to an inspection once in the past 3 years, according to their size: Company Size (number of employees) Yes No 10 to 19 46.02 % 47.36 % 20 to 49 49.67 % 47.94 % 50 to 249 43.29 % 47.29 % 250 to 499 65.97 % 27.11 % 500 or more 53.28 % 39.65 % And the sectors: Sector Type Yes No Production sector 56.88 % 38.24 Private Services 46.62 % 49.98	The numbers correspond to the activities of the ACT which performs the inspections both in the area of labour law and OSH.
2008	264	19,688.6	1,374		
2009	253	12,572.3	1,605		
2010	384	12,964.0	1,698		
2011	404	13,037.7	1,876		
2012	391	12,910.0	1,185		

⁷⁰ Conclusion based on interviews with national authorities.

⁷¹ Portugal, National Implementation Report (NIR), 2013, Part A, section 1.

⁷² Portugal, National Implementation Report (NIR), 2013, Part A, section 1.

⁷³ Portugal, National Implementation Report (NIR), 2013, Part A, section 1.

⁷⁴ ESENER survey results 2009, <https://osha.europa.eu/sub/esener/en/front-page/>

	Number of labour inspectors ⁷¹	Number of workers per labour inspector ⁷²	Number of inspections per 100,000 workers ⁷³	Frequency of inspections			Comments
				Public Services	33.79 %	55.96 %	

Recruitment was one of the major goals of ACT in 2010 and 2011. The year 2012 was characterized by a decrease of labour inspectors as a result of the high number of retirements in combination with an increase of departures of labour inspectors to other public administration bodies⁷⁵.

Table 5- 3 Number of inspections per sector in Portugal

The data included in Table 5-3 reflect the number of inspection visits by economic activities in each year, based on the National Implementation Report for Portugal. The inspection visits aim to evaluate issues related to labour relations or to health and safety at work, or to both simultaneously. These visits are a result from ACT inspection activities and also from intervention requests made by trade unions, companies and other entities.

The available information varies according to the annual reports issued by ACT. Therefore, and reflecting the source, a first part of the table refers to the period 2007-2010 and a second one to the period 2011-2012.

As to the period 2007-2010, the available information refers only to the economic activities with the highest incidence of inspection visits.

Economic activities/Year/number of inspection visits ⁷⁶	2007	2008	2009	2010
Construction	17,556	24,760	27,964	23,334
Services supplied to business	7,224	4,963	7,680	8,402
Trade	5,870	7,297	9,487	10,230
Hotels	5,010	6,379	5,854	8,813
Transportation and storage	3,088	4,182	4,728	5,137
Metallic products industry	2,016	-	-	-
Sub-total	40,764	47,581	55,713	55,916
Other economic activities	20,225	-	-	-
Total	60,989	71,442	81,213	84,546

⁷⁵ Authority for Working Conditions, Reports of Activities 2012 page 24, available online at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/RelatorioActividades/Documents/Relatorio%20de%20Atividades%202012.pdf](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/RelatorioActividades/Documents/Relatorio%20de%20Atividades%202012.pdf)

⁷⁶ Working Conditions Authority in Annual Report of Inspective Area 2007 page 24, Reports of Activities 2008 page 65, Annual Report of Activities 2009 page 64, and Annual Report of Activities 2010 page 55, available online at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/RelatorioActividades/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/RelatorioActividades/Paginas/default.aspx).

As to the period 2011-2012, the information is available on the number of inspection visits in every economic activity.

Economic activities/Year/ number of inspection visits⁷⁷	2011	2012
A - Agriculture, forestry and fishing	1,718	1,119
B - Mining and quarrying	442	276
C - Manufacturing	1,3160	7,948
D - Electricity, gas, steam and air conditioning supply E - Water supply; sewerage, waste management and remediation activities	838	572
F - Construction	25,332	15,490
G - Wholesale and retail trade; repair of motor vehicles and motorcycles	13,729	7,693
H - Transportation and storage	6,096	3,722
I - Accommodation and food service activities	7,705	4,291
J - Information and communication	689	470
K - Financial and insurance activities	618	518
L - Real estate activities M - Professional, scientific and technical activities N - Administrative and support service activities	1,0161	6,614
O - Public administration and defense; compulsory social security	915	718
P – Education Q - Human health and social work activities	5,037	3,363
R - Arts, entertainment and recreation	566	371
S - Other service activities	3,458	1,546
T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use	144	128
U - Activities of extraterritorial organisations and bodies	2	4
Ignored NACE	148	79
Total	90,758	54,922

⁷⁷ Authority for Working Conditions, Report on Labour Inspective Activities 2011 page 48-49 and Report on Labour Inspective Activities 2012 page 74-75, available online at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/RelatorioActividades/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/RelatorioActividades/Paginas/default.aspx).

Strategies for inspection

Strategies for inspection are established by the ACT through annual activity plans organised around operational guidelines and objectives that embody the orientations of the Strategy 2013-2015⁷⁸ and of relevant frameworks at international and national level. These operational objectives are implemented by operational programmes and evaluated according to a set of implementation indicators.

The operational programmes are applied by the ACT's structure which includes a network of decentralised departments consisting of 18 units over all of the regions of mainland Portugal in order to increase the speed and agility of interventions, to improve coordination of initiatives and to standardise the actions to be taken.

For the period 2008-2012, these annual activity plans were part of a larger strategy: the National Strategy for Health and Safety at Work 2008-2012 (*Estratégia Nacional para a Segurança e Saúde no Trabalho 2008-2012*)⁷⁹.

Each year an interim report on the implementation of the operational programmes is made and published as part of the ACT Activities Reports.

Some campaigns related to the promotion of well-being at work connected to the inspection campaigns of the ACT are also promotional campaigns that follow annual national plans (such as the strategic action plan for the agricultural and forestry sector⁸⁰).

The box below provides a short description of the strategic documents for enforcement.

Strategic documents for enforcement

- National Strategy for Occupational Health and Safety at Work 2008-2012 (*Estratégia Nacional para a Segurança e Saúde no Trabalho 2008-2012*)
- Strategy 2013-2015 (*Estratégia 2013-2015*)
- OSH Operational Programme 2013 (*Programa Operacional SST 2013*)⁸¹
- Annual Activity Plan 2013⁸²
- Annual Reports of Activities and Reports on Labour Inspective Activities⁸³
 - Annual Report of Inspective Area 2007
 - Report of Activities 2008
 - Annual Report of Activities 2009
 - Annual Report of Activities 2010
 - Report of Activities 2011
 - Report on Labour Inspective Activities 2011

⁷⁸ Authority for Working Conditions, *Estratégia 2013-2015*, available online at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/PlanoActividades/Documents/Estrategia%202013-2015.pdf](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/PlanoActividades/Documents/Estrategia%202013-2015.pdf)

⁷⁹ Authority for Working Conditions, *Estratégia Nacional para a Segurança e Saúde no Trabalho 2008-2012*, available online at: [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/Estrategia_Nacional_Seguranca_Saude_Trabalho_2008_2012.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/Estrategia_Nacional_Seguranca_Saude_Trabalho_2008_2012.pdf)

⁸⁰ Authority for Working Conditions, *Plano de ação para o setor agrícola e florestal, Relatório Final 3013*, available online at: [http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/Trabalho_Agricola_Florestal/Documents/Relat%C3%B3rio_Final_Plano_A%C3%A7%C3%A3o_Setor%20Agr%C3%ADcola%20e%20Florestal.pdf](http://www.act.gov.pt/(pt-PT)/CentroInformacao/Trabalho_Agricola_Florestal/Documents/Relat%C3%B3rio_Final_Plano_A%C3%A7%C3%A3o_Setor%20Agr%C3%ADcola%20e%20Florestal.pdf)

⁸¹ Authority for Working Conditions, *Programa Operacional SST 2013*, available online at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/PlanoActividades/Documents/Plano%20Operacional%20SST%202013.pdf](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/PlanoActividades/Documents/Plano%20Operacional%20SST%202013.pdf)

⁸² Authority for Working Conditions, *Plano de Atividades, 2013*, available online at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/PlanoActividades/Documents/Plano%20de%20Atividades%202013.pdf](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/PlanoActividades/Documents/Plano%20de%20Atividades%202013.pdf)

⁸³ Authority for Working Conditions, see all Annual Reports of Activities and all Reports on Labour Inspective Activities, available online at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/RelatorioActividades/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/RelatorioActividades/Paginas/default.aspx)

- Report on Labour Inspective Activities 2012
- Specific Inspection Campaigns⁸⁴
 - 2013-2014: Campaign to continuous improvement of working conditions in the footwear industry
 - September-October 2013: Safety - Education for Prevention: Back to School
 - 2012: Psychosocial Risks Assessment
 - November 2011-December 2012: Inspection activities in the private security sector
 - 2012: Safety and health in agriculture and forestry
 - 2012: Promote working conditions in confined spaces
 - 2012: Work abroad
 - 2012: Safety and health in industrial cleaning sector
 - 2010-2011: Safe Repairing and Maintenance Works
 - 2008: Campaign to Prevent Exposure to Silica
 - 2008-2009: Safe and Healthy Workplaces
 - 2007: Safety on work for migrant workers

The table below presents how priorities are set within strategic documents for inspections in relation to the different topics covered by the OSH Directives.

Table 5- 4 Data on enforcement strategy

<i>Priorities set in terms of</i>			
size of companies targeted	sectors	groups or workers	other criteria
✓	✓		/
<i>Priorities set on the basis of</i>			
risk assessment	result of inspections	Others	
✓		<ul style="list-style-type: none"> ● ILO Conventions and Policies, Strategies for 2010-2015 and Decent Work Agenda ● European Strategy for Health and Safety at Work 2007-2012 	

Sanctions

The table below presents the type and level of sanctions provided by law for infringements as defined in the national legislation for each of the Directive covered in the study for both criminal and administrative sanctions. Only the maximum sanctions are provided. The law also provides for accessory sanctions: in the case of very serious administrative offences or repeated serious administrative offences, which are committed intentionally or with gross negligence, the sanctions applied to the offender are published in website of the Ministry of Labour; in case the administrative offences above are committed repeatedly, the offender can be prohibited of exercising activities in the establishment, plant or site for a period of up to two years and/or prohibited of participating in public tenders for a period of up to two years.

⁸⁴ Authority for Working Conditions, see different campaigns at [http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/campanhas/Campanhamelhoriascondicoesdetrabalhoindustriadocalcado/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/campanhas/Campanhamelhoriascondicoesdetrabalhoindustriadocalcado/Paginas/default.aspx) and SLIC reports.

Table 5- 5 Result table – type and level of sanctions

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Directive 89/391/EEC (Framework Directive)		
<p>It is considered a very serious administrative offence to infringe:</p> <ul style="list-style-type: none"> - the general obligations of the employer (Art. 15) - the obligations of the employer in case of simultaneous or successive activities in the same work place (Art. 16) - the obligation of the worker to care for his/her safety and health as well as for the safety and health of other persons (Art. 17) - the duty to consult the workers (Art. 18) - the duty to inform the workers and their safety and health representatives on risks for safety and health and protection and prevention measures; on measures to be adopted in case of serious and imminent danger; and in the situations specified by law (Art. 19) - the requirements regarding the electoral roll (Art. 35) - the requirements regarding the ballot box (Art. 36.1) - the employers' obligation to make a risk assessment of the agents or factors that may have damaging effects on genetic heritage (Art. 42) - the prohibition of activates to pregnant or breastfeeding workers 	<p>Art. 277 of the Criminal Code on infringement of rules for construction, damage in installations and disruption of services is applicable to the sector of construction. Art. 277(1)(a) and (b) provide that who creates danger to life or physical integrity by, as part of his activities, infringing laws, regulations or technical rules that must be followed in the planning, direction and execution of the construction, demolition or installation, or in its modification or installation; or by destroying, damaging, or rendering unusable, totally or partially, equipment or any other means available in the workplace for the prevent accidents, or infringing laws, regulations or technical rules, fails to install such equipment or means shall be punished with imprisonment of 1 to 8 years (1 to 5 years if the danger was created by negligence, up to 3 years if the conduct was negligent). In case if death or offence to the physical integrity of a person occurs caused by the commission of the crimes described above the applicable sanctions are aggravated by one third in its minima and maxima limits.</p> <p>In general, the Criminal Code provides that:</p> <ul style="list-style-type: none"> - in case of death of a person the offender is punished with imprisonment from 8 to 16 years (up to 3 years or a fine in case of negligence, up to 5 years in case of gross negligence). - in case of offence to the physical integrity of a person, the offender is punished with 	<p>To determine the applicable fine and taking into account the relevance of the affected interests, administratives offences are classified as light, serious and very serious. (Law 7/2009 of 12 February, Art. 553)</p> <p>The maximum level of the fines applicable to very serious administrative offences is doubled in case of violation of mandatory rules related with young people at work, safety and health at work activities, workers' rights to collective representation structures and the right to strike. (Law 7/2009 of 12 February, Art. 556)</p> <p>The violation of mandatory rules of safety and health at work activities, general principles of prevention to which the protection measures should correspond, as well as the permanence or the transience of the offence, the potential number of affected workers and the measures and instructions taken by the employer to prevent risks, shall also be taken into consideration. (Law 7/2009 of 12 February, Art. 559)</p> <p>The law differentiates between light, serious and very serious administrative offences and determines a fine for each type of offence. The type of offence and the amount of the fine may vary according to the turnover of the undertaking and the level of guilt of the offender.</p> <p>The maximum level of fines, corresponding to a light administrative offence is:</p> <p>a) if the turnover of the undertaking is below 10,000,000€, 5 UC (processual cost unit)⁸⁵ in cases of negligence and 9 UC in cases of intent;</p>

⁸⁵ The amount of the processual cost unit (UC) was set at € 102, in 2014.

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>(Art. 56)</p> <ul style="list-style-type: none"> - the prohibition of activates to minors (Art. 67) - the provision of sufficient means to the health and safety at work services (Art. 74) - the requirements regarding emergency and first aid, evacuation of workers and firefighting (Art. 75) - the duties regarding the creation of internal service (Art. 78) - the unauthorised exercise of safety at work activates by the employer or designated worker (Art. 81) - the duties regarding the creation of shared service (Art. 82 (1)) - the unauthorised exercise of safety at work activates by external service (Art. 84) - the duties regarding accompaniment (Art. 94). <p>It is considered a serious administrative offence:</p> <ul style="list-style-type: none"> - the duty to provide training to the workers (Art. 20) - the duty to provide training to the workers' health and safety representatives (Art. 22) - the right of the workers' health and safety representatives to meet the undertaking's management (Art. 25) - the publicity obligation of the employer (Art. 28) - the requirements regarding the vote during working hours 	<p>imprisonment up to 3 years or a fine (up to 1 year or a fine in case of negligence).</p> <ul style="list-style-type: none"> - In case of a serious offence to the physical integrity of a person, the offender is punished with imprisonment from 2 to 10 years (up to 2 years or a fine in case of negligence). 	<p>b) if the turnover of the undertaking is equal or above 10,000,000€, 9 UC in cases of negligence and 15 UC in cases of intent.</p> <p>The maximum level of fines, corresponding to a serious offence is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 40 UC (processual cost unit) in cases of negligence and 95 UC (processual cost unit) in cases of intent.</p> <p>The maximum level of fines corresponding to a very serious offence is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>(Art. 36.5)</p> <ul style="list-style-type: none"> - the duty of the employer to publicise the results of the election (Art. 39) - the duties on specific information regarding the protection of genetic heritage (Art. 43) - the duties on health surveillance regarding the protection of genetic heritage (Art. 44) - the duties on register, archive and conservation of documents regarding the protection of genetic heritage (Art. 46) - the duties regarding the qualification of the internal and shared health and safety services (Art. 74 – A) - the duties regarding training of the employer's representative (Art. 77) - the duties regarding communication of shared service (Art. 82(2) (3)) - the duties regarding the minimum guarantee for functioning of the safety at work service (Art. 101) - the duties regarding information and consultation to the safety and health at work service (Art. 102) - the duty to have an occupational nurse (Art. 103) - the duties regarding the minimum guarantee for functioning of the health at work service (Art. 105) - the duties regarding 		<p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p> <ul style="list-style-type: none"> - in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent; - in serious administrative offence to 7 UC in cases of negligence and 14 UC in cases of intent; - in very serious administrative offence to 25 UC in cases of negligence and 50 UC in cases of intent. <p>(Law 7/2009 of 12 February, Arts. 554 and 555)</p> <p>The processual cost unit (UC) was set at € 102.00, in 2014</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>health surveillance (Art. 108)</p> <ul style="list-style-type: none"> - the duties regarding medical record (Art. 109) - the duties regarding medical fitness certificate (Art. 110) - the duties regarding communications (Art. 111). <p>It is considered a light administrative offence:</p> <ul style="list-style-type: none"> - the duty to facilitate access to technical information to workers; the substantiation in written of the refusal of the opinion of the workers' safety and health representatives or, in their absence, of the workers themselves; the register of the consultation process (Art. 18) - other requirements regarding information to workers (Art. 19). <p>(Law 3/2014 of 28 January)</p>		
Council Directive 89/654/EEC (workplace)		
<p>It constitutes an administrative offence to disrespect the minimum established mandatory rules related to the safety and health at the workplace. (Decree-Law 347/93 of 1 October, Art. 6 (1))</p>	-	<p>The administrative offences are punishable by a maximum fine as follows:</p> <ul style="list-style-type: none"> a) PTE (Portuguese Escudo) 100,000, when the number of workers exposed is lower than 20; b) PTE 150,000, when the number of workers exposed is between 21 and 50; c) PTE 200,000, when the number of workers exposed is between 51 and 100; d) PTE 250,000, when the number of workers exposed is over 100. <p>(Decree-Law 347/93 of 1 October, Art. 6 (2))</p>
Directive 2009/104/EC (work equipment)		
<p>It is considered a very serious administrative offence to infringe</p>	-	<p>The maximum level of the fines correspondent to a serious fine</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>the general obligations of the employer (cf. Decree-Law 50/2005 of 25 February, Art. 3), the duty to inform the workers (cf. Decree-Law 50/2005 of 25 February, Art. 8) and the duty to consult the workers (cf. Decree-Law 50/2005 of 25 February, Art.9).</p> <p>It is considered a serious administrative offence to violate the remaining requirements. (Decree-Law 50/2005 of 25 February, Art. 43)</p>		<p>is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 40 UC (processual cost unit) in cases of negligence and 95 UC (processual cost unit) in cases of intent.</p> <p>The maximum level of the fines correspondent to a very serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p> <ul style="list-style-type: none"> - in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent; - in serious administrative offence to 7 UC in cases of negligence and 14 UC in cases of intent; - in very serious administrative offence to 25 UC in cases of negligence and 50 UC in cases of intent. <p>(Law 7/2009 of 12 February, Arts. 554 and 555)</p> <p>The processual cost unit (UC) was set at € 102.00, in 2014</p>
Council Directive 89/656/EEC (PPE)		
<p>It is considered an administrative offence, punishable by a fine:</p> <ul style="list-style-type: none"> a) to violate the obligation to provide adequate equipment; b) to violate the duties to inform and consult the workers; c) the violation of the duties to provide training to the workers. (Decree-Law 348/93 of 1 October, Art.12) 	-	<ul style="list-style-type: none"> a) PTE 50,000, for each worker falling under, without prejudice to the maximum value fixed by general law ; b) PTE 200,000; c) PTE 500,000. <p>(Decree-Law 348/93 of 1 October, Art.12)</p>
Council Directive 92/58/EEC (OSH signs)		
<p>It is considered an administrative offence not to comply with employer obligations related to the requirements for the provision of safety and health signs at work, as well as the duties of information, training and consultation (Decree-Law 141/95 of 14 June, Art. 11 (1))</p>	-	<ul style="list-style-type: none"> a) PTE 70,000, when the number of workers of the undertaking or firm is up to 20; b) PTE 100,000, when the number of workers of the undertaking or firm is between 21 and 50; c) PTE 130,000, when the number of workers of the undertaking or firm is between 51 and 100; d) PTE 250,000, when the number of workers of the undertaking or firm is over 100. <p>The level of fines is doubled in</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>the following cases:</p> <p>a) in the total absence of safety and health signs at work;</p> <p>b) in the absence or insufficient safety and health signs at work in areas, rooms or enclosures used for the storage of dangerous substances or products;</p> <p>c) in the absence or insufficient safety and health signs on containers and pipes containing or transporting dangerous substances or products;</p> <p>d) in the absence or insufficient signs of the risk of colliding with obstacles and falling objects or persons;</p> <p>e) in the absence or insufficient signs of fire-fighting equipment in workplaces where flammable or explosive materials are handled or stored;</p> <p>f) in the absence or insufficient of supplement or replacement measures which take into account the specificity of workers with hearing or sight impairment.</p> <p>(Decree-Law 141/95 of 14 June, Art. 11 (2) and (3))</p>
Directive 1999/92/EC (ATEX)		
<p>The violation of the legal dispositions depending on the specific article either constitutes a very serious administrative offence or a serious administrative offence. (Decree-Law 236/2003 of 30 September, Art. 16)</p>	<p>The offences as set out in relation to Directive 89/391/EEC apply.</p>	<p>The same levels of fines described for Directive 89/391/EEC apply.</p>
Council Directive 90/269/EEC (manual handling of loads)		
<p>It is considered administrative offence, punishable by a fine:</p> <p>a) the violation of the duties of information and instruction, as well as the duty of consultation</p> <p>b) the violation of the duties of evolution and re-evaluation of the risk reference element factors. (Decree-Law 330/93 of 25 September, Art. 10 (1), Art.5 and Art.6)</p>	<p>-</p>	<p>a) PTE 200,000;</p> <p>b) PTE 250,000.</p> <p>(Decree-Law 330/93 of 25 September, Art. 10 (1), Art.5 and Art.6)</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Council Directive 90/270/EEC (display screen equipment)		
<p>It is considered administrative offence, punishable by a fine:</p> <p>a) the use of equipment which does not comply with the minimum safety and health requirements;</p> <p>b) the violation of the duty of the employer to organise the worker activity in a way that daily work on a display screen is periodically interrupted by breaks or changes of activity and medical surveillance (cf. Art. 6 (d) and Art. 7);</p> <p>c) the violation of the duty of information and consultation;</p> <p>d) the violation of the duty of evaluation of the safety and health conditions at the workstations, particularly as regards possible risks to eyesight, physical problems and mental stress (cf. Art. 6 (a));</p> <p>e) the violation of the duty of training. (Decree-Law 349/93 of 1 October, Art. 12)</p>	-	<p>a) PTE 100,000;</p> <p>b) PTE 100,000, for every worker affected and without prejudice to the maximum limit established by law;</p> <p>c) PTE 150,000;</p> <p>d) PTE 500,00.</p> <p>(Decree-Law 349/93 of 1 October, Art. 12)</p>
Directive 2002/44/EC (vibration)		
<p>The violation of the legal dispositions depending on the specific article either constitutes a very serious administrative offence or a serious administrative offence. (Decree-Law 46/2006 of 24 February, Art. 19)</p>	-	<p>The same levels of fines described for Directive 89/391/EEC apply.</p>
Directive 2003/10/EC (noise)		
<p>The violation of the legal dispositions depending on the specific article either constitutes a very serious administrative offence or a serious administrative offence. (Decree-Law 182/2006 of 6 September, Art. 16)</p>	-	<p>The same levels of fines described for Directive 89/391/EEC apply.</p>
Directive 2004/40/EC (electromagnetic fields)		
<p>This Directive was not transposed to the Portuguese legal order.</p>	-	-
Directive 2006/25/EC (artificial optical radiation)		
<p>The violation of the legal dispositions depending on the specific article either constitutes a very serious administrative offence or a serious administrative offence. (Law 25/2010 of 10 August)</p>	-	<p>The same levels of fines described for Directive 89/391/EEC apply.</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Directive 2004/37/EC (carcinogens or mutagens)		
The violation of the legal dispositions depending on the specific article either constitutes a very serious administrative offence or a serious administrative offence. (Decree-Law 301/2000 of 18 November)	-	The same levels of fines described for Directive 89/391/EEC apply.
The offences as set out in relation to Directive 89/391/EEC apply.	-	<p>Every level of severity of administrative offences corresponds to fine that may vary according to the turnover of the undertaking and the degree of guilt of the offender.</p> <p>The maximum level of the fines correspondent to a light administrative offence is:</p> <p>a) if the turnover of the undertaking is below 10,000,000€, 5 UC (processual cost unit) in cases of negligence and 9 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 10,000,000€, 9 UC in cases of negligence and 15 UC in cases of intent.</p> <p>The maximum level of the fines correspondent to a serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>10,000,000€, 40 UC (processual cost unit) in cases of negligence and 95 UC (processual cost unit) in cases of intent.</p> <p>The maximum level of the fines correspondent to a very serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p> <ul style="list-style-type: none"> - in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent; - in serious administrative offence to 7 UC in cases of negligence and 14 UC in cases of intent; - in very serious administrative offence to 25 UC in cases of negligence and 50 UC in cases of intent. <p>(Law 7/2009 of 12 February, Arts.</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		554 and 555) The processual cost unit (UC) was set at € 102.00, in 2014
Council Directive 98/24/EC (chemical agents at work)		
The violation of the legal dispositions depending on the specific article either constitutes a very serious administrative offence or a serious administrative offence. (Decree-Law 24/2012 of 6 February)	-	The same levels of fines described for Directive 89/391/EEC apply.
The offences as set out in relation to Directive 89/391/EEC apply.	-	<p>Every level of severity of administrative offences corresponds to fine that may vary according to the turnover of the undertaking and the degree of guilt of the offender.</p> <p>The maximum level of the fines correspondent to a light administrative offence is:</p> <p>a) if the turnover of the undertaking is below 10,000,000€, 5 UC (processual cost unit) in cases of negligence and 9 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 10,000,000€, 9 UC in cases of negligence and 15 UC in cases of intent.</p> <p>The maximum level of the fines correspondent to a serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of negligence and 50 UC in cases</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 40 UC (processual cost unit) in cases of negligence and 95 UC (processual cost unit) in cases of intent.</p> <p>The maximum level of the fines correspondent to a very serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p> <ul style="list-style-type: none"> - in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent; - in serious administrative offence to 7 UC in cases of negligence and 14 UC in cases of intent; - in very serious administrative offence to 25 UC in cases of negligence and 50 UC in cases

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>of intent.</p> <p>(Law 7/2009 of 12 February, Arts. 554 and 555)</p> <p>The processual cost unit (UC) was set at € 102.00, in 2014</p>
Directive 2009/148/EC (asbestos)		
<p>The violation of the legal dispositions depending on the specific article either constitutes a very serious administrative offence or a serious administrative offence. (Decree-Law 266/2007 of 24 July)</p>	-	<p>The same levels of fines described for Directive 89/391/EEC apply.</p>
Directive 2000/54/EC (biological agents)		
<p>It is considered an administrative offence, punishable by a fine per every worker affected by the offence. (Decree-Law 84/97 of 46 April, Art. 20 (1))</p>	-	<p>Maximum level of fine per worker varying between PTE 100,000 (Portuguese Escudo) and PTE 250,000, depending on violation of specific articles. (Decree-Law 84/97 of 46 April, Art. 20 (1))</p>
<p>The offences as set out in relation to Directive 89/391/EEC apply.</p>	-	<p>Every level of severity of administrative offences corresponds to fine that may vary according to the turnover of the undertaking and the degree of guilt of the offender.</p> <p>The maximum level of the fines correspondent to a light administrative offence is:</p> <p>a) if the turnover of the undertaking is below 10,000,000€, 5 UC (processual cost unit) in cases of negligence and 9 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 10,000,000€, 9 UC in cases of negligence and 15 UC in cases of intent.</p> <p>The maximum level of the fines correspondent to a serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 40 UC (processual cost unit) in cases of negligence and 95 UC (processual cost unit) in cases of intent.</p> <p>The maximum level of the fines correspondent to a very serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>- in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent;</p> <p>- in serious administrative offence to 7 UC in cases of negligence and 14 UC in cases of intent;</p> <p>- in very serious administrative offence to 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>(Law 7/2009 of 12 February, Arts. 554 and 555)</p> <p>The processual cost unit (UC) was set at € 102.00, in 2014</p>
Council Directive 92/57/EEC (temporary or mobile construction sites)		
<p>The violation of the legal dispositions, depending on the specific article, may constitute a very serious, a serious or a light administrative offence. (Decree-Law 273/2003 of 29 October)</p>	-	<p>The same levels of fines described for Directive 89/391/EEC apply. Special criteria for determining the level of fines apply to self-employed person, and to the owner of the construction site who is not undertaking's holder.</p>
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		
<p>Without prejudice to the possible criminal liability, it is considered administrative offence the conception, organisation, and operation of workplaces in mineral-extracting industries in breach with the minimum safety and health requirements. (Decree-Law 324/95 of 29 November, Art. 11 (1))</p>	-	<p>a) PTE 350,000, when the number of workers is equal or lower to 20;</p> <p>b) PTE 480,000, when the number of workers is between 21 and 50;</p> <p>c) 1.200,000, when the number of workers is between 51 and 100;</p> <p>d) PTE 1,900,000, when the number of workers is over 100.</p> <p>The maximum level of fines is doubled in the following cases:</p> <p>a) inexistence of the security and health document;</p> <p>b) lack of foresight, in the security and health document, of specific measures on work involving serious risks;</p> <p>c) violation of the duty of information related to security and health;</p> <p>d) lack of a communication or after the established deadline reporting any serious or fatal occupational accidents to the Authority for Working Conditions.</p> <p>The violation, by self-employed</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>workers of the obligations laid down constitutes an administrative offence punishable by a maximum fine of PTE 500,000.</p> <p>When the offence is committed by a natural person the maximum applicable fine cannot exceed PTE 750,000.</p> <p>(Decree-Law 324/95 of 29 November, Art. 11 (2), (3), (5) and (6))</p>
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		
<p>Without prejudice to the possible criminal liability, it is considered administrative offence the conception, organisation, and operation of workplaces in mineral-extracting industries in breach with the minimum safety and health requirements. (Decree-Law 324/95 of 29 November, Art. 11 (1))</p>	-	<p>a) PTE 350,000, when the number of workers is equal or lower to 20;</p> <p>b) PTE 480,000, when the number of workers is between 21 and 50;</p> <p>c) 1.200,000, when the number of workers is between 51 and 100;</p> <p>d) PTE 1,900,000, when the number of workers is over 100.</p> <p>The maximum level of fines is doubled in the following cases:</p> <p>a) inexistence of the security and health document;</p> <p>b) lack of foresight, in the security and health document, of specific measures on work involving serious risks;</p> <p>c) violation of the duty of information related to security and health;</p> <p>d) lack of a communication or after the established deadline reporting any serious or fatal occupational accidents to the Authority for Working Conditions.</p> <p>The violation, by self-employed workers of the obligations laid down constitutes an administrative offence punishable by a maximum fine of PTE 500,000.</p> <p>When the offence is committed by a natural person the maximum applicable fine cannot exceed PTE 750,000.</p> <p>(Decree-Law 324/95 of 29 November, Art. 11 (2), (3), (5))</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		and (6))
Council Directive 92/29/EEC (medical treatment on board vessels)		
The violation of the legal dispositions constitutes an administrative offence. (Decree-Law 274/95 of 23 October, Art. 15)	-	Maximum level of fine varies between PTE 100,000 and PTE 250,000, depending on the violation of specific articles.
Council Directive 93/103/EC (work on board fishing vessels)		
It is considered administrative offence the disrespect by the employer of minimum safety and health requirements related to the organisation and functioning of the workplaces on board fishing vessels. (Decree-Law 116/97 of 12 May, Art. 10 (1))	-	<p>The owner may have a maximum fine varying between PTE 150,000 and PTE 750,000, depending on the violation of specific articles.</p> <p>The level of the fine is doubled if the owner is a legal person.</p>
The offences as set out in relation to Directive 89/391/EEC apply.	-	<p>Every level of severity of administrative offences corresponds to fine that may vary according to the turnover of the undertaking and the degree of guilt of the offender.</p> <p>The maximum level of the fines correspondent to a light administrative offence is:</p> <p>a) if the turnover of the undertaking is below 10,000,000€, 5 UC (processual cost unit) in cases of negligence and 9 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 10,000,000€, 9 UC in cases of negligence and 15 UC in cases of intent.</p> <p>The maximum level of the fines correspondent to a serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 40 UC (processual cost unit) in cases of negligence and 95 UC (processual cost unit) in cases of intent.</p> <p>The maximum level of the fines correspondent to a very serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p> <ul style="list-style-type: none"> - in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent; - in serious administrative

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>offence to 7 UC in cases of negligence and 14 UC in cases of intent;</p> <p>- in very serious administrative offence to 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>(Law 7/2009 of 12 February, Arts. 554 and 555)</p> <p>The processual cost unit (UC) was set at € 102.00, in 2014</p>
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		
<p>The offences as set out in relation to Directive 89/391/EEC apply.</p>	<p>-</p>	<p>Every level of severity of administrative offences corresponds to fine that may vary according to the turnover of the undertaking and the degree of guilt of the offender.</p> <p>The maximum level of the fines correspondent to a light administrative offence is:</p> <p>a) if the turnover of the undertaking is below 10,000,000€, 5 UC (processual cost unit) in cases of negligence and 9 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 10,000,000€, 9 UC in cases of negligence and 15 UC in cases of intent.</p> <p>The maximum level of the fines correspondent to a serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>negligence and 50 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 40 UC (processual cost unit) in cases of negligence and 95 UC (processual cost unit) in cases of intent.</p> <p>The maximum level of the fines correspondent to a very serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p> <ul style="list-style-type: none"> - in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent; - in serious administrative offence to 7 UC in cases of negligence and 14 UC in cases of intent; - in very serious administrative offence to 25 UC in cases of

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>negligence and 50 UC in cases of intent.</p> <p>(Law 7/2009 of 12 February, Arts. 554 and 555)</p> <p>The processual cost unit (UC) was set at € 102.00, in 2014</p>
Council Directive 91/383/EEC42 (temporary workers)		
<p>The offences as set out in relation to Directive 89/391/EEC apply.</p>	<p>-</p>	<p>Every level of severity of administrative offences corresponds to fine that may vary according to the turnover of the undertaking and the degree of guilt of the offender.</p> <p>The maximum level of the fines correspondent to a light administrative offence is:</p> <p>a) if the turnover of the undertaking is below 10,000,000€, 5 UC (processual cost unit) in cases of negligence and 9 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 10,000,000€, 9 UC in cases of negligence and 15 UC in cases of intent.</p> <p>The maximum level of the fines correspondent to a serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 40 UC (processual</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>cost unit) in cases of negligence and 95 UC (procedural cost unit) in cases of intent.</p> <p>The maximum level of the fines correspondent to a very serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p> <ul style="list-style-type: none"> - in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent; - in serious administrative offence to 7 UC in cases of negligence and 14 UC in cases of intent; - in very serious administrative offence to 25 UC in cases of negligence and 50 UC in cases of intent. <p>(Law 7/2009 of 12 February, Arts. 554 and 555)</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		The processual cost unit (UC) was set at € 102.00, in 2014
Council Directive 94/33/EC (young people at work)		
The offences as set out in relation to Directive 89/391/EEC apply.	-	<p>Every level of severity of administrative offences corresponds to fine that may vary according to the turnover of the undertaking and the degree of guilt of the offender.</p> <p>The maximum level of the fines correspondent to a light administrative offence is:</p> <p>a) if the turnover of the undertaking is below 10,000,000€, 5 UC (processual cost unit) in cases of negligence and 9 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 10,000,000€, 9 UC in cases of negligence and 15 UC in cases of intent.</p> <p>The maximum level of the fines correspondent to a serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 12 UC in cases of negligence and 26 UC in cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 14 UC in cases of negligence and 40 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 20 UC in cases of negligence and 45 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 25 UC in cases of negligence and 50 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 40 UC (processual cost unit) in cases of negligence and 95 UC (processual cost unit) in cases of intent.</p> <p>The maximum level of the fines</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>correspondent to a very serious fine is:</p> <p>a) if the turnover of the undertaking is below 500,000€, 40 UC in cases of negligence and 95 UC cases of intent;</p> <p>b) if the turnover of the undertaking is equal or above 500,000€ and below 2,500,000€, 80 UC in cases of negligence and 190 UC in cases of intent;</p> <p>c) if the turnover of the undertaking is equal or above 2,500,000€ and below 5,000,000€, 120 UC in cases of negligence and 280 UC in cases of intent.</p> <p>d) if the turnover of the undertaking is equal or above 5,000,000€ and below 10,000,000€, 140 UC in cases of negligence and 400 UC in cases of intent.</p> <p>e) if the turnover of the undertaking is equal or above 10,000,000€, 300 UC in cases of negligence and 600 UC in cases of intent.</p> <p>In case the agent does not have workers on his/her service, or, being a natural person, does not exercise an economic profit-making activity, the maximum level of fines corresponds:</p> <ul style="list-style-type: none"> - in light administrative offence to 2 UC in cases of negligence and 3,5 UC in cases of intent; - in serious administrative offence to 7 UC in cases of negligence and 14 UC in cases of intent; - in very serious administrative offence to 25 UC in cases of negligence and 50 UC in cases of intent. <p>(Law 7/2009 of 12 February, Arts. 554 and 555)</p> <p>The processual cost unit (UC) was set at € 102.00, in 2014</p>

Enforcement actions

Table 5- 6 Number of infringements and court cases

Total number of infringement which resulted in legal action	Data not available. There is no information available in the NIR 2013 or in the annual reports from the ACT.
Other data on the number of court cases specific to OSH issues in the period 2007-2012	Data not available. Only general statistics on labour-related court cases are available for the Courts of First Instance ⁸⁶

⁸⁶Ministry of Justice, Justice Statistics, available online at: http://www.siej.dgpi.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow_633918141195530467

6 MAPPING QUESTION 6: SPECIFIC GROUPS OF WORKERS

The vulnerable groups targeted in Portugal are women, pregnant and breastfeeding workers, migrant workers, older workers and temporary workers. Recent national strategies and action plans for 2013-2017 have been adopted with the aim of ensuring health and safety protection for all workers, but some specific measures are directed at the protection of older, younger and disabled workers. Portugal also promotes the development of skills necessary to achieve gender equality at work. No specific approaches to other vulnerable groups are taken in Portugal beyond the requirements set out in the transposed Directives.

The table 6-1 below provides an overview of the documents, including legislation, strategies, guidelines, roadmaps or plans, as well as other documents addressing the question of vulnerable groups.

Table 6- 1 Tools addressing risk factors for all vulnerable groups

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Tools to promote inspectorate activities against gender discrimination at work ⁸⁷	Women	✓																	
Prevention and Elimination	Children													✓					

⁸⁷ Commission for Equality in Labour and Employment (CITE), *Guia informativo para a prevenção e combate de situações de assédio no local de trabalho: um instrumento de apoio à autorregulação*, 2013, available online at [http://www.act.gov.pt/\(pt-PT\)/crc/PublicacoesElectronicas/Documents/guia_informativo_combate_assedio.pdf](http://www.act.gov.pt/(pt-PT)/crc/PublicacoesElectronicas/Documents/guia_informativo_combate_assedio.pdf)

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Programme of exploitation of child labour (PETI) ⁸⁸																			
Integrated Education and Training Programme – PIEF ⁸⁹	Children														✓				
Law 3/2014 of 28 January ⁹⁰	Children Women Temporary workers Agency workers	✓													✓				
Law 7/2009 of 12 February ⁹¹	Women Temporary workers Agency workers	✓		✓		✓					✓				✓				

⁸⁸Ministry of Employment and Social Solidarity, *O Programa para Prevenção e Eliminação da Exploração do Trabalho Infantil - PETI*, 2004-2008, available online at: <https://dre.pt/pdfgratis/2004/03/068B00.pdf>

⁸⁹Ministry of Employment and Social Solidarity, *Programa Integrado de Educação e Formação - PIEF*, 2012, available online at: https://www.igfse.pt/upload/docs/2012/Portaria272_2012.pdf

⁹⁰Law 3/2014 of 28 January, available online at: <https://dre.pt/pdf1sdip/2014/01/01900/0055400591.pdf>

⁹¹Law 7/2009 of 12 February, available online at: <http://dre.pt/pdf1s/2009/02/03000/0092601029.pdf>

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
ACT, Programme – Prevention and control of discrimination and the working and employment conditions of vulnerable groups	Young workers Pregnant women and/or breastfeeding migrant workers, minors	✓													✓	✓			
Sectoral action plan for the improvement of hygiene safety at work in textiles and clothing sector ⁹²	Pregnant women and/or breastfeeding	✓																	
National Action Plan for the Integration of	Immigrant workers														✓	✓			

⁹² Technological Centre for the Textile and Clothing Industries of Portugal – CITEVE, *Plano de ação setorial da melhoria das condições de higiene segurança no trabalho no setor têxtil e do vestuário*, 2012, available online at: http://www.citeve.pt/artigo/sicacr_resp_social

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Immigrant workers 2007 ⁹³																			
II National Action Plan for Integration of Immigrant ⁹⁴	Immigrant workers														✓	✓			
I National Action Plan to Combat Human Trafficking 2007-2010 ⁹⁵	Children Women Victims of labour exploitation														✓				
II National Action Plan to Combat Human Trafficking 2010-2013 ⁹⁶	Children Women Victims of labour exploitation														✓				
III National Action Plan for Equality - Citizenship and	Women	✓													✓				

⁹³ Presidency of the Council of Ministers, *Plano para a Integração dos Imigrantes*, 2007, available online at: <http://dre.pt/cgi/dr1s.exe?t=dr&cap=1-1200&doc=20071692%20&v02=&v01=2&v03=1900-01-01&v04=3000-12-21&v05=&v06=&v07=&v08=&v09=&v10=&v11=Resolu%20E7%E3o%20do%20Conselho%20de%20Ministros&v12=63-A/2007&v13=&v14=&v15=&sort=0&submit=Pesquisar>

⁹⁴ Presidency of the Council of Ministers, *II Plano para a Integração dos Imigrantes 2010-2013*, available online at: <http://dre.pt/pdf1sdip/2010/09/18200/0409704116.pdf>

⁹⁵ Presidency of the Council of Ministers, *I Plano Nacional contra o Tráfico de Seres Humanos 2007-2010*, available online at: <http://www.dre.pt/pdfgratis/2007/06/11900.pdf>

⁹⁶ Presidency of the Council of Ministers, *II Plano Nacional Contra o Tráfico de Seres Humanos, 2010-2013*, available online at: http://www.cig.gov.pt/wp-content/uploads/2013/12/RES_CONS_MIN.pdf

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Gender 2007-2010 ⁹⁷																			
IV National Action Plan for Equality - Gender Citizenship and Non-Discrimination 2011-2013 ⁹⁸	Women	✓													✓				
National Plan of Occupational Health 2013-2017 ⁹⁹	Older workers, younger workers, people with disabilities, pregnant women	✓		✓			✓			✓	✓								
V National Plan for Gender Equality, Citizenship and																			

⁹⁷ Presidency of the Council of Ministers, *III Plano Nacional para a Igualdade — Cidadania e Género 2007-2010*, available online at: <http://www.dre.pt/pdfgratis/2007/06/11900.pdf>

⁹⁸ Presidency of the Council of Ministers, *IV Plano Nacional para a Igualdade – Género, Cidadania e não Discriminação 2011-2013*, available online at: http://www.cite.gov.pt/asstscite/downloads/IV_PNI_2011_2013.pdf

⁹⁹ National Plan of Occupational Health 2013-2017, *Plano Nacional de Saúde Ocupacional 2013-2017*, available in Portuguese: <http://www.dgs.pt/saude-ocupacional/programa-nacional/pnsoc-2013-2017.aspx> (Accessed February 2015)

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Non-discrimination 2014-2017 ¹⁰⁰																			
National Strategy for Health and Safety at Work 2008-2012 ¹⁰¹	Older workers									✓		✓							

Vulnerable groups are deemed to be reasonably covered in OSH legislation in Portugal. However, problems remain regarding the implementation of OSH requirements in practice. Furthermore, specific groups, such as chronically ill workers, including workers infected with HIV; workers with a disability;; posted workers; and migrant workers, should be equally covered.¹⁰²

A diversity approach should be considered, including a gender-sensitive approach.¹⁰³

¹⁰⁰ Fifth National Plan for Gender Equality, Citizenship and Non-discrimination 2014-2017 (*V Plano Nacional para a Igualdade de Género, Cidadania e Não-Discriminação 2014-2017*), available at: http://www.igfse.pt/upload/docs/2014/RCM103_2013.pdf (Accessed February 2015)

¹⁰¹ National Strategy for Health and Safety at Work (*Estratégia Nacional para a Segurança e Saúde no Trabalho*) available in Portuguese at: [http://www.act.gov.pt/\(pt-PT\)/SobreACT/DocumentosOrientadores/DocumentosReferenciaAmbitoNacional/Documents/EstrategiaNacionalparaaSegurancaeSaudeoTrabalho20082012.pdf](http://www.act.gov.pt/(pt-PT)/SobreACT/DocumentosOrientadores/DocumentosReferenciaAmbitoNacional/Documents/EstrategiaNacionalparaaSegurancaeSaudeoTrabalho20082012.pdf) (Accessed February 2015)

¹⁰² Conclusion based on interviews with national authorities, workers organisations, employers organisations, OSH experts and other stakeholders.

¹⁰³ Conclusion based on interviews with national authorities, workers organisations, employers organisations, OSH experts and other stakeholders.

7 MAPPING QUESTION 7: SMEs AND MICRO-ENTERPRISES

This question focuses on the identification of measures adopted by Member States in order to assist SMEs and micro-enterprises in the implementation of OSH requirements. Measures provided by other actors, such as social partners, are not included. The concept of ‘measures’ is considered as covering national legislation and soft measures, i.e. incentives. Other measures such as guidance are included in section 4.

Three elements should be checked for each Directive:

- Exemptions: are there thresholds of number of employees to be exempted from certain key requirements? If so, what are the thresholds? To what requirements does it apply?
- Lighter regime: are certain norms/ regulatory standards provided by law differentiated for SMEs?
- Incentives: have financial measures/tax reductions been adopted to support SMEs?

The results are summarised in Table 7-1 and then detailed in Table 7-2. It should be taken into account that the SME measures laid down in the national legislation transposing the Framework Directive are equally applicable to all of the transpositions of the other OSH individual Directives.

As mentioned by the National Implementation Report for Portugal and by the stakeholders interviewed, there are no specific measures adopted by the Portuguese national authorities in order to assist SMEs and micro-enterprises in the implementation of OSH requirements, other than the lighter regime concerning OSH activities that may be carried out by the employer or designated worker(s) in undertakings of less than 10 workers and with no high risk activity. Apart from these, the rules are general and applied to all enterprises regardless of their size.

There is, however, a need for such measures, as stakeholders indicated that micro-enterprises and SMEs – which represent over 90% of all undertakings in Portugal - face particular difficulties in complying with the legislation (due to financial constraints and lack of expertise and technical capacity). Also the impacts of the financial crisis have contributed to the increase of problems and difficulties that micro-enterprises and SMEs face.

However, in 2010, the ACT established a protocol, together with the Portuguese Confederation of Micro, Small and Medium Enterprises (CPPME), which aimed to stimulate micro-enterprises and SMEs to comply with labour law and OSH requirements in particular. Under this protocol, the ACT is able to support and fund studies, awareness raising actions and other proposals made by the CPPME. Additionally, the ACT has provided financial support to employers and trade union structures to promote projects aimed at promoting safety and health at work. These entities have developed publications to disseminate the general principles of prevention of occupational risks, the duties and rights of employers and workers, as well as the methodologies for assessing occupational risks, which are placed at the disposal of enterprises and their workers, with special focus on micro- and small enterprises.

Table 7- 1 Overview of measures targeting SMEs and micro-enterprises

	<i>Exemptions</i>	<i>Lighter regime</i>	<i>Incentives</i>
Directive 89/391/EEC (FW)	✓	✓	✓
Directive 89/654/EEC (workplace)	-	-	-
Directive 2009/104/EC (work equipment)	-	-	-
Council Directive 89/656/EEC (PPE)	-	-	-

	Exemptions	Lighter regime	Incentives
	-	-	-
Council Directive 92/58/EEC (OSH signs)			
	-	-	-
Directive 1999/92/EC (ATEX)			
	-	-	-
Council Directive 90/269/EEC (manual handling of loads)			
	-	-	-
Council Directive 90/270/EEC (display screen equipment)			
	-	-	-
Directive 2002/44/EC (vibration)			
	-	-	-
Directive 2003/10/EC (noise)			
	-	-	-
Directive 2004/40/EC (electromagnetic fields)			
	-	-	-
Directive 2006/25/EC (artificial optical radiation)			
	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)			
	-	-	--
Directive 2009/148/EC (asbestos)			
	-	-	-
Directive 2000/54/EC (biological agents)			
	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)			
	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
	-	-	--
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)			
	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
	-	-	-
Council Directive 91/383/EEC42 (temporary workers)			
	-	-	-
Council Directive 94/33/EC (young people at work)			
	-	-	-

Table 7- 2 Description of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)			
	Self-employed workers without dependents are free to organize OSH services.	The OSH L, Article 81, determines that OSH activities may be carried out by the employer or designated worker(s) in undertaking of less than 10 workers and with no high risk activity.	Portuguese law provides that health at work can be ensured by the National Health Service for companies up to nine workers, although few conditions existed in the period under review, to ensure this commitment; and Financial support to the training of workers (designed and implemented by trade

	Exemptions	Lighter regime	Incentives
			union structures), to the exercise of safety at work activities as "designated workers ", and to the exercise of monitoring the activities of safety at work services and external health as "employer representative".
Directive 89/654/EEC (workplace)			
	-	-	-
Directive 2009/104/EC (work equipment)			
	-	-	-
Council Directive 89/656/EEC (PPE)			
	-	-	-
Council Directive 92/58/EEC (OSH signs)			
	-	-	-
Directive 1999/92/EC (ATEX)			
	-	-	-
Council Directive 90/269/EEC (manual handling of loads)			
	-	-	-
Council Directive 90/270/EEC (display screen equipment)			
	-	-	-
Directive 2002/44/EC (vibration)			
	-	-	-
Directive 2003/10/EC (noise)			
	-	-	-
Directive 2004/40/EC (electromagnetic fields)			
	-	-	-
Directive 2006/25/EC (artificial optical radiation)			
	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)			
	-	-	-
Directive 98/24/EC (chemical agents)			
	-	-	-
Directive 2009/148/EC (asbestos)			
	-	-	-
Directive 2000/54/EC (biological agents)			
	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)			
	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)			
	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
	-	-	-
Council Directive 91/383/EEC42 (temporary workers)			
	-	-	-
Council Directive 94/33/EC (young people at work)			
	-	-	-

According to the 2013 Portuguese National Implementation Report (NIR)¹⁰⁴ and the interviews with national authorities, workers organisations, employers organisations, OSH experts and other stakeholders led to the conclusion that there are no specific measures adopted by the Portuguese national authorities in order to assist SMEs and micro-enterprises in the implementation of OSH requirements, other than the lighter regime mentioned in Table 7-2 regarding Directive 89/391/EEC.

The members of the governmental interest group of the Advisory Committee for Safety and Health considered, though, that the measures taken to support SMEs and microenterprises in Portugal included exemptions and incentives such as:

- Exemptions:

Self-employed workers without dependents are free to organize OSH services.

- Incentives:

Portuguese law provides that health at work can be ensured by the National Health Service for companies up to nine workers, although few conditions existed in the period under review, to ensure this commitment; and

Financial support to the training of workers (designed and implemented by trade union structures), to the exercise of safety at work activities as "designated workers", and to the exercise of monitoring the activities of safety at work services and external health as "employer representative".

According to information from the NIR and to the stakeholders' interviews, it is however consensual that SMEs face particular difficulties in complying with the legislation, since they show: a lower awareness of risks; a lower awareness of the importance of OSH, namely of the impact of accidents at work and occupational diseases on productivity; larger difficulties in creating networks for shared intervention; and larger difficulties in conducting risk assessment, in structuring the activities of safety and health at work and in integrating these concerns into a real occupational risks management system. Micro-companies and SMEs also face other difficulties, such as financial constraints and lack of expertise and technical capacity.

A clear distinction is also made between large companies and micro-companies and SMEs. The approach usually adopted in microenterprises and SMEs, that represent over 90% of the undertakings in Portugal, is the contracting of a specialised company. These external services often compete on the basis of low prices, thus compromising the quality of the services provided. The large companies integrate these issues in their quality management systems and corporate social responsibility procedures and they are aware of the added value associated with investment in OSH. They also have more financial and technical recourses available.

Still according to the NIR, especially in the current context of crisis employers, and micro and SMEs in particular - faced with the need to cut costs - try and look for areas which are deemed not to be crucial for the survival of their firms. OSH is one of these areas, being widespread the statement that the transfer of responsibilities for accidents at work to an insurance company is enough to consider that the legal duties of the employer are being met.

Reference should though be made to the fact that on 5 July 2010 the ACT established a protocol with the Portuguese Confederation of Micro, Small and Medium Enterprises (Confederação Portuguesa das Micro, Pequenas e Médias Empresas - CPPME).¹⁰⁵ This protocol aimed at improving cooperation in order to stimulate SMEs and MMS to comply with labour law and OSH requirements in particular. Under this protocol, the ACT would be able to support and fund studies, awareness raising actions and other proposals made by the CPPME.¹⁰⁶

¹⁰⁴ National Implementation Report (NIR) 2013.

¹⁰⁵ Protocol between ACT and the Confederação Portuguesa das Micro, Pequenas e Médias Empresas, available online at: [http://www.act.gov.pt/\(pt-PT\)/Itens/Noticias/Paginas/ACTestabeleceprotocolocomaConfedera%C3%A7%C3%A3oPortuguesadasMicro.PequenaseM%C3%A9diasEmpresas.aspx](http://www.act.gov.pt/(pt-PT)/Itens/Noticias/Paginas/ACTestabeleceprotocolocomaConfedera%C3%A7%C3%A3oPortuguesadasMicro.PequenaseM%C3%A9diasEmpresas.aspx).

¹⁰⁶ National Implementation Report (NIR), 2013.

This support would be provided namely within the scope of the Operational Programme to Support the Promotion of Safety and Health at Work (Programa Operacional de Apoio à Promoção da Segurança e Saúde no Trabalho - PROAP)¹⁰⁷, which is not specifically targeted to SMEs and micro-enterprises. The PROAP was triggered by the National Strategy on Safety and Health at Work 2008-2012. In any case, this funding programme is currently suspended due to lack of financial resources.

Furthermore, the ACT has provided financial support to employers and trade union structures to promote projects aimed at promoting safety and health at work. These entities have developed publications aimed at the dissemination of the general principles of prevention of occupational risks, the duties and rights of employers and workers, as well as the methodologies for assessing occupational risks, which are placed at the disposal of enterprises and their workers, with special focus on micro- and small enterprises.¹⁰⁸ The stakeholders' interviews considered some of these tools as facilitators to compliance with legal requirements among SMEs.

¹⁰⁷ *Programa Operacional de Apoio à Promoção da Segurança e Saúde no Trabalho*, available online at: [http://www.act.gov.pt/\(pt-PT\)/PromocaoSST/ApoioaProjetos/Documents/ProgramaOperacionalApoioPSST2010.pdf](http://www.act.gov.pt/(pt-PT)/PromocaoSST/ApoioaProjetos/Documents/ProgramaOperacionalApoioPSST2010.pdf).

¹⁰⁸ National Implementation Report (NIR), 2013.

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ANNEX II – INTERVIEWS

How many interviews...	... in total		... with national authorities		... with labour inspectorates		... with workers' representatives		... with employers' representatives		... with research institutes, academia, OSH professional bodies, etc.	
	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed
PT	30	20	7	5	3	3	8	5	8	6	4	1

This table details all the interviews that were completed with Portuguese stakeholders, and includes as well the number of stakeholders contacted for these interviews. A further distinction is made on the basis of the category of stakeholders.

A great effort has been made to arrive at 20 interviews as well as at a balanced representation of the stakeholders groups. This objective was successfully achieved.

The only difference with the requirements regards national authorities: although we were initially required to conduct a total of four interviews, we completed five interviews with national authorities. This is due to the fact that we aimed at covering different public bodies with particular competences regarding specific Directives; e.g. the Commission for Equality in Labour and Employment (Comissão para a Igualdade no Trabalho e no Emprego - CITE) regarding the Council Directive 92/85/EEC (pregnant/breastfeeding workers). Furthermore, the main authority with competences in the framework of the enforcement and implementation of the Directives, the Working Conditions Authority (Autoridade para as Condições do Trabalho – ACT), when approached for an interview, suggested that two interviews should be completed with two respondents with different levels of responsibility: one of the ACT's general sub inspectors and the director of OSH services.

A group of stakeholders where it proved more difficult to complete the minimum number of interviews required was the group composed by research institutes, academia, etc. The efforts made though led to the completion of one interview with this type of stakeholder.