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SWITZERLAND

Ordinance of 18 August 1993 relating to the Labour Act.

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TABLE OF CONTENTS

[This table of contents does not form part of the Act but consists of headings given in the course of the text.]

CHAPTER I. GENERAL PROVISIONS (*Sections 110*)

CHAPTER II. SPECIFIC REQUIREMENTS CONCERNING OCCUPATIONAL HEALTH 1137

- [Division I. Buildings and workplaces](#) 1114
- [Division II. Lighting, working environment, noise and vibration](#) 1522
- [Division III. Workstations](#) 2324
- [Division IV. Loads](#) 25
- [Division V. Supervision of workers](#) 26
- [Division VI. Personal protective clothing and work clothes](#) 2728
- [Division VII. Changing rooms, showers, washbasins, sanitary installations, canteens, rest rooms and firstaid treatment](#) 2936
- [Division VIII. Maintenance and cleaning](#) 37

CHAPTER III. FINAL PROVISIONS 3841

CHAPTER I. GENERAL PROVISIONS

Section 1. **Purpose and scope.** (1) This Ordinance shall establish the occupational health measures which must be taken in all undertakings governed by the Act.

(2) Occupational safety measures and occupational diseases referred to in section 82 of the Federal Act on accident insurance shall not fall within the scope of this Ordinance.

Section 2. **Principle.** (1) Employers shall take all the necessary measures to safeguard and improve the protection of occupational health and to guarantee the physical and mental health of the workers. In particular, they must ensure that :

- (a) working conditions are good in respect of ergonomics and health;
- (b) health is not impaired owing to physical, chemical or biological causes;
- (c) excessive or unduly repetitive effort is avoided;
- (d) work is organized in a suitable manner.

(2) The health measures which the authorities require of employers must be in proportion to the repercussions they have on the design of the building and on the organization of the undertaking.

Section 3. **Specific obligations of employers.** (1) Employers must ensure that the effectiveness of occupational health measures is not impaired. They shall check them at suitable intervals.

(2) Employers must adapt health measures to the new conditions of work in the event of alterations to buildings, parts of buildings, technical installations and apparatus or work processes or the use of new

products in the undertaking.

(3) When indications make it evident that the tasks carried out by a worker are affecting his health, a medicooccupational inquiry shall be conducted.

Section 4. Expert's report. The authorities may ask employers to submit a report by a technical expert if there are serious grounds for doubting that occupational health requirements are being observed.

Section 5. Briefing and instruction of workers. (1) Employers must ensure that all workers employed in the undertaking, including those from a third party undertaking, are informed and instructed, sufficiently and suitably, about the risks to which they are exposed in carrying out their tasks and also about the occupational safety measures to be taken to avert them. Such instruction must be provided when workers enter into employment and every time that working conditions are modified; it must, if necessary, be repeated.

(2) Employers must ensure that workers observe occupational health measures.

(3) Information training must be carried out during working hours and may not be left to the responsibility of the workers.

Section 6. Consultation of workers. (1) Workers, or their representatives within the undertaking, must be consulted in good time and comprehensively about all matters relating to occupational health. They shall be entitled to put forward proposals.

(2) At their request, workers, or their representatives within the enterprise, must be associated in a suitable manner with investigations of and visits made to the undertaking by the authorities. Employers shall inform them of any demands made by the authorities.

Section 7. Responsibilities for health matters. (1) Employers shall organize responsibilities for health matters within the undertaking. If necessary, they shall allocate specific tasks relating to occupational health to competent workers. Such workers must not be disadvantaged by these activities.

(2) When an employer allocates certain occupational health tasks to a worker, he must provide appropriate training and refresher courses, define the worker's responsibilities precisely and issue clear instructions. The requisite time for training and refresher courses shall be regarded in principle as working time.

(3) When experts in occupational safety within the meaning of the regulations governing the implementation of subsection 83(2) of the Federal Act on accident insurance are involved, they shall also observe occupational health regulations in carrying out their activities.

(4) Allocation of responsibilities within the undertaking does not absolve employers of their liability for occupational health matters.

Section 8. Cooperation between several enterprises. (1) When workers of several enterprises are employed on one and the same work premises, their employers must agree on suitable arrangements to ensure that occupational health regulations are observed and issue instructions for the necessary measures to be taken. They shall keep each other informed and inform their respective workers about health hazards and measures which have been taken to avert them.

(2) Employers must expressly draw the attention of third parties to occupational health requirements, when commissioning their undertakings:

- (a) to design, build, alter or repair installations;
- (b) to deliver technical installations and apparatus or substances which are hazardous to health;
- (c) to plan or design work processes.

Section 9. Hiring out of services. When an employer employs in his undertaking workers whose services he hires out to another employer, he shall have the same obligations towards them in respect of occupational health as towards his own workers.

Section 10. **Obligations of workers.** (1) Workers shall comply with the instructions of employers about occupational health and observe the generally recognized rules. In particular, workers must use individual protective equipment and refrain from impairing the effectiveness of methods of protection.

(2) When a worker observes that defects are hazardous to health, he should correct them. If he is unable or not authorized to do so, he should report the defects to his employer.

CHAPTER II. SPECIFIC REQUIREMENTS CONCERNING OCCUPATIONAL HEALTH

Division I. Buildings and workplaces

Section 11. **Construction methods.** (1) The outside walls and roof shall ensure adequate protection against the weather. When necessary, inside walls and floors shall be insulated against damp and cold.

(2) The building materials used must not present health hazards.

Section 12. **Air space.** (1) Every worker working in the workplaces shall have a minimum air space of 12 cubic metres; it shall be at least 10 cubic metres when artificial ventilation is adequate.

(2) The authorities shall stipulate a greater air space when health considerations require it.

Section 13. **Walls and ceilings.** The walls and ceilings inside the buildings must be so constructed that they are easy to clean and that deposits of dust and dirt are minimized.

Section 14. **Floors.** (1) Floor surfacing must be dustresistant, not readily soiled and easy to clean. If experience shows that liquids can be spilled over it, arrangements for rapid drainage must be made and, if possible, dry places shall be provided for the workers.

(2) When technical production conditions so permit, floor surfacing must be made of materials which are poor conductors of heat. When only certain workstations are permanently occupied, this type of surfacing need be installed only in such places.

(3) The floor shall be insulated when the temperature below the workplace is appreciably either colder or warmer than that of the workplace.

Division II. Lighting, working environment, noise and vibration

Section 15. **Lighting.** (1) All premises, workstations and indoor and outdoor passages of the buildings must have adequate natural or artificial lighting, appropriate to their use.

(2) Workplaces must be lit by natural light and have artificial lighting which guarantees conditions of visibility (uniformity, glare, colour of light, colour spectrum) suited to the nature and requirements of the work.

(3) Premises without natural lighting may be used as workplaces only if specific methods of building and organization ensure that on the whole, occupational health requirements are respected.

Section 16. **Working environment.** All the workplaces must be adequately ventilated by natural or artificial means in accordance with their use. The temperature of the workplace and the speed and relative humidity of the air must be calculated and regulated in relation to each other so that the environment is adapted to the nature of the work and is not harmful to health.

Section 17. **Ventilation.** (1) In premises with natural ventilation, the windows along the frontage and the roof light must be so arranged as to provide permanent gentle ventilation and a speedy renewal of air.

- (2) In workplaces with artificial ventilation, intake and extraction of air must be regulated in relation to each other and suited to the nature of the work and the type of operation. It is essential to avoid uncomfortable draughts.
- (3) If the health of the workers so requires, ventilation installations must be equipped with a system which gives a warning signal in the event of failure.
- (4) Any deposit or impurity causing air pollution, which may be a direct hazard to the workers' health, must be rapidly eliminated.
- (5) Ventilation channels must have easily accessible openings for inspection and cleaning and also, if necessary, inlet and outlet connections for rinsing water.

Section 18. Air pollution. (1) When the air contains smells, gases, steam, mist, smoke, dust, cuttings or other similar pollutants in proportions which present a health hazard, it must be extracted efficiently as close as possible to the source of pollution. If necessary, the source of pollution shall be housed in a separate room.

- (2) If necessary, the air extracted by suction shall be replaced by fresh air. If need be, the latter shall be suitably heated and humidified.
- (3) Air extracted by suction may only be reintroduced into the workplaces if this action does not constitute a health hazard for the workers.

Section 19. Protection of workers who are nonsmokers. Employers must ensure, within the possibilities of the working operations, that nonsmokers are not made uncomfortable by the smoke of others.

Section 20. Sunshine and heat radiation. Workers must be protected against excessive sunshine and heat radiation from plant or work processes.

Section 21. Work in unheated buildings or in the open air. When a job must be carried out in unheated places, in partly roofed buildings or in the open air, the essential measures to protect the workers against cold and bad weather must be taken. In particular, it is essential to ensure, as far as possible, that each worker is able to warm himself at his workstation.

Section 22. Noise and vibration. (1) Noise and vibration must be avoided or limited.

(2) For the protection of workers, it is essential, in particular:

- (a) to take measures relating to building construction;
- (b) to take measures relating to plant;
- (c) to soundproof or insulate sources of noise;
- (d) to take measures relating to work organization.

Division III. Workstations

Section 23. General requirements. Workstations, apparatus and auxiliary mechanisms must all be designed and set up in accordance with ergonomic principles. Employers and workers shall see to it that they are used in the proper manner.

Section 24. Specific requirements. (1) Enough free space must be provided round workstations to enable workers to move freely as they work.

(2) Permanent workstations shall be designed to make it possible for workers to adopt natural body postures. Seats must be comfortable and adapted to the work to be carried out and to the worker. If required, elbowrests and footrests shall be installed.

(3) Work stations must be designed to enable workers to work, if possible, either sitting down or alternatively, both sitting down and standing. Those who must work standing up shall have seats available for occasional use.

(4) Work stations must be so designed that plant or nearby stocks do not present a health hazard to workers; appropriate measure shall be taken to ensure this, such as putting in protective partitions or arranging workstations in separate rooms.

(5) Workers must have an outside view from their permanent workstations. In workplaces with windowless frontage, the installation of permanent workstations shall be permitted only if specific methods of building and work organization guarantee that occupational health requirements are fully respected.

Division IV. Loads

Section 25. (1) Suitable methods of organization must be adopted and adequate means, including mechanical equipment, made available to avoid workers being obliged to move loads manually.

(2) When loads can be moved only manually, appropriate means must be made available for lifting, carrying and removing heavy or cumbersome loads in order to reduce as much as possible risks to workers during such operations.

(3) Workers must be informed about the health risks of moving loads, and the right way to lift and carry loads shall be explained to them.

(4) Workers must be given information as to the weight of loads and how it is distributed.

Division V. Supervision of workers

Section 26. (1) The use of systems of supervision or checking intended to oversee workers' behaviour at their workstations is forbidden.

(2) When systems of supervision or checking are necessary for other reasons, they must in particular be so designed and arranged that they do not affect workers' health or freedom of movement.

Division VI. Personal protective clothing and work clothes

Section 27. **Personal protective clothing.** (1) If technical or organizational methods do not permit, or permit only partially, the avoidance of all health risks, employers must make available to workers personal protective clothing which must be efficient and which workers can reasonably be required to wear.

(2) Personal protective clothing is in principle intended for individual use. If circumstances require the use of one personal protective outfit by several people, employers must take the necessary measures to ensure that hygiene is respected.

(3) When a number of personal protective outfits are required simultaneously, employers shall make sure that they are compatible and that their efficiency is not impaired.

Section 28. **Work clothes.** When work clothes are heavily soiled with foulsmelling substances or other substances used in the undertaking, employers shall be responsible for having them cleaned at suitable intervals.

Division VII. Changing rooms, showers, washbasins, sanitary installations, canteens, rest rooms and firstaid treatment

Section 29. General requirements. (1) The provisions applicable to the arrangement and use of workplaces shall also by analogy apply to changing rooms, showers, washbasins, sanitary installations, canteens, rest rooms and firstaid posts.

(2) All the installations mentioned in the foregoing paragraph must be maintained in a hygienically irreproachable state.

(3) Separate changing rooms, washbasins, showers and sanitary installations shall be provided for men and women. At the least, arrangements shall be made for the separate use of these installations.

Section 30. Changing rooms. (1) A sufficient number of installations, fitted for the purpose, shall be placed at the disposal of workers for changing and leaving their clothes. Changing rooms shall be organized in areas reserved exclusively for that use and, if possible, shall be well ventilated.

(2) Every worker shall be provided with either a sufficiently large and ventilated clothes cupboard or open hanging space and a box which can be locked. If necessary, it must be possible to dry and store work clothes separately from town clothes.

Art 31. Washbasins and showers. (1) Suitable washbasins, with, as a general rule, hot and cold water, and sufficient cleaning products shall be available to workers near the workstations and the changing rooms.

(2) A sufficient number of suitable showers, with hot and cold water, must be installed near the changing rooms when workers are performing dirty work or are exposed to great heat.

(3) If the showers or washbasins are separate from the changing rooms, there must be an easy means of communication between them.

Section 32. Sanitary facilities. (1) Workers must have at their disposal a sufficient number of sanitary facilities near the workstations, the rest rooms, the changing rooms and the showers and washbasins.

(2) The number of sanitary facilities shall depend on the number of workers employed at one time in the undertaking.

(3) Sanitary facilities shall be adequately ventilated and separated from the workplaces by well ventilated areas.

(4) Suitable installations and equipment for hand washing and drying must be placed near the sanitary facilities.

Section 33. Canteens and rest rooms. (1) If required, particularly when they do night or shift work, workers must be provided with canteens and adequate and quiet rest rooms; the latter must, if possible, have natural lighting and an outside view and be separated from the workstations.

(2) If the progress of the work makes it necessary for workers to remain in the workplaces during breaks, adequate seating must be provided for them.

(3) If necessary, rest areas must be organized.

(4) In cases where workers must regularly and frequently stay permanently on duty and there are no rest rooms, other rooms must be made available for their use.

Section 34. Protection of pregnant women and nursing mothers. Pregnant women and nursing mothers must be able to lie down and rest under satisfactory conditions.

Section 35. Drinking water and other drinks. (1) Drinking water shall be provided near the workstations. When working conditions so require, workers must, in addition, be able to obtain other nonalcoholic drinks.

(2) Drinking water and other drinks shall be dispensed hygienically.

(3) Employers may restrict or forbid the consumption of alcoholic drinks.

Section 36. Firstaid treatment. (1) The necessary means for firstaid treatment shall always be available, due regard being paid to the risks involved in the work and the size and location of the undertaking. First-aid equipment must be readily accessible and available in all places where working conditions call for it.

(2) If required, suitably situated and equipped firstaid posts shall be provided, staffed with persons having medical training. Places selected for firstaid posts must be easily accessible for stretchers.

(3) The firstaid post and the places where firstaid equipment is located must be clearly marked.

Division VIII. Maintenance and cleaning

Section 37. (1) Buildings, workplaces, storerooms, passages, lighting, extraction and ventilation installations, plant, protective clothing and sanitary installations must be kept clean and in good working order.

(2) Installations, appliances, tools and other necessary means of cleaning and maintenance must be available.

CHAPTER III. FINAL PROVISIONS

Section 38. Directives. (1) The Federal Office for Industry, Arts and Crafts and Labour may draft directives on health requirements.

(2) Before issuing directives, it shall consult the Federal Labour Commission, the cantonal authorities, the Federal Coordination Commission for Occupational Safety and other interested organizations.

(3) Employers complying with the directives shall be deemed to have satisfied their obligations in respect of health. They may, however, satisfy them in another manner, subject to proving that occupational health is assured.

Section 39. Authorizations to derogate from the regulations. (1) At the employer's request, the authorities may authorize on a casebycase basis, derogations from the regulations of this ordinance when:

- (a) the employer adopts another method which is equally effective, or
- (b) the application of the regulation would be excessively rigorous and derogation does not jeopardize the protection of the workers.

(2) Before submitting his request, the employer must give the workers concerned, or their representatives, the opportunity to express their views on the subject. He must inform the authorities of the result of the consultation.

Section 40. Amendment of existing legal provisions. The Ordinance of 26 January 1972 on work in public transport undertakings shall be amended as follows:

Section 24(1)(b). Subject to the second paragraph, the following shall be applicable to undertakings governed by the Act and to their agents:

- (b) by analogy, section 6 of the Labour Act of 13 March 1964 and sections 2 to 37 of Ordinance 3 of 18 August 1993, relating to the Labour Act.

Section 41. Abrogation of existing legal provisions and entry into force. (1) Ordinance III of 26 March 1969 relating to the Labour Act (Occupational health and the prevention of accidents in industrial undertakings) is hereby repealed.

(2) This Ordinance shall enter into force on 1 October 1993.



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