

PROCEDURES AND INSTRUMENTS FOR THE PROTECTION OF HEALTH AND FOR INCREASING THE LEVEL OF SAFETY OF WORKERS AT WORKPLACE, BY ASSESSMENT OF COMPLIANCE WITH THE LABOR SAFETY AND HEALTH LEGISLATION

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Abstract: At present, by the entering in force of the Law no.319/2006 “Health and Security at work” and of the government decisions transposing the specific European Directives on safety and health at workplace, the specific Romanian legislation became more aligned to the European one. According to this law, one of the most important duties of the employer is to assure “workers’ health and safety in all aspects related with the workplace”. By this, the employer must “assure and control the awareness and compliance of all workers with the legal regulations related to Health and Safety at work”. This paper presents a set of procedures and instruments for the protection of health and for increasing the level of safety of workers at workplace, by assessment of compliance with the labour safety and health legislation.

1. INTRODUCTION

By labour safety and health is meaning institutional activities assembly having as goal the assurance of best condition for development of labor process, lifeguard, physical and psychical integrity and health of workers or other persons involved in work process. The legal instruments used for international law frame are *conventions*, *standards* and *recommendations* invested with authority by adhesion agreement or memorandums [7-12].

The international standards referring to labour safety and health are oriented on International Labour Organization (ILO). During the time the governments and employers representative association from state members have build and upgrade an international standards system regarding all work process aspects (e.g. eradication of forced work, liberty of association, equality of chance, promotion and personnel training, social security, work conditions, maternity protection, minimum age of employees, migrant workers protection etc).

All these standards are permanently supervised by ILO, each member state periodically presenting a report regarding the existing situation and how is corresponding to national law frame and the conventions they are applying. The governmental reports are examined by expert committees which are examining the correspondence with conventions and recommendations appliance. Finally, a yearly report is redacted and signed by all parts involved (government, employers and employees).

ILO conventions, recommendations and standards are covering 22 classes of subjects, one of this being *Occupational safety and health* or, using other accepted terminology *work safe*. Even if all 22 classes of subjects are focusing on different problems, they have similar importance because a law frame is formed where ILO conventions, recommendations and standards are acting. So, *Occupational safety and health* is just a part of a set of rules regarding work process, process which must be seen as complex system.

As particularity for Romanian labour safety and health system, it have to be applied the ILO standards, conventions and recommendations and also the EU directives, where Romania is signatory part. Even all requires law modification have been approved, a national integrated system is needed to design, develop and monitoring efficiently all actions required by international recommendations where Romania is signatory part.

2. EU AND ROMANIAN PROTECTION OF HEALTH AND SAFETY OF WORKERS AT WORKPLACE LAW FRAME

EU, as institution has decide to organize the activity on EU level but also on member state level structures using activity domains, all adopted regulations and directives using those activity domains. In every those activity field are defined more activities and sub domains. So, for *Work force occupation and social problems* domain, a category is *Health, hygiene and safety at work*. Even if a curricula is specific for a domain, category or activity with specific regulation, the same problem is tangentially treat for other domains, so the EU regulation must been seen as general frame in all it appliance [14-18].

Health and safety at work is presently one of the most important and advanced characteristics of EU social policy, the action of community being unlimited by EU law frame. The EU institution develop multiple actions dedicated to collecting information, concealing, good condition, health and safety at work of workers, in cooperation with mandatory EU agency in the field *European Agency For Safety And Health At Work* and *the European Foundation for the Improvement of Living and Working Conditions*.

The *Council 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* is assuring a high level of protection of workers at work, together with the implementation of certain measures regarding accident at work, professional disease, also with the participation of workers or their representatives on professional training or LLL forms. This directive is the basic law frame for next specifications, covering each domain, category and activity or relationship between them. Council Directive 89/391/EEC was amended by Regulation (EC) No 1882/2003 and Directive 2007/30/EC.

By *Communitarian strategy regarding health and security at work for the period 2002-2006*, is sustained the implementation of existing regulation and completing with new ideas accordingly with the time. This strategy is based on inventory of as is situation, characterized by three premises:

- Consolidated risk prevention culture
- Better application of existing laws
- Global approach for workplace wealth

The problems established in this strategy are:

- Adapting to changes in work domain
- High quality of work environment
- Improvement of connection between legal instruments and partnerships

As a conclusion, today occupational safety and health law frame is organized:

General perspectives:

- *Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work*
- Communitarian programs for workers and solidarity - "PROGRESS"(2007-2013)
- Reporting for right implementation for safety and health of workers at work directives
- Communitarian strategy regarding health and security at work
- European Agency For Safety And Health At Work
- Communitarian strategy regarding health and security at work
- European Foundation for the Improvement of Living and Working Conditions
- Supervising Committee for safety and health of workers at work
- European Regulation regarding professional disease
- Managing the timetable for safety and health of workers at work protections

Specific perspectives:

- Equipments, signals and loads
- Work protection for special groups of workers
- Work place
- Chemical, physical and biological agents

At present, by the entering in force of the Law no.319/2006 “Health and Security at work” and of the government decisions transposing the specific European Directives on safety and health at workplace, the specific Romanian legislation became more aligned to the European one. According to this law, one of the most important duties of the employer is to assure “workers’ health and safety in all aspects related with the workplace”[4]. By this, the employer must “assure and control the awareness and compliance of all workers with the legal regulations related to Health and Safety at work” [2].

Also, as a result of Romania’s integration into the EU and of the intensification of economic relationships between Romanian and other EU state members’ enterprises, one can notice, at national level, an increasing interest for certification and implementation of a Health and Safety at work management system (in most cases integrated with QA and environmental components), based on the OHSAS 18001 referential requirements, with the view to obtain the improvement of all aspects regarding Health and Safety at work [1].

Complementary to Law no. 319/2006, the BS OHSAS 18001:2007 standard establishes, as a novelty compared to the older version, the employer’ duty to “establish, implement and maintain procedures for periodic evaluation of conformity with the applicable legislation”[3].

As institutions in labour health and safety at work, in Romania the involved structures are [19-20]:

- Ministry of Labour, Family and Equal Opportunities, as overall authority in the field
- Ministry of Public Health, representing the central authority regarding for public health
- Work inspection, with territorial bureaus representing the authority delegated for inspection of labour health and safety law implementation
- Assurance company, in case of accidents and professional disease
- R&D National Institute for Work Protection, scientifically fundamenting the improvement activities in labour health and safety
- Other central and regional structures with specific regulations regarding labour health and safety other than those mentioned before (Ministry of Defense, Ministry of Justice, Ministry of Interior and Administrative Reform etc.)

3. PROCEDURES AND INSTRUMENTS FOR HEALTH AND SAFETY OF WORKERS AT WORKPLACE

In this section we present an initiative which is course of evaluation by National Program Management Centre, having as goal to offer, on employers, at national level, a practical solution to improve work conditions by a proactive assessment the conformity with the Health and Safety at work legal requirements. To achieve this goal, a partnership is proposed, formed by R&D units with complementary specializations (Health and Safety at work, IT and management), a public administration representative and an economic agent, as potential direct beneficiaries of the project results. In this case in the partnership are present National Research & Development Institute on Occupational Safety – INCDPM “Alexandru Darabont” – Bucharest, Romanian – American University, “Lucian Blaga” University, Territorial Work Inspectorate Sibiu and S.C. COMPA S.A. The Labour Health and Safety System developed at employers level is part of Integrated Management System of enterprise [5].

To achieve the goal presented above we establish two objectives:

- Designing a methodology, along with the associated procedures, flexible instruments and software application, validated by real implementation, applicable to any Romanian economic agent, regardless of its size and field of activity, dedicated to the systematic evaluation of conformity with the requirements of the applicable legislation regarding Health and Safety at work, aimed at assisting the decisions for improving the level of Health and Safety of workers at workplace by:
 - Identifying opportunities for incorporating the international and European best practices and experience in the field of assessment of compliance to the legislation regarding Health and Safety at workplace.
 - Designing the experimental models of the framework procedures and work instruments (including the software application) for compliance [6].

- Validating the experimental models at the level of the economic agent (partner in the project)
- Creating the general conditions for implementing the methodology at national level, by generalizing the software application as a practical support tool for the designed methodology as well as by the wide dissemination of the results:
 - Finalizing the methodology and the supporting software application, easily accessible to enterprises (economic agents), which may allow automated data management and generation of reports for different management levels (top-management, Health and Safety Committee), based on the experimental models.
 - Results dissemination at national level, by printed publication, internet, training courses, workshops and participation to national symposiums.
 - Results dissemination at international level, by internet publication and participation to conferences and symposiums.

Both objectives give a fresh and novel approach to the project, because, even though the coordinating institution has completed numerous studies which partially approached the theme proposed in this project, at national level the subject has never been undertaken as such a large scale, with the involvement of complementary specialized R&D units and also with public administration and business sector delegates. Its innovative character is also supported by the significant changes that occurred in the Romanian national legislation regarding Health and Safety at work, starting with 2006.

4. CONCLUSIONS

As conclusions we emphasize some aspects regarding labour health and safety at work together with the proposed instruments:

- Documentation regarding the current situation and the need for conformity assessment in the field of labor security and health, at European and international level
 - Studies and analyses regarding the current situation of the methods used for conformity assessment at European and international level
 - Documentation activities regarding the current regulations in the field of labour security and health in Romania
 - Documentation activities regarding the software solutions used at European and international level for conformity assessment methods
 - Documentation activities regarding the inclusion of the conformity assessment within the enterprise general management system
- Development of the experimental models of the conformity assessment methodology and of the support - software product
 - Preparation and presentation of a scientific communication at an international technical – scientific event, related to the project theme
 - Consultation with partner economic agent regarding the general requirements of the methodology and the corresponding work instruments
 - Consultation with partner economic agent regarding the requirements of the software product, according to its specific activities
 - Work visits to European institutions with expertise in the protect thematic area
 - Analysis of the data collected during documentation and of the specific requirements regarding the methodology of conformity assessment
 - Development of an experimental model of methodology (procedures and work instruments)
 - Development of an experimental model for the software product
 - Testing of the methodology model at the partner economic agent
 - Testing of the software product model at the partner economic agent
 - Development of the documentation for the methodology and software product models and proving the functionality and utility of the developed models– Wide

- dissemination of the results through national and international publication and/or inclusion in databases of the results
- Logistical and information support for identifying the general requirements of the methodology and of the software product and for testing the resulting models
- Development of the conformity assessment methodology and of the software product
 - Developing and testing the conformity assessment methodology, based on the experimental model
 - Developing and testing the software product at the partner economic agent CO, P2 – Finalizing the technical documentation for the developed method
 - Wide dissemination of the results through national and international publication and/or inclusion in databases of the results
 - Logistical and information support for testing and validating the developed methodology and software product

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