

## Governmental Decree 229-2014/ Occupational Health and Safety Regulations

Newsletter # 23/ July 2015

On August 27, 2014, we reported that the new Occupational Health and Safety Regulations, contained in Governmental Decree 229-2014, would enter into effect 6 months after their publication in the Official Gazette. However, through Governmental decree 51-2015, the Regulations will now enter into effect on August 8, 2015.

### Occupational Health and Safety Regulations

Occupational Safety and Health (OSH) include the prevention, protection, safety, health and wellbeing of employees in the performance of their jobs. The new Occupational Health and Safety Regulations (OHSR) update and expand the regulations of the conditions in which private and public employees must perform their jobs.

These are some of the highlights:

- The obligation of every workplace to have an Occupational Health and Safety Organization, through Committees, with an equal number of representatives of employees and the employer, safety inspections or special commissions. The duties and activities of these organizations must be developed in the corresponding employee handbook.
- The general obligations of employers and employees, as well as the provisions related to the control and surveillance by the Labor and Social Prevision Ministry and by the Guatemalan Social Security Institute.
- Regulations regarding hygienic and environmental conditions at the workplace; the handling of dangerous substances, dust, gases or flammable or unhealthy vapors, and contaminants.
- Regulations regarding cleaning activities at the workplaces, hygiene and water supply services, as well as services to attend medical emergencies.
- The handling and storage of electricity, equipment and tools, devices that generate heat or cold and pressurized and radiation containers.

OBLIGATION OF EVERY WORKPLACE TO HAVE AN OCCUPATIONAL HEALTH AND SAFETY ORGANIZATION

- The employer has to comply with the adaptation of the workplace and facilities in general, parking lots and access to basic health facilities for disabled employees, as well as personal protection equipment for the workers, depending on the activity that they may perform.
- The minimum necessary conditions proportional to area and volume of the workplaces.
- The manual handling of cargo, storage of materials, signaling of workplaces, fire prevention and extinction and diverse works in confined spaces.

The following are excluded from its application:

a) means of transport used outside of the workplace, as well as the places located within the means of transport; b) temporary or movable construction work, with exceptions; c) extractive industries; d) fishing vessels; and, e) crop fields, forests and other land that may form part of an agricultural or forestry workplace, but that are situated within their built zone.

Recommendations:

It is important to assess compliance with the provisions and adoption of the corresponding measures, in order to avoid penalties by the Labor Ministry.

Furthermore, it is advisable to review and update the employee handbook.

For additional information, you may contact

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