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## IMPLEMENTATION OF EUROPEAN STANDARDS FOR OCCUPATIONAL SAFETY AND HEALTH IN UKRAINE

*The article analyses the European legislation for occupational safety and health, considers the ways of its implementation in the Ukrainian legislation, and studies the available results of bringing the Ukrainian and EU legislation in line. It establishes the necessity to ensure the efficient cooperation of the labour organisation system structures and the continuous interaction of employers with workers to improve the effectiveness of European standards.*

**Keywords:** safety, health, labour, legislation, worker, employer.

### Introduction

A company's human capital is its greatest asset, so the health and well-being of workers is one of the crucial indicators of business success. Today, Ukraine integrates into international organisations, creates joint ventures with foreign partners, and sends specialists to work in foreign companies. Knowledge of European occupational safety and health standards is necessary to protect and support human capital in these conditions.

The policy of the European Union (EU) in occupational safety and health is to achieve two tasks:

- 1) social safety (protection of workers by ensuring the appropriate level of labour protection);
- 2) economic safety (ensuring compliance of products produced within this sector with safety and health standards).

The occupational safety and health policy aims to minimise industrial injuries and occupational diseases. Today, this goal has taken on new forms and has evolved into creating a 'well-being at work' strategy. The strategy means mental, physical, and social well-being, not just the absence of accidents and occupational diseases in the workplace. It implies favourable mental and physiological working conditions, preventing nervous stress at work, excessive psychological and emotional stress, and psychological pressure from the management or other workers, not only reducing the statistics of accidents or occupational diseases.

In addition, the occupational health and safety policy of the EU is to achieve some subsidiary objectives:

- preventing social risks (stress, workplace harassment, depression, and irritation, as well as risks associated with alcohol and drug addiction);
- analysing work-related risks, as well as ergonomic, psychological, and social risks;
- considering changes in forms of employment,

organisation of work, and working hours of workers with non-standard and temporary jobs;

- accounting an enterprise size (information measures, increasing the level of awareness, risk prevention programmes for enterprises, private entrepreneurs, and others);

- intensive precaution against occupational diseases (hearing loss, musculoskeletal problems, among others);

- accounting the demographic changes;

- considering the gender factor (specific characteristics of women from the point of view of health and safety at the workplace).

Thus, the occupational safety policy of the European Community relies on preventive approaches, which involve all participants (including workers) in developing a culture of risk prevention. Nowadays, Ukraine strives to achieve such an occupational safety and health organisation at workplaces. Let us consider the essential legal documents on occupational safety and health in force in the EU.

### Literature Review

International labour safety standards are norms regulating relations to ensure healthy and safe working conditions contained in various international legal documents (including conventions and recommendations of the International Labour Organisation (ILO)) [1–9].

It is possible to divide the occupational safety and health documents into three groups (Fig. 1).

ILO conventions and recommendations are essential among international occupational safety and health documents. The specificity of the ILO conventions is that they are international but touch on crucial domestic areas: improvement of national legislation and the situation with observance of socio-economic rights, development of social dialogue, and others.

## INTERNATIONAL DOCUMENTS ON OCCUPATIONAL SAFETY AND HEALTH



Fig. 1. Document groups on occupational safety and health

Council Directive 89/391/EEC is one of the key documents on labour protection [14]. Its purpose is to increase the protection level in EU member states by implementing preventive measures to protect workers against diseases and accidents and by providing information, consultations, proportional participation, and worker training.

ISO 45001:2018 is a crucial document among occupational safety and health standards. It has become widespread in many countries quickly due to its unique structure. It offers a unified approach for organisations that want to increase industrial safety levels and occupational health and reduce injuries in the workplace. ISO 45001:2018 enables optimisation and

improvement of production indicators and makes it possible to create safe working conditions.

ISO 45001:2018 raises the enterprise’s responsibility for occupational safety and health to a new level. Therefore, the enterprise is responsible not only for its workers but also for potentially injured persons. The responsibility covers both physical and mental health.

The standard allows for effective integration into the existing organisation’s business processes. It implements a risk-oriented approach that guarantees the organisation the efficiency and continuous improvement of labour protection in a changing context. The advantages of the standard are in Fig. 2.

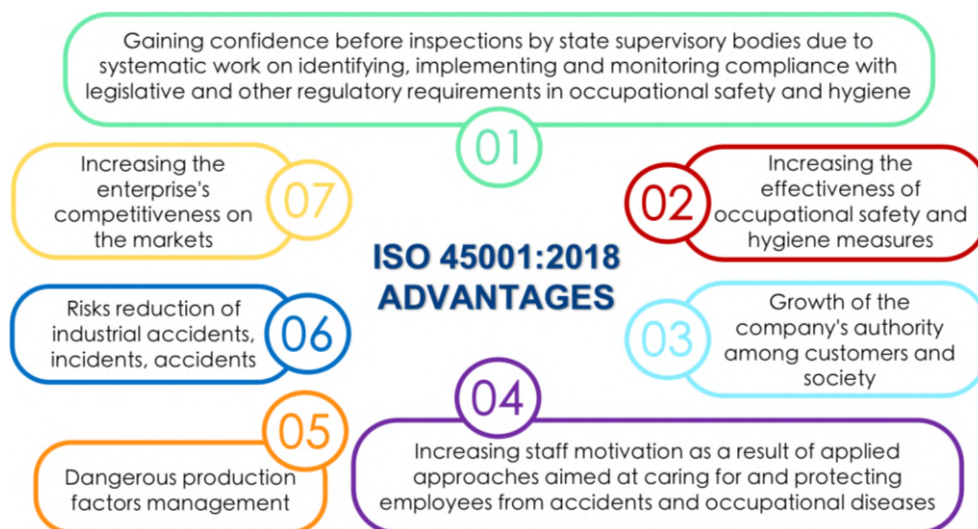


Fig. 2. ISO 45001:2018 advantages

The ISO 9000 and ISO 14000 series standards are also significant. ISO 9000 is the international standard describing the requirements for management systems of organisations and enterprises. ISO 14000 aims to create an environmental protection system for the enterprise.

The ISO 9000 group of standards includes some

of the most applied standards. They contain guidelines and tools for companies that want their products and services to meet the customer’s requirements and their quality to improve continuously.

ISO 9001:2015 includes basic concepts and a dictionary. ISO 9004 focuses on how to make a

management system more efficient and productive. ISO 9011 is a guide for management systems audits. It sets requirements for the management system. This standard can apply to any enterprise regardless of the activity field. Over one million companies and organisations in more than 170 countries, including Ukraine, have implemented ISO 9001:2015.

The ISO 14000 series of standards are suitable for different purposes:

- to help companies minimise the impact of processes that adversely affect the environment (air, water, or soil condition);
- to guarantee compliance with laws and regulations in force in the environmental regulation field;
- to stimulate the constant improvement of environmental aspects.

Although the considered standards do not directly provide instructions on the organisation of occupational safety at enterprises, they conditioned the necessity of the occupational safety mechanisms implementation into a unified production control system. They have led to the point where issues of the occupational safety and health management system play a vital role in modern society.

Lately, ISO has set up a project committee for developing the ISO/PC 283 labour protection and safety standard. The committee's task is to create a standard compatible with a general approach to management systems introduced by ISO 9001:2015 and ISO 14001:2004. This standard provides all stakeholders with an effective practical guideline for improving the workers' safety and reducing the number of occupational injuries and diseases.

One of the principles of EU legislation on labour protection is the creation of social dialogue. In the modern world, it has become a progressive part of the overall strategy, which has ensured a more competitive Europe's position in relations with the partners in the world. One of the most characteristic features of the development of political and social processes in countries that have taken an orientation towards EU membership has become the widespread use of already successfully tested forms of social democracy with the participation of citizens in the adoption of political and economic decisions, control over their implementation in crucial areas of political activity power institutions.

This trend is increasingly becoming an expression of a critical view of the prospects for the development of parliamentary democracy and its ability to satisfy the interests of various social groups. The problems of relations regulation in society are most concentrated today in the economy because the basis of well-being should be regulation mechanisms that would contribute to the effective resolution of economic issues in the interests of the entire society. In social-labour relations, social dialogue has become a form of democratic regulation accepted by all its subjects.

In light of this, more attention has recently gone to the issue of social responsibility for creating appropriate workplace conditions. Thus, the ISO 8000 standard has appeared, intended for a third-party control system.

SA 8000 standard aims to improve the employees' working conditions and living standards. It can apply to developing and industrialised countries, small and large enterprises, and public organisations. This standard defines the requirements for social protection while ensuring the constant profitability of the enterprise.

ISO 26000 aims to solve the problem of establishing responsibility for labour safety. Its development involved the participation of experts representing stakeholders from different countries, international and regional organisations, industrial facilities, labour unions, non-governmental organisations, service professionals, and academics conducting research in social responsibility.

ISO 26000 is for voluntary application. It is not for creating tariff barriers in trade and changing the legally defined obligations of the state or the enterprise.

### **Research Aim**

Based on the above, the work aims to investigate the implementation mechanisms of European occupational safety and health standards in Ukraine.

### **Discussion of Results**

The Ukrainian integration into the European community and the implementation of market reforms determined the improvement of existing legal norms and the creation of new ones that meet world standards and requirements. The standards, like the current international legal system, are built primarily on the principles of human and citizen rights' security and protection. Ukraine is working on harmonising the domestic legislative framework in occupational safety and health with international legal norms. According to the agreement on the association between Ukraine and the EU, Ukraine aligns national legislation with European labour protection standards.

Adaptation of Ukrainian legislation to EU legislation on labour protection began with adopting the Law of Ukraine 'On Occupational Safety'. This Act made stricter requirements for all employers to support appropriate, safe working conditions for workers. It establishes the personal responsibility of employers for compliance with occupational safety and health regulations.

International treaties (to which Ukraine has joined) are crucial regulatory acts on occupational safety and health. The Law 'On Labour Protection' establishes that if an international treaty (approved by Verkhovna Rada of Ukraine) sets other norms than those specified by Ukrainian legislation on labour protection, then the treaty has a priority.

The vast majority of international treaties on occupational safety and health, in which Ukraine

participates, are divided into the following three groups of documents:

- 1) ILO conventions and recommendations;
- 2) EU directives;
- 3) bilateral contracts and agreements.

ILO conventions and recommendations are among the most significant international treaties regulating labour relations. At the moment, the ILO has adopted 187 conventions. As of today, Ukraine has ratified 69 ILO conventions.

A national occupational profile on labour protection is in place to assist Ukraine in implementing EU labour protection legislation. It's a core document for ensuring a systematic approach to occupational safety and health [15]. It contains an overview of the current situation in occupational safety and health in the country and is used to diagnose differences in the Ukrainian occupational safety and health system and to identify precedence tasks. The profile on labour protection is a significant source of data for policy

developers, government officials, workers, employers, and specialists in occupational safety and health because it allows monitoring of occupational safety and health and serves as a basis for the development of the national safety programme on occupational safety and health (strategic national plans). The primary purpose of the national profile is a comprehensive assessment of the situation and further determination of the priority directions of bringing the existing occupational safety and health system to global standards.

The development of the national profile was supported by the ILO project 'The Labour Administration Strengthening to Improve Working Conditions and Overcome Undeclared Labour' (funded by the EU) and the ILO project 'Improving the Labour Protection in the Mining Industry of Ukraine' (funded by the Government of Canada).

Moreover, Ukraine has brought its national legislation closer to many EU safety and health directives, including [16–20], through its national profile (Fig. 3).

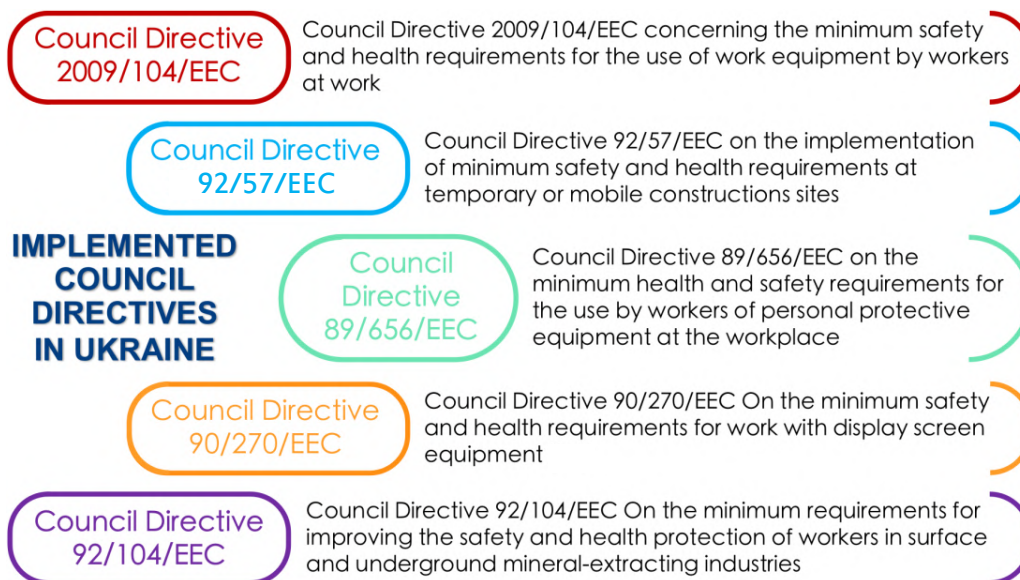


Fig. 3. Implemented Council Directives in Ukraine

Despite these achievements in developing Ukrainian legislation on labour protection, many significant problems remain to be solved. However, it is still necessary to address them because they may impair the quality, level, and stability of harmonisation of the Ukrainian national legal system with the EU legislation on labour protection.

In particular, the current approximation process focuses mainly on implementing individual directives rather than on transpositioning the general architecture of European occupational safety and health legislation. In addition, the current approximation process does not consider the links and relationships between EU safety and health directives. Moreover, there is no uniformity in terminology.

Legal acts that transpose EU occupational safety and health directives (orders of the Social Policy Ministry) lack sufficient legal force to ensure efficiency and sustainability. However, if these were laws passed by parliament or resolutions of the Cabinet of Ministers of Ukraine, they would have force.

In the process of approaching European legislation on occupational safety and health, Ukraine faces the following tasks:

- transitioning from the existing low-level approach to occupational safety and health based on the inevitability of risks and, accordingly, the use of compensation and corrective measures aimed at compensating and maintaining workers' safety and health to a high-level and proactive approach based

on risk management aimed at preventing and improving the safety and health of workers;

– transitioning from an approach based mainly on labour protection to a more holistic one, which involves the integration of occupational safety with occupational health;

– simplifying the legal base on occupational safety and health by reducing the number of current legal acts and their integration;

– extending the responsibilities of employers for occupational safety and health to all workers (for example, free providing with personal protective equipment, informing, training, consultancy, and health supervision), which are currently applicable to workers engaged in work with harmful and dangerous work conditions and related to pollution or unfavourable weather conditions;

– introducing the principle of employers' responsibility, which cannot be transferred to other persons to ensure the safety and health of workers in aspects concerned with work. In this case, the responsibilities for occupational safety and health are legally assigned to other persons but don't release the employers from responsibility;

– introducing the commitment of employers to fulfil (and constantly refine all things considering) actions necessary to ensure workers' safety and health, including the prevention of risks during work processes, their evaluation, advice with workers, health control, notification, training, and providing the necessary organisation and resources with severe adherence to consistent and hierarchical general prevention principles;

– providing the extension of national legislation on labour protection to all spheres of the private, public, cooperative, and social sectors, as well as to all employers and workers except for specific sectors of the civil service and domestic workers;

– matching the native labour inspection system with international labour norms, particularly with the ILO conventions 'On labour inspection in industry and trade'.

To fulfil obligations, Ukraine is gradually (from 2 to 10 years) putting its labour legislation into compliance with the EU legislation on safety and health, implementing 27 EU directives.

## Conclusions

The adoption of native legislation on labour protection and its harmonisation with present-day EU legislation and standards is a big step forward but insufficient for the effective operation of the labour standards system at the national level. It is essential to effectively implement and apply these standards at the level of individual enterprises. Ensuring the appropriate and effective development of labour organisation at the state level and its successful implementation at the level of each enterprise and industry by creating safe and

harmless working conditions for workers will prevent occupational diseases and injuries and prolong the period of active work, among other improvements.

The harmonious, coordinated, and efficient cooperation of structures involved in the work organisation and the interaction with employers and workers are essential to ensure the implementation of European standards on occupational safety and health and improve the effectiveness of standards.

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## ВПРОВАДЖЕННЯ ЄВРОПЕЙСЬКИХ СТАНДАРТІВ З БЕЗПЕКИ ТА ГІГІЄНИ ПРАЦІ В УКРАЇНІ

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*Людський капітал компанії – це її найбільший актив, тому здоров'я та благополуччя співробітників – один із ключових показників успіху бізнесу. Зараз Україна інтегрується в міжнародні організації, створює спільні з закордонними партнерами підприємства, спрямовує фахівців на роботу в іноземних компаніях, тому для захисту і підтримки працівників у цих умовах необхідним є знання європейської законодавчо-нормативної бази з безпеки та гігієни праці. Політика ЄС з безпеки та гігієни праці спрямована на мінімізацію кількості нещасних випадків і профзахворювань на робочих місцях. Проте сьогодні вона розвинулась до нового рівня – стратегії «добробут на роботі». Це означає створення сприятливих моральних і психологічних умов роботи, недопущення надмірного психологічного, емоційного напруження, психологічного тиску з боку керівництва або інших працівників, а не лише зниження показників нещасних випадків або профзахворювань. Тож політика ЄС з безпеки та гігієни праці ґрунтується на запобіжних підходах, які передбачають залучення всіх учасників, які беруть участь в організації робочого процесу (зокрема працівників), з метою розвитку системи попередження ризиків, що можуть виникати у процесі трудової діяльності. Досягти такого рівня організації безпеки і гігієни праці на робочих місцях прагне і Україна. На підставі цього, мета роботи полягала у дослідженні механізмів запровадження законодавчої та нормативної бази ЄС з безпеки та гігієни праці в законодавчу систему з охорони праці України. У роботі проаналізовано законодавство і стандарти ЄС з безпеки та гігієни праці, розглянуто можливі варіанти запровадження в українське законодавство з безпеки праці, визначено наявні результати приведення українського законодавства у відповідність до законодавчо-нормативної бази ЄС. У процесі дослідження встановлено, що для забезпечення ефективної імплементації законодавчо-нормативної бази ЄС з безпеки та гігієни праці важливою є злагоджена, скоординована і постійна співпраця структур, залучених у систему організації праці, взаємодія з роботодавцями і працівниками.*

**Ключові слова:** безпека, гігієна, праця, законодавство, працівник, роботодавець.