

LAW OF THE REPUBLIC OF TAJIKISTAN ABOUT LABOR SAFETY

(Akhbori Majlisi Oli of the Republic of Tajikistan, 2009, No. 5. Art. 324)

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This Law establishes the legal basis for regulating relations in the field of protection labor between employers and employees and is aimed at creating working conditions that are consistent with requirements to preserve the life and health of workers in the course of their work.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic concepts

The following basic concepts are used in this Law: - **labor protection**

- a system of legal, socio-economic, organizational, technical, sanitary and hygienic, medical and preventive and rehabilitation measures provided for on the basis of this Law, other regulatory legal acts and

ensuring the safety, health protection and performance of a person in the process of work;

- **safe working conditions** - working conditions under which exposure to hazardous or harmful production factors on workers or the level of their impact does not exceed established standards; -

hazardous production factor - a production factor, the impact of which on the worker may be injured; - **harmful**

production factor - production factor, the impact of which on an employee can lead to his illness;

- **guarantees of workers' rights to labor protection** - conditions and means to ensure full use of the rights established by the Constitution of the Republic of Tajikistan, this Law and other normative legal acts on labor protection; - **workplaces** - all places where employees must

engage in the performance of work and directly or indirectly under the control of the employer;

- **means of individual and collective protection of workers** - means used to prevent or reduce the impact of hazardous or harmful production factors on employees;

- **occupational disease** - a disease caused by exposure of a worker to hazardous or harmful production factors; - **production**

activity - a set of actions of people with the use of tools necessary for the transformation of resources into finished products, including production and processing of various types of raw materials, construction, performance of work and provision of various types of services;

- **certification of workplaces according to working conditions** - a system of accounting, analysis and comprehensive assessment at a specific workplace of all factors of the working environment, severity and tension labor process, affecting the performance and health of the employee in the process of labor activities; -

labor protection rules - a regulatory legal act containing labor protection requirements that are mandatory for legal entities and individuals in the implementation of any types of activities, including the design, construction and operation of facilities, the design of machines, mechanisms and other equipment, the development of technological processes, the organization of production and labor.

Article 2. Legislation of the Republic of Tajikistan on labor protection

The legislation of the Republic of Tajikistan on labor protection is based on the Constitution of the Republic of Tajikistan and consists of this Law, the Labor Code of the Republic of Tajikistan, other normative legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan.

Article 3. Limits of this Law

1. This Law applies to the following persons: - employers; - employees who are in labor relations with employers; - students of institutions of higher professional education, students of institutions primary vocational, secondary vocational education and general institutions basic, general secondary education during the period of industrial practice and industrial training; - military personnel involved in the performance of work (provision of services) and the performance of other duties not related to military service, in the manner and under the conditions established legislation;
 - Citizens serving sentences by a court verdict and involved in the established the legislation on the procedure for the performance of paid work; - persons involved in the manner prescribed by law in the liquidation of emergency natural and man-made situations.
2. Citizens of the Republic of Tajikistan employed in other states are subject to the labor protection legislation of the state of the employer, unless otherwise provided for by an international treaty of the Republic of Tajikistan.
3. For foreign citizens and stateless persons working in organizations of the Republic Tajikistan, the legislation on labor protection of the Republic of Tajikistan applies, unless otherwise not provided for by an international treaty of the Republic of Tajikistan.
4. If an international treaty of the Republic of Tajikistan establishes other rules than those provided for by this Law, the rules of the international treaty shall apply.
5. Normative acts issued in accordance with this Law must ensure the right to protection of life and health of workers is not lower than the guarantees provided for by this Law.

Article 4. Basic principles and directions of state policy in the field of protection

labor

1. The main principles and directions of state policy in the field of labor protection are:
 - ensuring the constitutional rights of workers to labor protection and health; - adoption and implementation of laws and other normative legal acts of the Republic of Tajikistan on labor protection, as well as republican, sectoral and territorial target programs improvement of working conditions and labor protection;
 - establishment and provision of guarantees of the rights of workers to labor protection; - state management of labor protection;
 - participation of the state in the financing of labor protection measures; - state control over compliance with the legislation of the Republic of Tajikistan on labor protection; - development and establishment of uniform regulatory requirements for labor protection; - provision by the state of cooperation on labor protection issues between employers employees and (or) their representatives; - development and implementation of safe equipment and technologies, stimulation of production means of individual and collective protection of workers; - full responsibility of the employer for ensuring healthy and safe working conditions; - establishment of the order and control of the mandatory investigation of each accident on production and occupational disease; - establishment of benefits and compensations for work in hazardous or harmful working conditions;

- social protection of employees, full compensation for harm to persons affected by industrial accidents and occupational diseases;

- training and advanced training of labor protection specialists; - dissemination of advanced domestic and foreign experience in improving conditions and labor

protection; - establishment of a system of indicators of conditions and labor protection, state statistical reporting on these issues, as well as on accidents at work and professional diseases; -

international cooperation in the field of labor protection, implementation of international agreements on labor protection issues.

2. Implementation of the main directions of state policy in the field of labor protection ensured by coordinated actions of state authorities of the Republic of Tajikistan and local executive bodies of state power, employers, associations of employers, as well as trade unions, their associations and other authorized employees of representative bodies on labor protection issues.

CHAPTER 2. STATE MANAGEMENT OF LABOR SAFETY

Article 5. State administration of labor protection

1. State management of labor protection consists in the implementation of the principles state policy in the field of labor protection, in the development of legislative and other regulatory acts, as well as requirements for the means of production, technology and labor organization, guaranteeing safe and healthy working conditions for all employees, in the organization and implementation of state control over compliance with legislative and other acts on labor protection.

2. State management of labor protection is carried out by the Government of the Republic of Tajikistan, the authorized state body for labor protection and local executive bodies of state power.

Article 6. Powers of the Government of the Republic of Tajikistan in the field of labor protection

The powers of the Government of the Republic of Tajikistan in the field of labor protection include:

- implementation of the main directions of state policy in the field of labor protection; - adoption within its competence of normative legal acts on labor protection; - determination of the foundations of state management of labor protection; - assistance in the development and implementation of republican, sectoral and territorial targeted programs to improve working conditions and labor protection and control over their implementation; - determination of expenses for labor protection at the expense of the republican budget; - determination of the structure, tasks, functions and powers of the authorized state body for labor protection;

- ensuring the interaction of public authorities of the Republic of Tajikistan and local executive bodies of state power, employers, associations of employers, as well as trade unions, their associations and other authorized employees

representative bodies in the implementation of state policy in the field of labor protection; -

international cooperation in the field of labor protection; -

other powers in the field of labor protection.

Article 7. Powers of the authorized state body for labor protection

1. For the implementation of a unified state policy in the field of labor protection by the President of the Republic of Tajikistan creates an authorized state body for labor protection.

2. The powers of the authorized state body for labor protection include: - development of draft regulatory legal acts on labor protection and their submission to the Government of the Republic of

Tajikistan; - development and approval within its competence of normative legal acts in the field of labor protection;

- coordination of the work of ministries and departments in the field of

labor protection; - organization and certification of work on labor protection in organizations;

- conducting state examination of working conditions in existing and newly created organizations, regardless of their form of ownership; - organization of state control over compliance with labor protection legislation; - development and approval in agreement with the state statistical bodies of forms state statistical reporting of indicators of conditions and labor protection, accidents at work and occupational diseases;
- development of a procedure for investigating accidents at work and professional diseases; - development and approval of intersectoral rules and organizational and methodological documents on labor protection;
- approval of standard industry norms for the free issuance of individual means of protection; - coordination and implementation of research work in the field of labor protection; - development of national and regional programs to improve working conditions and protection; - other powers in the field of labor protection.

Article 8. Tasks of local executive bodies of state power in the field

labor protection

Local executive bodies of state power ensure the implementation of the main directions of state policy in the field of labor protection within their powers.

CHAPTER 3. RIGHTS AND GUARANTEES OF THE RIGHTS OF EMPLOYEES TO LABOR PROTECTION

Article 9

1. Every employee in the course of employment has the right to a workplace, protected from the impact of hazardous and harmful production factors.

2. When hiring an employee, the employer is obliged to indicate in the employment contract (contract) reliable indicators and characteristics of working conditions, benefits and compensation for dangerous and harmful working conditions, personal protective equipment, the possibility of occupational disease, measures of responsibility of the employer and employee for non-compliance labor protection requirements stipulated in the labor agreement (contract).

Article 10. The right of employees to compulsory social insurance against accidents at work, occupational diseases or other health injuries associated with the performance of their work duties

All employees are subject to compulsory social insurance by the employer against accidents, accidents at work, occupational diseases or other health injuries associated with the performance of their labor duties, in the manner and on the conditions established by law and the collective agreement (agreement).

Article 11

organizations due to violation of labor protection requirements

1. For the period of suspension of the activities of the organization, its structural divisions or temporary prohibition of work at the workplace by the state supervision body or service organization of labor protection, the employee retains the place of work and average earnings.

2. The rights of employees in the event of termination of the organization's activities are protected the legislation of the Republic of Tajikistan.

Article 12. The right of workers employed in work with dangerous or harmful conditions

labour, benefits and compensation

1. Workers employed in work with dangerous or harmful working conditions have the right to free provision of therapeutic and preventive nutrition, milk and other equivalent food products, for a reduced working day, additional paid leave and others

benefits and compensation in the manner prescribed by laws and other regulatory legal acts of the Republic of Tajikistan. 2.

Lists of industries, professions and categories of workers entitled to benefits and compensation for work in hazardous or harmful working conditions, types and amounts of benefits and compensations are established by laws and other normative legal acts of the Republic of Tajikistan.

Article 13. The right to compensation for damage caused to the health of an employee at work

1. An employee who has received an injury, occupational disease or other injury health related to work (as well as family members of the victim in case of his death) is entitled to compensation for the damage caused. 2. The procedure and amount of compensation for damage are established by the legislation of the Republic of Tajikistan. A collective agreement or agreement may increase the volume and amount of compensation for damages due to the victim.

Article 14. Guarantees of the state in ensuring the rights of workers to labor protection

In order to ensure the rights of workers to labor protection, the state guarantees: - the inadmissibility of changing the legislation on labor protection in the direction of deterioration of established rights to labor protection;

- development and implementation of targeted state programs on labor protection aimed at improving working conditions and increasing production safety;
- introduction of compulsory social insurance of employees against accidents on production and occupational diseases;
- judicial protection of the rights of employees to labor protection against illegal actions of employers and officials;
- implementation of state control over compliance with labor protection requirements; - the application of economic sanctions to employers who violated the requirements of legislation on labor protection; - recognition and protection of the rights of trade unions and other authorized employees of representative bodies in relation to their activities for the protection of labor of workers.

CHAPTER 4. PROVISION OF LABOR PROTECTION

Article 15. State regulatory requirements for labor protection

1. State regulatory requirements for labor protection contained in laws and other normative legal acts of the Republic of Tajikistan, rules, procedures and criteria aimed at preserving the life and health of workers in the process of labor activities.

2. State regulatory requirements for labor protection are mandatory for individuals and legal entities when they carry out any type of activity, including in the design, construction (reconstruction) and operation of facilities, design of machines, mechanisms and other equipment, development of technological processes, organization of production and labor.

Article 16. Labor protection services in organizations

1. To organize work on labor protection in an organization with more than 100 people, a labor protection service is formed, subordinated directly to the head of the organization. If the number of employees is less than 100 people, the employer, taking into account the specific activities of the organization, decides on the creation of a labor protection service or the introduction of positions of a specialist in safety and labor protection or imposes duties on labor protection on another specialist. The model regulation on the labor protection service in the organization is approved by the authorized state body for labor protection. 2. As part of the labor protection service of the organization, depending on the nature of production or with a staff of more than 1000 people, the position of an occupational health doctor is introduced and organized in industrial and sanitary laboratories. With a smaller number of employees, but with the presence

harmful production factors, such laboratories can be created by several organizations on a sectoral basis. 3. Liquidation

of the labor protection service of an organization is allowed only in case of termination of their activities. Issues related to the formation or reorganization of labor protection services are resolved administration and trade union committee of the organization.

Article 17. Committees (commissions) for labor protection

1. At the initiative of the employer and (or) employees or trade unions or other authorized employees of representative bodies in the organization create committees (commissions) on labor protection. Their composition on a parity basis includes representatives of employers, trade unions or other representative body authorized by employees.

2. The committee (commission) on labor protection develops a section of the collective agreement (agreements) on labor protection, organizes joint actions of the employer and employees on ensuring the requirements of labor protection, preventing industrial injuries, occupational diseases, as well as conducting inspections of working conditions and labor protection for workers places and informing employees about the results of these inspections.

Article 18. Obligations of the employer to ensure labor protection

1. Responsibilities for ensuring labor protection in the organization are assigned to the employer. 2. The employer is obliged to ensure: -

- appropriate safe working conditions and labor protection at each workplace;
 - safety of workers during the operation of buildings, structures, equipment, implementation of technological processes, as well as raw materials and materials used in the production;
 - use of means of individual and collective protection of workers;
 - regime of work and rest of employees in accordance with the legislation of the Republic Tajikistan;
 - training in safe methods and techniques for performing work, briefing on labor protection, internships at the workplace of employees and testing their knowledge of labor protection requirements, preventing persons from work who have not completed the specified training, instruction, internship and testing knowledge of labor protection requirements in the prescribed manner;
 - periodic, at least once every five years, certification of workplaces according to working conditions with subsequent certification of work on labor protection in the organization;
 - providing state administration bodies with labor protection, bodies state control over compliance with the requirements of labor protection information and documents necessary for the exercise of their powers;
 - investigation of accidents at work and occupational diseases in the procedure established by the Government of the Republic of Tajikistan;
 - sanitary and household and medical and preventive maintenance of employees in accordance with labor protection requirements;
 - unhindered admission of officials of state security management bodies labor, bodies of state control over compliance with labor protection requirements, bodies social insurance, as well as representatives of public control bodies in order to conduct inspections of working conditions and labor protection in organizations and investigation of accidents at work, occupational diseases;
 - fulfillment of instructions of officials of state control bodies for compliance with labor protection requirements and consideration of submissions from public control within the terms established by the legislation;
 - compulsory social insurance of workers against accidents at work and occupational diseases;
 - Familiarization of employees with the requirements of labor protection.
3. Laws, labor or collective agreement (agreement), taking into account the specifics activities and types of work, the presence of sources of increased danger may be provided additional obligations of the employer.

Article 19. Obligations of an employee in the field of labor protection

1. The employee is obliged: - to comply with the requirements for labor protection established by regulatory legal acts; - pass mandatory preliminary (when applying for a job), periodic (during during labor activity), as well as pre-shift medical examinations (examinations), in cases provided for by law;

- to be instructed and trained in labor protection and safe methods of work performance, internship at the workplace and periodic testing of knowledge of labor protection requirements; - to carry out medical and health-improving prescribed by medical institutions activities in case of their financing by the employer.

2. Knowledge of the rules and regulations on safety and labor protection is an integral part qualification requirements for the employee and are reflected in the official instructions approved by the relevant state authorities.

Article 20. Medical examination of workers of certain categories

Medical examination of workers of certain categories is carried out in accordance with requirements of the Labor Code of the Republic of Tajikistan.

Article 21. Mandatory special and professional training in labor protection

1. The Republic of Tajikistan provides training in institutions of secondary professional and higher professional education of specialists to work in the services labor

protection. 2. Institutions of primary vocational, secondary vocational and higher vocational education of the Republic should organize the study by students and students of the course "Labor protection" taking into account the peculiarities of the production of various sectors of the economy. 3. Admission to work of persons who do not have the necessary professional training and do not who have passed training and certification in labor protection in accordance with the established procedure, is prohibited.

4. For all newcomers, as well as employees transferred to another job, the administration of the organization is obliged to instruct on labor protection issues, as well as organize on-the-job training for them.

5. The administration of the organization is obliged to organize a system of continuous training in labor protection and advanced training of employees.

6. Heads of organizations, their deputies, responsible for the organization of labor protection, managers, specialists of labor protection services must periodically, at least once every five years, to take refresher courses on labor protection issues.

Article 22

disabled people

Regulation of labor protection issues for minors, women and disabled people carried out in accordance with this Law and other regulatory legal acts Republic of Tajikistan.

Article 23. Compliance of production facilities, equipment, technological processes and products to labor protection requirements

1. Projects for the construction and reconstruction of production facilities, as well as machines, mechanisms and other production equipment, technological processes must comply with labor protection requirements.

2. Construction, reconstruction, technical re-equipment of production facilities are prohibited. objects, production and introduction of new equipment and technologies without the conclusions of the state examination of working conditions on compliance with the projects specified in paragraph 1 of this article requirements of labor protection, as well as without the permission of the relevant authorities of the state monitoring compliance with labor protection requirements.

3. New or reconstructed production facilities cannot be accepted in operation without the conclusions of the relevant bodies of state control over compliance with labor protection requirements.

4. It is prohibited to use in the production of hazardous or harmful substances, materials, products, goods and the provision of services for which methods and means have not been developed. metrological control, and toxicological (sanitary and hygienic, biomedical) assessment of which was not carried out. 5. In the case of

using new, not previously used in the organization, dangerous or harmful substances, the employer is obliged to develop and agree with relevant bodies of state control over compliance with labor protection requirements measures to preserve the life and health of workers.

6. Machinery, mechanisms and other production equipment, vehicles, technological processes, materials and chemicals, personal and collective protection of workers of domestic and foreign production, should comply with the requirements of labor protection established in the Republic of Tajikistan, and have certificates of conformity.

Article 24. Sources of financing of labor protection

1. Financing of labor protection is carried out at the expense of funds provided annually state budget, employers and other sources not prohibited by law Republic of Tajikistan. 2.

Funds for labor protection, allocated in the relevant budgets as a separate line, are used to maintain labor protection management bodies, finance research work, and implement state targeted programs on labor protection.

3. Each organization annually allocates the necessary funds for labor protection in the amount determined by the collective agreement (agreement). The employees of the organization do not bear any additional costs for these purposes.

CHAPTER 5. STATE AND PUBLIC CONTROL OVER COMPLIANCE LEGISLATION AND REGULATIONS OF THE REPUBLIC OF TAJIKISTAN ON HEALTH AND SAFETY

Article 25

normative acts on labor protection

1. State control over compliance with legislation and regulations on protection labor is carried out by specially authorized state bodies that are independent in their activities from organizations and their parent bodies. They are created by decisions of the authorities state power and administration and act on the basis of regulations.

2. Officials of the authorized bodies of state control over compliance laws and regulations on labor protection in the performance of their duties have the

right: - freely in case of fulfillment of the requirements of the legislation in the presence of relevant documentation to visit in order to conduct an audit of organizations, regardless of forms of ownership and departmental affiliation; - request

and receive free of charge from state bodies, organizations, regardless of forms of ownership, documents, information necessary for the implementation of supervisory and control functions; -

withdraw for analysis samples of used or processed materials and substances; - investigate accidents at work in the prescribed manner; - present to the heads and other officials of the organization mandatory for

execution of the order to eliminate violations of labor protection legislation, to attract those responsible for these violations to liability or their release from office in in the prescribed

manner; - in case of detection of violations of labor protection requirements that threaten life and health employees, suspend the work of the organization, individual production units and equipment until these violations are eliminated;

-prohibit the use and production of those that do not have certificates of conformity or do not
Means of individual and collective protection that meet the requirements of labor protection
workers; - to

cancel in accordance with the procedure established by law the results of attestation of workplaces according to
working conditions in case of violations in its organization and conduct; - bring
to administrative responsibility in the manner prescribed by law

Republic of Tajikistan, persons for violation of labor protection requirements, as well as in the presence of signs
to send materials to law enforcement agencies about the involvement of these persons in
criminal liability; - act and give

an opinion as a forensic expert in court on claims for infringement
legislation on labor protection and compensation for harm caused to the health of an employee on
production. 3.

Decisions of officials of bodies of state control over compliance
legislation and regulations on labor protection, adopted within the limits provided to them
powers are mandatory. 4. Decisions of officials of

authorized bodies of state control over
compliance with the legislation and regulations on labor protection can be appealed to
in accordance with the procedure established by law to higher authorities or to the court.

Article 26. State examination of working conditions

1. In order to control the conditions and labor protection, the quality of the certification
jobs on working conditions, the correctness of the provision of compensation for hard work and
work with dangerous or harmful working conditions, as well as the preparation of proposals for attributing
organizations to the occupational risk class in accordance with the results of certification of work on
labor protection in organizations, officials of authorized bodies of state

control over compliance with legislation and regulations on labor protection is carried out
state examination of working conditions in the manner determined by regulatory legal acts
Republic of Tajikistan. 2.

The conclusion of the state examination of working conditions is a mandatory basis
for consideration by the court of the issue of liquidation of the organization or its division if
violations of labor protection requirements.

3. State examination of working conditions is carried out at workplaces, with
designing the construction and reconstruction of production facilities, when licensing
certain types of activities, as well as at the request of the judiciary, security authorities
labour, employers, associations of employers, workers, trade unions, their
associations and other representative bodies authorized by employees.

Article 27. Public control over compliance with labor protection requirements

1. Public control over compliance with the norms and rules on labor protection is carried out by
trade unions and other representative bodies of workers who have the right to create in
for these purposes, own inspections, as well as to elect authorized (trusted) persons for the protection
labor.

2. Inspectors and authorized (trusted) persons for labor protection of professional
unions and other representative bodies of employees have the right to:

- to exercise control over the observance by employers of legislation on labor protection; - conduct
an independent examination of working conditions and ensuring the safety of employees
organizations;

- take part in the investigation of accidents at work and professional
diseases, as well as to carry out their independent investigation;

- receive information from the heads and other officials of organizations about the conditions and
labor protection, as well as about all accidents at work and occupational diseases; - make demands to suspend
work in cases of threat to life and health

workers; - to

carry out the issuance of mandatory submissions to employers about
elimination of revealed violations of labor protection requirements;

- check the conditions and labor protection, fulfill the obligations of employers labor protection, provided for by collective agreements and agreements;
- take part in the work of commissions for testing and commissioning production facilities and means of production as independent experts;
- take part in the development of draft by-laws on labor protection, as well as coordinate them in the prescribed manner;
- apply to the relevant authorities with demands to bring to justice those responsible for violating labor protection requirements, concealing the facts of accidents at work;

production; - take part in the consideration of labor disputes related to the violation legislation on labor protection, obligations stipulated by collective agreements and agreements, as well as changes in working conditions;

- other rights and obligations of trade unions and other representative bodies employees are determined by the relevant regulatory legal acts. 3. Trade unions and other representative bodies of employees have the right freely check in organizations compliance with labor protection requirements and make mandatory for consideration by officials of the proposal to eliminate the identified violations of labor protection requirements.

Article 28. Compensation for damage in connection with the disability or death of an employee

1. The organization, or its successor, is obliged to an employee who has become disabled as a result of accident at work, in addition to the amount of compensation for damages established in such cases, to pay a lump-sum allowance in the amount not less than the average annual earnings the victim. 2. In the event of the death of an employee, his family, in addition to the amount established for persons dependent on him, is paid a one-time allowance in the amount of at least ten the average annual earnings of the deceased. The procedure for the payment of these benefits is established by regulatory legal acts of the Republic of Tajikistan.

CHAPTER 6. FINAL PROVISIONS

Article 29. Procedure for consideration of disputes in the field of labor protection

Disputes arising in the field of labor protection are considered in the manner prescribed by the legislation of the Republic of Tajikistan.

Article 30. Responsibility for violation of this Law

Individuals and legal entities that violate this Law shall be liable in the manner prescribed by the legislation of the Republic of Tajikistan.

Article 31

Labor in the Republic of Tajikistan"

Recognize invalid the Law of the Republic of Tajikistan dated December 24, 1991 "On the protection Labor in the Republic of Tajikistan" (Vedomosti of the Supreme Council of the Republic of Tajikistan, 1992, No. 4, art. 43; Akhbori Majlisi Oli of the Republic of Tajikistan, 1997, No. 9, Art. 117, part XXV; 1998, No. 10, Art. 119, part XI; 2007, No. 3, Art. 163).

Article 32. Entry into force of this Law

This Law shall enter into force after its official publication.

**President
of the Republic of Tajikistan**

Emomali Rahmon

Dushanbe, May 19, 2009, No. 517
