



REPÚBLICA DE ANGOLA  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

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# Decree No. 31/94 of August 5 - Health and Safety Conditions at Work System



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

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In any society Safety, Hygiene and Health at Work are one of the bases for the total development of the ability of workers to ensure the safety and health conditions while fulfilling their tasks.

The analysis of the national situation in this area highlights the need to define a policy on safety, hygiene and health of workers and working environment, which is based on internationally accepted principles, notably those of Convention No. 155 and its recommendation No 164 (on the safety and health of workers, respectively) adopted by the International Labor Organization.

The purpose of this policy is to prevent occupational accidents, occupational diseases and any other attack on the physical integrity and health of workers, representing a fundamental task of the State, to guide companies in reducing the risks inherent in the work environment.

The materialization of the policy is made through a Safety and Health at Work System, which comprises all spheres of action in this area.

Accordingly, under the combined provisions of paragraph f) of Article 112 and Article 113, both the Constitution Law, the Government decrees as follows:



## **SAFETY AND HEALTH AT WORK SYSTEM**

### **CHAPTER I**

#### **General Provisions**

##### **SECTION I**

###### **Object and Application scope**

###### **ARTICLE 1.**

(Object)

This decree established the principles that promote the safety, hygiene and health at work, in accordance with precepts of paragraph 2 of Article 46 of Law 23/92 - Constitutional Law.

###### **ARTICLE 2.**

(Scope of application)

This decree applies to state companies, mixed, private and cooperative.

##### **SECTION II**

###### **Concepts and goals of the system**

###### **ARTICLE 3.**

(Concepts)

1. For the purposes of this diploma, is defined:

a) Safety and Health at Work system a set of rules and regulations aimed at improving conditions of work environment, aimed at safeguarding the health and physical integrity of the worker, as well as the conscious application of principles, methods and techniques the organization of work, leading to the reduction of occupational risks;



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

b) safety at work is a set of activities that allow you to study, investigate, design, control and apply the methods and organizational-technical means to ensure safe, hygienic and comfortable conditions at work, but also the legal and regulatory provisions to protect the work;

c) safety at work is a set of non-medical methods and techniques designed to preserve life and health of workers against the aggressiveness of environmental agents in the workplace where they perform their duties;

d) health at work is not merely the absence of disease or discomfort, but also embraces the physical and mental elements affecting health, being directly related to safety, hygiene and health at work;

e) prevention is the set of provisions or measures taken or planned at all the company's stages in order to prevent or reduce occupational risks;

f) risk is the combination of probability and severity of acquiring an injury or harm to health according to the cause is the effect, time and circumstances of their occurrence;

g) accident at work is the sudden event that occurs through the exercise of work activity for the company and the worker is injured with lesions and personal injury resulting in partial or total, temporary or disability, permanent for work or death;

h) occupational disease is the alteration of the defined pathologically health, caused by the professional activity on the workers who work, on a regular basis, exposed to factors that cause diseases and are present in the work environment or in certain professions or occupations;

i) fire is the burning uncontrolled reaction that develops in a place and that for its interruption needs an intervention with substance and its own resources, which can cause as a result, loss of property or human lives.

2. The concepts provided in paragraphs g) and h) of this article, do not prejudice the respect for the definitions on the matter, provided in legal diplomas.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

**ARTICLE 4.**

(System's Goals)

1. The Safety and Health at Work system aims to implement their right to safety and health protection in the workplace in order to organize and develop their activities in accordance with the methods and standards established by legislation for employers and workers, as well as the competent organs of the state involved in this matter, comply with the duties established in this decree.
2. The application of the established measures, will assure the minimum safety conditions with a view to prevent the risks of accident and occupational diseases.

**CHAPTER II**

**State Obligations**

**SECTION I**

**Bodies Involved**

**ARTICLE 5.**

(Governing body)

The Ministry of Public Administration, Employment and Social Security is the governing body of the policy on Safety, Hygiene and Health at Work policy.

**ARTICLE 6.**

(Competences)

It's the Ministry of Public Administration, Employment and Social Security responsibility the following:

- a) define, develop and guide policy on safety, hygiene, and health and propose to the higher authorities for approval;
- b) monitor the application of established policy and monitor the compliance with laws and regulations concerning safety, hygiene and health at work;



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

- c) assist and advise companies, as well as workers in implementing the policy of safety, hygiene and health at work;
- d) promote the dissemination and awareness of employees to purchase insurance and hygienic habits of work;
- e) develop the investigation and standardization on safety, hygiene and health at work;
- f) order the stopping of equipment, machinery and production processes in the workplace when anticipating the imminence of work accidents, fire hazards or breaches of safety standards, hygiene and health at work involving risks to workers;
- g) protect specially the women's professional activity, of minors and workers with a reduced work capacity;
- h) elaborate the collection, treatment and dissemination of the statistic data regarding matters of safety, hygiene and health at work.

**ARTICLE 7.**

(Main involved bodies)

Depending on the specialty of their duties will be up to the Ministries of Health, Interior and Education:

- a) develop measures related to medicine and the worker's health including those for early screening of occupational diseases and the rehabilitation of workers;
- b) determine the competent bodies to implement these measures;
- c) propose and apply the policy for road safety, fire and explosives;
- d) study, apply and supervise the measures to ensure safe working conditions in the different sectors of activity, in the prevention of fires and explosions;
- e) authorize and guide the proper use, handling and storage of explosives;
- f) provide to educators and students the knowledge on safety, hygiene and health at work, ensuring them conditions for the transmission of that knowledge in the teaching places, especially when it is of a technical nature;
- g) streamline, monitor and support the technical and methodological training in safety, hygiene and health at work and ensure their inclusion in the curriculum of technical education.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

**ARTICLE 8.**

(Secondary involved bodies)

1. They are thus considered all other Bodies of Central and Local Government as secondary participants in the Safety, Hygiene and Health at Work System.
2. Without prejudice to the specific competences, these bodies have the following responsibilities:
  - a) guide the structures under supervision so that through their economic plans they can ensure financial and material conditions;
  - b) review and monitor investigations on the causes of work accidents and occupational diseases that occur in their structures and collaborate with investigations on the causes of fatal accidents made by the Commission for the Prevention of Work Accidents with the participation of Union Organization;
  - c) guide, participate and monitor the development of Prevention programs and safety, hygiene and health at work regulations of the structures under supervision, based on standards and methodologies specific to the activity;
  - d) promote the training of technicians, managers and other employees in a course of safety, hygiene and health at work, as well as overcoming and professional and technical training on the subject, organized by governing body or other and where possible include its content in the respective sector's professional training curricula;
  - e) promote the development and support initiatives of companies in manufacturing equipment for collective and individual protection, safety devices and accessories of machines;
  - f) participate in the disclosure of the issue of safety, hygiene and health at work, according to the activity of the branch;
  - g) consider the collective work agreements, the implementation of safety, hygiene and health measures at work to ensure the regulated in this decree and control its development.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

## **CHAPTER III**

### **Partners' Obligations**

#### **SECTION I**

##### **Employers**

#### **ARTICLE 9.**

(Competences)

Employers are required to take the useful and necessary measures so that the work is done in an environment and conditions that allow the normal physical, mental and social development of workers, that protects them against work accidents and occupational diseases. In addition, they must:

- a) design facilities and work processes where risk factors are not present, are minimized or identified and limited their effects on man;
- b) integrate the management of company activities on safety, hygiene and health as a component of the production process by taking timely preventive measures which are necessary according to the existing or foreseeable risks;
- c) comply and enforce all rules and laws regarding safety, hygiene and health at work;
- d) create the Commission for the Prevention of Work Accidents and security services and occupational medicine in accordance with what is established on the subject;
- e) elaborate the regulation specific for safety, hygiene and health at work and the prevention program for awareness purposes.

#### **ARTICLE 10.**

(Collaboration between companies)

1. When more than one company exercises their activity in the same workplace, all employers should collaborate in the organization of work safety, hygiene and health at work, without prejudice to the responsibility of each employer in relation to their employees.
2. The obligations will be assured by the using companies in case:
  - a) workers on temporary contracts;





**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

- b) the provision of manpower;
- c) self-employed and independent workers;
- d) contracts for services.

**ARTICLE 11.**

(Information and training of workers)

1. Employers must ensure that every worker receives information and instruction sufficient and adequate at the same time on matter of security, hygiene and health at work, on the occasion of:

- a) the hiring;
- b) change of work post or technical and work process;
- c) use of substances whose manipulation involves risks;
- d) return to work after an absence superior to six months.

2. The information and instruction referred to in the previous number must be adapted to the evolution of technical and scientific knowledge and the emergence of new risks in the workplace where the need arises.

3. Employers should organize and provide training in safety, hygiene and health at work to selected workers and promote their participation in courses of improvement, professional and technical training on the subject, organized by the competent bodies.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

## **SECTION II**

### **Trade Unions**

#### **ARTICLE 12.**

(Competences)

Within the framework of actions designed to constantly promote the improvement of working conditions, it's the unions' responsibilities:

- a) participate in elaborating the projects of regulations, standards, rules and measures to improve security conditions, hygiene and health at work in the respective area;
- b) collaborate in the enforcement of regulations, standards and rules in this framework;
- c) collaborate with the employer in the initial instructions given to periodic and employees regarding safety, hygiene and health at work;
- d) collaborate with the employer in training and retraining the workers with reduced physical capacity and control their placement in suitable work stations;
- e) promote the proper conservation, proper distribution and use of collective and individual protective equipment as well as the machines' safety devices;
- f) participate in the investigation and analysis of occupational accidents and occupational diseases, informing employees of their results;
- g) collaborate in the investigations that take place to improve working conditions;
- h) participate in programming admission medical examinations, regular and control its compliance;
- i) help organize and streamline the exchange of experiences on safety, hygiene and health at work among workers in the same industry and other branches of the economy;
- i) include in collective employment agreements measures aimed at complying with their duties in matters of safety, hygiene and health at work and monitor its compliance;
- k) integrate, participate and collaborate in the activities of the Commission for the Prevention of Work Accidents.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

## **SECTION III**

### **Workers**

#### **ARTICLE 13.**

##### **(Obligations)**

1. Each worker must look after his safety and health, as well as of other people that can be affected by actions or omissions while carrying out their activities.
2. To achieve the objectives referred to in previous number and according with the training received, the employee must:
  - a) comply with the instructions, regulations on safety, hygiene and health at work and other procedures in force in the company, such as the rules for each work station, using safe work methods;
  - b) collaborate in self-inspections and investigations of occupational accidents and occupational diseases to be held in the company;
  - c) properly use collective and individual protective equipment, as well as ensure its conservation and maintenance;
  - d) elect the members of the Commission for the Prevention of Work Accidents and actively participate in their activities;
  - e) participate in training courses, seminars and conferences that are held in your company or somewhere else, upon request or at the behest of the employer;
  - f) collaborate in the investigations that take place to improve working conditions;
  - g) submit to medical exams for admission, periodic on the scheduled dates.

#### **ARTICLE 14.**

##### **(Rights)**

The workers, regarding safety, hygiene and health at work, enjoy the following rights:

- a) laboring in a safe and hygienic work environment;
- b) receive free equipment for collective or individual protection that the work station he occupies requires;
- c) receive initial and periodic instructions as well as information about relevant legislation and other general information on safety, hygiene and health at work;



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

- d) to elect and be elected to be part of the Commission for the Prevention of Work Accidents in the company;
- e) know through the Commission for the Prevention of Work Accidents or the union organization the results of the inspections carried out on safety and sanitary conditions with a view to demand its compliance;
- f) receive the medical regulation, admission and periodic, with the purpose of knowing its skills and their health condition for the performance of their duties;
- g) be reframed in new work station and receive the corresponding training, if you suffer from any deficit in the ability to work that stops him from exercising their normal duties

#### **SECTION IV**

##### **Other obligations**

#### **ARTICLE 15.**

(Investigation and specialized training)

1. The State must assure the conditions that guarantee the promotion of scientific research in the safety, hygiene and health at work areas.
2. The State's action in the promotion of research should be directed in particular by the following vectors:
  - a) support to the creation of investigation structures and the postgraduate training of specialists and researchers;
  - b) promotion of collaboration among the various national structures concerned;
  - c) dissemination of scientific information that contributes to the advancement of knowledge and research progress in matters of safety, hygiene and health at work;
  - d) encouraging national participation in international programs.
3. The encouragement of research, experimental development and demonstration should be directed mainly to the technical applications that promote the improvement of the level of prevention of occupational hazards and health protection at work.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

**ARTICLE 16.**

(Investigation of occupational accidents)

1. With a view to avoid work accidents and occupational diseases and adopt the proper prevention measures, the employers must:

a) carry out investigation and analysis of the causes of occupational accidents and occupational diseases that occur in the workplace;

b) provide the sick or injured employee first aid and provide them with adequate transportation to the medical center or hospital unit, where he can be seen;

c) report the occupational diseases and work accidents that occur to the competent authorities;

d) the fatal work accidents must be mandatory reported to the competent judicial bodies within 24 hours after its occurrence;

e) ensure the health Surveillance of workers against the risks they are exposed, giving particular attention to those who handle dangerous substances, which carry out the unhealthy, dull or cadenced jobs and those who work at height or depth.

**CHAPTER IV**

**Safety Conditions and Service Organization**

**ARTICLE 17.**

(Safety conditions)

1. All workers have the right to provide work with safety, hygiene and health conditions that protect their health.

2. The employers must assure the Country's economic development aims the promotion and harmonization of the work in great safety, hygiene and health conditions, and it should be closely and indissolubly integrated in its economic management.

3. The prevention of occupational hazards should be developed according to principles, standards and programs that include, namely:

a) defining the technical conditions to which the design, import and transformation of material elements of work must obey, depending on the nature and degree of risk;



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

- b) determining the substances, agents or processes that should be banned, limited or subject to authorization and supervision of the competent authority and the definition of exposure limit values for workers and chemical agents, physical and biological, technical standards, sampling, measurement and evaluation of results;
- c) promoting the surveillance to the workers' health;
- d) increment of the investigation on safety, hygiene and health at work;
- e) the training and information to promote the safety, hygiene and health at work.

**ARTICLE 18.**

(Organization of services)

1. The safety organization must be based on a management that enables the distribution of responsibility, well-defined and orderly, with the aim to attract and retain the combined effort of all elements of the company in favor of prevention of occupational accidents and occupational diseases.

2. All companies listed in Article 2 of this Decree which employ an equal or higher number to 50 workers, or those with a high level of risk, should create and organize the safety and hygiene service at work and provide it with the necessary technicians, to develop the following actions:

- a) proceed systematically, to self-inspections at workplaces to ensure the implementation of regulations and standards for jobs related to safety, hygiene and health at work as well as the beautification of the same;
- b) advise the company's Commission for the Prevention of Work Accidents, as well as support the union organization in this area;
- c) collaborate with the Commission for the Prevention of Work Accidents in the investigation of work accidents that occur in the company;
- d) propose the employer measures to reduce or eliminate adverse effects detected in the workplace;
- e) instruct periodically workers about safety standards;
- f) prepare the monthly and quarterly report of the Safety activities, hygiene and health and inform the employer and the competent authorities on the evolution of risks or accidents.

3. The service referred to in previous paragraph comprises:

- a) safety and hygiene at work;



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

- b) industrial medicine, or
- c) both services together.

4. The industrial medicine will be created in the companies whose needs require it and gather the proper conditions and facilities for its exercise.

## **CHAPTER V**

### **Requirements of the Workplaces**

#### **ARTICLE 19.**

(Edificiations)

1. The edificiations must obey the technical requirements that garantuee perfect safety to those who work in it.
2. The workplaces must have at least three (3) meters high, therefore considered the free height from the ground to the ceiling.
3. The floors of workplaces must have no protrusions or depressions that affect the movement of people or material handling.
4. The openings in floors and walls should be protected just to prevent the fall of persons or objects.
5. The walls, stairs, ramps, walkways, floors, hallways, roofs and walkways of the workplace, must obey to the safety, hygiene and health conditions at work, and be keep in perfect condition and clean.
6. The construction, modification or expansion of buildings for workplaces, the design and equipment installation work must comply strictly with the provisions and standards of safety, hygiene and health at work into force in the country.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

**ARTICLE 20.**

(Safety Signaling)

1. The safety signaling must be done with a purpose or certain situation, provide information regarding safety, through a color or a safety signal.
2. The meaning and use of safety colors, as well as shape, aspect and meaning of the safety signals will be treated within specific regulation.

**ARTICLE 21.**

(Licensing and work permit)

1. The process of licensing and work permit are subject to specific legislation, appropriate specifications, and it should include the proper specifications to prevent occupational hazards and health protection.
2. Every legal person who manufactures machines, appliances, tools, facilities and other equipment for professional use, must proceed to the necessary investigations so that in the design phase and during manufacturing, are as far as possible, eliminated or reduced to a minimum any risks that these may present to health or safety of persons and ensure, by appropriate certification prior to launch, in compliance with the applicable safety requirements.
3. Every natural or legal person who imports, sells, hires, give in to any title or put on display machines, equipment, tools or facilities for business use must:
  - a) undertake or arrange for the tests and controls that may be or are required to ensure that the construction and condition of such work equipment is not to pose risks to health and safety of workers, as long as their use is made correctly and for the purpose they were intended, except when such equipments are duly certified;
  - b) take the necessary measures to ensure that machinery, equipment, tools and equipment for professional use are attached to the instructions in Portuguese about the assembly, use, maintain and repair the same, which specify, in particular, how the workers in charge of these tasks must proceed, in order to prevent risks to their health and safety, as well as to other people.
4. Every natural or legal person who undertakes the installation, placement, separation or adaptation of machinery, equipment, tools or facilities for professional use, must ensure, as far





**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

as possible, as a result of those operations, that such equipments don't present a danger for the safety and health of people if their use is done correctly.

5. Machines and appliances for professional use can only be supplied or put into service if they are provided with start and stop control devices, safety signs, indications of maximum workload allowed and other information as may be necessary to prevent accidents work.

6. The machines and equipments that in their work process, launch particles of material, must have a proper protection so that those particles do not pose a threat to the operator or thirds.

7. The non-enclosed moving parts of machinery and equipment such as gears and transmission components must have adequate protection when the drive might condition a risk

**ARTICLE 22.**

(Illumination)

1. In every workplaces there should be proper illumination, natural or artificial, appropriate for the activity's nature.

2. The illumination must be evenly distributed, general and diffuse, in order to avoid glare, annoying reflections, shadows and excessive contrasts.

3. There shall be established in own diploma the minimum levels of illumination to be observed.

**ARTICLE 23.**

(Electric installations)

1. Electrical installations must be designed and implemented so that it is possible to prevent, by secure means, the dangers of electric shock and all other types of related accidents.

2. All installation or conductive part that is not part of the electrical circuits but eventually may become energized must be grounded since it is in a place accessible to contacts.

3. Through its own regulations shall be established the safety conditions in the operations of production, transport, distribution and consumption of electricity.

**CHAPTER VI**



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

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## **Health Protection**

### **ARTICLE 24.**

(Manual moving of cargo)

1. The maximum weight of cargo that any worker carries itself without the aid of mechanical means can not exceed 50 kg (fifty kilograms) except the special provisions concerning the working hours of minors and women.

### **ARTICLE 25.**

(Individual protection equipment)

1. Thee employer is obliged to provide workers, free, personal protective equipment, appropriate to the risks and in perfect condition and operation, where the general measures do not offer complete protection against the risks of accident and health risks of the workers .

2. All the equipment for individual protection must comply with the acceptable standards of security regarding the conception and manufacturing.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

**ARTICLE 26.**

(Medical examinations for workers)

1. It is mandatory medical examination, on the employer's expense, as laid down in this diploma and the supplementary regulation to be established by the governing body for safety, hygiene and health at work, being:

- a) medical examination for admission;
- b) periodic medical examination;
- c) medical examination of dismissal.

2. The complementary legislation on medical examinations for workers, shall fix the particularities on the medical examination for admission, the interval between periodic tests and special cases where the medical examination is required for dismissal.

3. The complementary exams should be performed on the expense of the employer, at the discretion of the physician and as a result of clinical or radiological investigation in order to investigate the capacity or physical ability and mental fitness of the employee, for the function that shall perform or exercise.

**ARTICLE 27.**

(Unhealthy and dangerous works)

1. Are considered unhealthy and dangerous works those that, by their nature present conditions or work methods involving high risk and expose workers to health hazards above the tolerance limits set by reason of the nature and intensity of the agent and the time of exposure permissible to these agents.

2. The execution, the unhealthy and dangerous works must be done with full compliance with the legal provisions and applicable regulations.

3. The work stations in companies must be distributed in order to assure the workers' safety.

4. The unhealthy and dangerous activities' table and their level of danger, shall be defined in specific diploma.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

## **CHAPTER VII**

### **Monitoring and Statistic**

#### **ARTICLE 28.**

(Monitoring)

1. The construction and manufacture of machines and equipment may be monitored during implementation by the competent bodies and the governing body of safety, hygiene and health at work within their competence.
2. As a result of the inspections, the organs of the General Labor Inspectorate may order the halting of construction and manufacturing since it is identified and proven imminent danger violation of legal provisions that threaten the health and physical integrity of workers.
3. The organs of the General Labor Inspectorate are responsible for punishing those responsible for not complying with the legal standards and absence of measures to eliminate dangerous working conditions.

#### **ARTICLE 29.**

(Collection, treatment and dissemination of statistical data)

1. The Ministry of Public Administration, Employment and Social Security will collect statistical data concerning work accidents and occupational diseases.
2. The handling of the data shall be provided by the Ministry of Public Administration, Employment and Social Security, with the support from the National Institute of Statistics.
3. The methodology of the mentioned statistic, as well as the respective forms, shall be described in a specific regulatory decree.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

## **CHAPTER VII**

### **Disciplinary and Criminal Liability**

#### **ARTICLE 30.**

(Workers)

The non-compliance by employees to the duties prescribed in paragraph 2, point a) and c) of Article 13. thereof, whenever they have received the instructions of the employer or regulations relating to safety standards, collective and individual protective equipment and other means for safety, is a violation of work discipline punishable under the law, without prejudice of criminal liability to be attributed.

#### **ARTICLE 31.**

(Employers)

Without prejudice of other criminal attributable liability measures; employers who do not comply with the obligations provided for herein, shall be punished by fine of up to 10 times the average wage offered by the company in question, for each offense reported.

## **CHAPTER IX**

### **Executory and transitory provisions**

#### **ARTICLE 32.**

(National and prevention Council)

1. For the development of the prevention policy should be established the National Prevention Council, tripartite body with the aim of promoting cooperation between the State, organizations of employers and unions, in view of the general objectives of Article 4. of this decree.
2. The Regulation of the National Prevention Council shall be approved by the Council of Ministers after consult to social partners.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

---

**ARTICLE 33.**

(Prevention commission of work accidents)

1. Companies that employ a number equal to or superior to 50 workers or that, employing less, have jobs that present special risks of work accidents or occupational diseases, should create a Commission for the Commission on Work Accident Prevention (CPAT).
2. The Commission on Work Accident Prevention shall be elected in workers' assembly and will work based in proper regulation to be established.

**ARTICLE 34.**

(Regulation and resolution of doubts)

1. The Ministry of Public Administration, Employment and Social Security has the obligation of, within their obligations and after listening to the social partners, approve of rules and regulations necessary to implement this Decree.
2. The entity referred to in the preceding paragraph, shall decide by executive order, all the doubts raised in the interpretation and application of this decree.

**ARTICLE 35.**

(System's application)

The employers must within three (3) years form the date of approval of this decree, create the conditions for implementing the system of Safety, Hygiene and Health at Work.



**REPÚBLICA DE ANGOLA**  
MINISTÉRIO DO INTERIOR  
SERVIÇO DE MIGRAÇÃO E ESTRANGEIROS

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**ARTICLE 36.**

(Organizational adequacy)

The bodies of the Central and Local Government and other institutions and companies, shall tailor their organic diplomas, to the obligations required in order to comply with this decree.

**ARTICLE 37.**

(Repealed legislation)

Are repealed all the legal provisions and regulations that are contrary to what is provided in this decree.

**ARTICLE 38.**

(Entry into force)

This decree shall enter into force upon its publication in «Diário da República.»

Seen and approved by the Council of Ministers.

This Regulation shall be published.

Luanda, 5 August 1994.

The Prime Minister, Marcolino José Carlos Moco.

The President of the Republic, JOSÉ EDUARDO DOS SANTOS.