

УДК 621.863.2

OCCUPATIONAL SAFETY AND HEALTH IN SELECTED COUNTRIES OF THE EUROPEAN UNION

**J. Tomaszewski, Doctor of Economic Science, adjunct,
University of Business and Administration of Eugeniusz Kwiatkowski in Gdynia
E. Ignaciuk, Doctor of Economic Science, adjunct, University of Gdansk, Poland**

***Abstract.** The article gives some of the normative legal basics from EU documents and occupational safety solutions in selected EU countries. Selected examples of countries represent the states with which Poland maintains a long-term cooperation in this area. These countries constitute a new labour market for Polish citizens.*

***Key words:** community, union, treatise, directives, occupational safety.*

БЕЗОПАСНОСТЬ И ГИГИЕНА ТРУДА В НЕКОТОРЫХ СТРАНАХ ЕВРОПЕЙСКОГО СОЮЗА

**Я. Томашевски, д.э.н., Высшая школа администрации и бизнеса им. Евгения
Кwiatковского, г. Гдынь, Е. Игнацюк, д.э.н., Гданьский Университет, Польша**

***Аннотация.** Указаны некоторые нормативно-юридические основы, принятые в документах ЕС, и решения, касающиеся безопасности труда в некоторых странах Евросоюза. Подобраны примеры стран, с которыми Польша ведет долгое сотрудничество в этой области. Эти страны составляют новый рабочий рынок для польских граждан.*

***Ключевые слова:** сообщество, трактат, директивы, безопасность работы.*

ПРОФЕСІЙНА БЕЗПЕКА І ЗДОРОВ'Я У ВІДБРАНИХ КРАЇНАХ ЄВРОСОЮЗУ

**Я. Томашевски, д.е.н., Університет адміністрації і бізнесу ім. Євгена
Квіатковського, Гдинь, Є. Ігнацюк, д.е.н., Гданьський Університет, Польща**

***Анотація.** Вказано деякі нормативно-юридичні основи, які прийнято у документах ЄС і рішення, що стосуються безпеки роботи у вказаних країнах Євросоюзу. Відібрано приклади країн, з якими Польща співпрацює в цій галузі. Ці країни складають новий науковий ринок для польських громадян.*

***Ключові слова:** суспільство, об'єднання, договір, директиви, професійна безпека.*

Introduction

Membership in the European Union imposes an obligation on employers to appoint specialist security services. An equivalent of the Polish *Śłużby Bezpieczeństwa i Higieny Pracy* (OSH Service) in community legislation is protection and prevention service (Eng. protective and preventive service). In the European Union Law, safety and health of workers is seen not only

as an individual employee's interest, but also as an important public interest reflected in common aspiration to improve working conditions. At the same time, it favors reducing the external social costs of business activity.

The basis for constituting law in protective and preventive services in the EU are: Article 94 and 137 of the Treaty of 25 March 1957 establishing the European Economic Community (the Treaty

of Rome), [1]. The Treaty of Maastricht valid until 07.02.1992, the Treaty of Amsterdam – valid until 05.01.1999 and the Treaty of Nice – in force from 26.02.2001 (consolidated version is called the Treaty establishing the European Community). The EU established a number of directives in this area. The most important is Framework Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work. It was passed on the basis of Article 118A of the Treaty of Rome, which at that time was a norm for directives indicating minimum requirements for occupational health and safety. At present, such a competence is carried by Article 137 of the Treaty establishing the European Community [2]. Implementation of the directives in particular countries took into consideration their specific character and tradition of obeying safety norms in business practice.

The purpose of this paper is to present the experience of selected European Union countries in the sphere of creating legal basis for occupational safety. The choice of topic is not accidental. It embraces the subject-matter of lectures in Macroeconomics devoted to international flow of workforce. It is significant both for business and public sector. It is important for people interested in employment in the European labour market and relates to the development of human resource management. The aim is exercised through the analysis of literature and documents (books and Internet sources) as well as comparative methods. The applied thesis states that well-formed legal regulations and the way they are perceived affect the level of work safety in the long term.

Federal Republic of Germany

Primary responsibility within the supervision of working conditions in this country is entrusted to the Ministry of Labour and Social Affairs as well as its subordinate Labour Inspection (the Industrial Inspection) and the Industrial Health Service. German system of prevention of accidents at work and occupational diseases is characterized by unusual stability of legal and economic solutions. Proper working conditions are not merely administrative practices of the nature of a command but an economic mechanism. It is represented by the diversification and mobile premium of insurance for risk of accident at work and occupational diseases. Depending on the level of

on-the-job accident risk in a given working place the amount of the insurance premium decreases or increases. Industrial Inspection units operating in Germany possess the status of National Labour Inspectorate. They constitute specialty selected public administration, organized in accordance with the territorial system [3]. They operate on behalf of the administrative authorities of individual federal states, under the law on industrial law (Gewerbeordnung) of 1900 subject to the labour ministers. It must be noted that their competences include all matters relating to the technical conditions of work safety as well as environmental protection and compliance with the provisions of protective labour legislation by the employer [3]. Each State Industry Audit Office is responsible for particular district in the relevant Land. All plants (workplaces) having their head office in the specified district are controlled by this office regardless of the industry they belong to. All matters of labor protection except for health and mining and maritime surveillance are subject to the supervision. The scope of supervisory control of industrial audit offices is wider than the control of technical inspectors from professional-insurance associations, because except for technical safety conditions, it includes environmental issues and observance of protective labour legislation by the employer. Professional-insurance associations are institutions of public law necessarily associating a particular industry employers and work on the basis of the insurance act of 1911 (Reichsversicherungsgesetz) [3].

The associations are responsible for the implementation of social insurance against the risk of work accidents and occupational diseases. Their activities base on the principle of self-government of the associated employers and employees. They possess their own technical inspection that controls working conditions and the issues of technical safety. Technical inspectors investigate the causes and circumstances of accidents at work. Within the performer inspections, inspectors also act as advisors on matters of health and safety at work. The associations are entitled to set regulations related to social insurance, which are executive acts of federal laws. In Germany there exist and function next to each other two complementary surveillance systems in the field of labour protection. The system of state supervision over labour protection and the surveillance system of insurance associations by means of issuing appropriate regulations and its own technical inspection

tools[3]. In the Federal Republic of Germany, the most important legal regulations relating to safety management in the enterprise, are *Arbeitschutzgesetz* (Arbschg) and *Arbeitssicherheitsgesetz* (ASiG). *Arbeitschutzgesetz* is an act which is equivalent to the Polish Labour Code, and defining the basic rights and obligations of employees and employers. *Arbeitssicherheitsgesetz*, defines and regulates the cooperation in the following configurations: employer - safety specialist and the physician, the works council – OSH agent, as well as the tasks of OSH committee at the plant. A characteristic feature to be noted is the fact that in Germany, an employer hiring more than 60 permanent employees, must establish in writing, the work safety service and give it specific tasks depending on the types of work and related incidents and threats [4].

Spain

In Spain, the activity of OSH service is regulated by the Act of 8 November 1995 on prevention of occupational risks. Fulfilling the obligation to prevent threats, an employer must designate one or more employees to take care of activities related to preventing risks. Training, specialization, preparation and composition of prevention services and their technical resources must be sufficient and appropriate to their prevention activity. There should be taken into account such circumstances as company size, types of risks to which workers may be exposed, and the risks within the company.

Supervision of working conditions belongs to the State Institute for Occupational Safety and Health, the scientific and technical body of administration. The Institute consists of representatives of the government, employers and employees; members of State Commission of Safety and Health at Work, which is an advisory body to the central administration [3]. The situation changes in the conditions of the functioning of microenterprises. In companies with fewer than six employees, the employer may himself function as risk prevention service at the workplace.

Belgium

In Belgium, there were established internal and external prevention services, and special sections responsible for the supervision of employees [5]. Every Belgian employer is

required to establish internal service to prevent accidents and protect work. He must therefore provide at least one counselor in the field of accident prevention - as an employee prevention service. The internal accident prevention and work protection service are part of a crew employed by the employer, except for enterprises employing fewer than 20 employees where the employer himself fulfills the function of such advisor.

The Royal Decree of 27 March 1998 [5] includes provisions for services dealing with accident prevention and work protection. It also specifies regulations within the performance of prevention services in the state services. It can be assumed that the occupational safety management in Belgium is compulsory. It is incorporated into the insurance system and administers the fund allocated for the protection of employees against accidents at work. Thus, employers must insure employees.

Denmark

In Denmark it is the Minister of Labour, who defines principles to ensure health and safety of employees and rules concerning occupational health in companies. Issues of labour protection and basic responsibilities in this area are regulated by the Work Environment Protection Law, in force since 1977. *Nadzór nad całokształtem działalności w zakresie ochrony pracy* sprawuje Minister Pracy. Supervision of all operations for the work protection is held by the Minister of Labour. The following are subject to the Minister: Work Environment Council, inspection of work called Work Environment Service (*Arbejdstilsynet-At*).

Work Environment Council ensures health and safety of employers and workers at work. The Council also has powers to apply for amendments to the existing legislation, or issue new regulations. Moreover, it analyses the operations of Industry Councils related to occupational safety.

Work Inspection is a state body subject to the Minister of Labour. Its task include surveillance and exercising control in the area of work protection and to assess if the technical equipment, raw materials and materials are used in compliance with the projects. The inspection also analyses the technical progress leading to improve safety management. Work Inspection

is governed by the managing director with the assistance of deputies and the director of Institute of Occupational Medicine. One of managing director's deputy is in charge of the directorate and the other's activity focuses mainly on the monitoring of regional units. Work Inspection has 14 local offices (inspectorates), operating in the local areas. Inspectors - represent a broad spectrum of experience and qualifications, because among them are doctors, economists, lawyers, psychologists, engineers, etc. Individual inspectors are assigned one of the specialized fields such as noise, technical equipment, flammable substances, etc. A substantial part of each inspector's activity constitutes responding to requests for information received from companies, which are characterized by a high degree of exposure of workers.

The corporate organization for security may take advantage from the advice of OSH Service. It is an organization functioning within a company financed by employers, but managed both by employers and employees. Some enterprises (where there is a high risk of occupational accidents and occupational diseases) are required by law to introduce such an organization. Other companies can establish it on a voluntary basis. The compulsory establishment of Occupational Health Service in the workplace was introduced in 1977 and since then it has been extended to more and more sectors of the economy.

The purpose of the service is to help companies implement preventive measures for occupational safety and hygiene and proper planning of new production methods or modernization of existing procedures with regard to ergonomic principles.

Great Britain

The system of labour protection is regulated by Health and Safety at Work 1974 [3] and under this Act there operates Health and Safety Commission (HSC) as well as Health and Safety Executive (HSE). Health and Safety Commission (HSC) is a non-departmental public body and consists of maximum 10 members (a chairman appointed by Minister of Labour and between six and nine other people, appointed by the appropriate Secretary of State representing employers, employees, local administration and professional organizations. The work of the Commission lists the following: defining the standards and norms of labour protection, preparation of draft

amendments to the existing legislation. The Commission cooperates with institutions setting the rules of law. Its tasks include issuing guidelines and advisories, as well as conducting, publishing and promotion of research. A very important aspect is to conduct accident investigations and to represent Great Britain in the European Community on international forum.

Health and Safety Executive (HSE) is an executive body of Health Service Commissioner for England (HSC). It is to supervise companies and enforce regulations of safety management. Within this Inspection there operates Laboratory for Safety and Health at Work [7]. Occupational Health and Safety Management System is part of the enterprise management system and constitutes a sequence of varied complexity, i.e., resources, personnel, policies and procedures [6].

France

National Labour Inspectorate in France is subject to three ministries: the Ministry of Labour, the Ministry of Agriculture and the Ministry of Transport. However, the main responsibility bears the Ministry of Labour and its Inspectorate (Services Deconcentresdu Travail - SDTE), which exercises control over working conditions in most sectors of the economy[3]. Supervision in the agricultural sector, carried out by the Ministry of Agriculture, includes also agriculture-related commercial activity and social insurance for farmers. The organizational structure of the Inspectorate is based on the administrative division. In each of the 95 departments there is the District Labour Inspection Office dealing with matters relating to labour and employment (Direction Departamentaledu Travail et l'Emploi et de la Formation Professionnelle). The District Office is responsible for implementing government policy regarding compliance with labour law, employment and training. The Office was divided into specialized sections or units. The District Offices are grouped into 22 Regional Offices (Directions Regionalesdu Travail et de l'Emploi) [8].

Regional Directors are responsible for their activities before the Minister of Labour through the relevant Directorates, which in turn are responsible for this activity at the central level. In addition to the labor inspection, there is a separate Medical Inspection which cooperates with it. Its task it supervision

of the implementation of legislation in the field of hygiene and health protection and control of occupational physicians, engaged in statutorily compulsory prevention in the workplace. The other supervisory authorities over the conditions and safety management are [8], [9]:

- The Supreme Council for the Prevention of Occupational Hazards (Conseil Superieur de la Prevention des Risgues Professionels - CSPRP),
- National Agency for the Improvement of Working Conditions (Agence Nationale pour l'Amelioration des Conditions de Travail – ANACT),
- National Research Institute for Safety (Institut National de Recherche et de Sécurité (INRS),
- Organization for the Protection of Work in Construction and Public Works (Organisme Professionnel de Prevention du Batiment et des Travaux Publics-OPPBTB).

Conclusions

Without the adoption of value judgments, it can be assumed that all of these examples correspond to the needs and occupational safety management both in the macro and microeconomic dimensions. The efficiency of the presented management systems requires separate studies and comparative analyzes. Safety management system can be considered effective if its operation leads to the improvement of health and safety at work. Comparison of safety and health at work between Poland and selected countries of the European Union is possible only by using the indicators of the frequency of fatal accidents at work. Fatal accident rate per 1,000 employed or insured workers, vary in range 0.045 - 0.053 for Poland and 0.055 - 0.095 for states characterized in the article, in the years 1997 - 2001 [5]. This means that various legal solutions are similarly efficient. As for the accuracy of the listed solutions, we must agree with J. Jurand, who claims that “The

system is worth as much as the people who create it and work in it” [10].

References

1. Leszczyński W. (Ed.). Szkolenia bhp w firmie: poradnik, / W. (Ed.) Leszczyński. – Warsaw 2007.
2. Kowalski, J., Krzyśków, B. Unia Europejska. <http://www.ciop.pl/16592.html> - retrieved on 17.06.2012
3. Dziubińska-Michalewicz M. System ochrony pracy w wybranych krajach Unii Europejskiej / M. Dziubińska-Michalewicz, B. Kłos. information no. 680. <http://biurose.sejm.gov.pl/teksty/i-680.htm> retrieved on 19.06.2012
4. Zakrzewska-Szczepańska K. (ed.). BHP w firmie / K. (ed.) Zakrzewska-Szczepańska. – Warsaw, 2006. – P.2.
5. Zakrzewska-Szczepańska K. BHP w firmie / K. Zakrzewska-Szczepańska, W. (Ed.) Leszczyński. – Warsaw, 2007. – dział U02. – P. 32.
6. Fick K. Systematic Occupational Health and Safety Management / K. Fick, P.L. Jensen, M. (Ed.) M. Ouinlan. – Oxford, 2000. – P.15.
7. Główne ustawodawstwo z zakresu bezpieczeństwa i higieny pracy. <http://www.odszkodowania.co.uk/porady/glowne-ustawodawstwo-z-zakresu-bezpieczenstwa-i-higieny-pracy/> - retrieved on 26.06.2012
8. Muszalski W. Inspekcja Pracy w Anglii, RFN i Francji / W. Muszalski // Polityka Społeczna, 1994. – № 2/94.
9. Borys – Szopa B. Organa nadzoru nad warunkami pracy w wybranych krajach Unii Europejskiej. <http://studia.wszop.edu.pl/obrazki/cms/2435.zalaczniki.pdf> – retrieved on 28.06.2012.
10. Skrzypek, E. Jakość i efektywność / E. Skrzypek. – Lublin, 2000. – 17 p.

Рецензент: Е.В. Крайнюк, доцент, к.т.н., ХНАДУ.

Статья поступила в редакцию 4 сентября 2012 г.