

**PRACTICES IN THE LEGISLATION OF REPUBLIC OF BULGARIA ON
IMPLEMENTATION OF THE POLICY AND INTRODUCING THE EU DIRECTIVES
CONCERNING SAFETY AND HEALTH AT WORK**

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Safety and health at work is a main emphasis in the contemporary social policy of Republic of Bulgaria.

The Constitution of R Bulgaria regulates the right for safe and healthy working environment. The possibility and mechanisms of ensuring this right are determined by the established system of standards, requirements and obligations, regulated by laws, acts of the Council of Ministers and of individual ministers. Nevertheless, the implementation of the contemporary guidelines and requirements of the European Union and the International Labour Organization in the area of protecting the human health, work capacity and life during work can be only implemented based on a contemporary legal framework and organization of the activity management.

The active social policy of the state requires the provision of safety and health of people at work to be implemented as an element on all levels of economy management as a whole and of every type of labour.

Principal Guidelines of the state's policy in this area were approved with a Council of Ministers Decision of 1996. A framework of large-scale reform in this area of the social activities was set up as a strategic concept. The main direction in the state's declared policy was the introduction of the principal standards and practice of European Union. Several enactments were introduced, which created prerequisites for the actual implementation of the *acquis communautaire* for the establishment of a contemporary system for management of safety and health at work activities on all levels.

At this stage our national legislation entirely encompasses the material and priority part of the European legislation in the area of safety and health at work.

The Law on Healthy and Safe Working Environment and the Labour Code introduce fully the requirements of the "Framework Directive", regulating the current obligations of the participants in labour and the requirements to the organization of this activity.

A modern system for insurance of labour accidents and occupational disease is established, in combination with various forms of motivation for safe and healthy labour.

The Law on Technical Requirements to the Products introduced the principles, related to the establishment of the "material requirements" to the products (a main part of which is working equipment) and the assessment of their compliance.

A new status of the Bulgarian State Standards has been introduced. The Government approved more than 20 regulations for determination of the "material requirements" to some products and the compliance assessment procedures for them, introducing the requirements of the respective European directives of the „new approach“. The requirements to the bodies responsible for the compliance assessment, as well as a national sign of compliance have been determined.

Protection for consumers from dangerous goods has been regulated.

There is unity when exercising control over the compliance with the labour legislation. The Executive Agency "General Labour Inspectorate" exercises overall control, covering both safety and hygiene of labour and the organization of activities related to safety and health at work.

The national policy of providing healthy and safe working environment is formed and implemented through coordination within the frames of the established structures for trilateral cooperation on national, industry and regional levels.

National Council for Labour Conditions is functioning as a permanent trilateral body responsible for the coordination, consultation and cooperation in the development and implementation of the state policy for provision of safety and health at work.

The underlying and broad directives of the European legislation have been incorporated in the national legislation.

1. Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work

2. Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace;

3. Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work

4. Directive 89/656/EEC on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace.

5. Directive 92/58/EEC on the minimum requirements for the provision of safety and/or health signs at work.

6. Directive 90/269/EEC on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.

7. Directive 90/270/EEC on the minimum safety and health requirements for work with display screen equipment.

8. Directive 86/188/EEC on the protection of workers from the risks related to exposure to noise at work

9. Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work.

10. Directive 92/57/EEC on the implementation of minimum safety and health requirements at temporary or mobile constructions sites

11. Directive 2000/54/EC (consolidated version) on the protection of workers from risks related to exposure to biological agents at work

12. Directive 92/29/EEC on the minimum safety and health requirements for improved medical treatment on board vessels.

The following will be introduced this year:

1. Directive 90/394/EIO on the protection of workers from the risks related to exposure to carcinogens at work

2. Directive 98/24/EEC and Directive 91/322/EEC introducing the maximum acceptable concentration of hazardous substances.

3. Directive 92/91/EEC concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling.

4. Directive 92/104/EEC on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries.

The modern philosophy concerning the essence of the activity for safety and health at work is that it is an economic category, in other words – business. The good management of activities for safety and health at work in the undertakings needs a systematic and planned approach and is a main prerequisite for the achievement of good results, both in the economic field and in any other management activity of the undertaking. The new philosophy proves that this activity is not an end in itself, but an element of a contemporary policy for efficient business. This philosophy, new to our country, as well as to all Eastern European countries, emphasized in the Strategy of the European Commission for safety and health at work, gives a modern look on the requirement for the organization of activities, related to the provision of safety and health of workers and prevention of occupational risks.

The need of change in the organization of the activities for safety and health at work in the undertakings, as well as in the mentality of all participants in the labour process created major tasks and challenges.

- Planning approach for solving problems and integration of the activities for safety and health at work in the overall management process in the undertakings.
- The efficient involvement of the available work and intellectual potential in the activity. Determining the responsibilities and involving all workers in this activity is a main prerequisite for the efficient management of safety and health at work.

In order to be efficient, each prevention policy requires the involvement of all parties involved in the labour process.

The experience has shown that the employer is not able to fulfil its obligations and meet the legislative requirements, without establishing an efficient organization of the activities for safety and health at work in the undertaking. To that effect, the experts on safety and health at work in the undertakings are some of the main organizers of the overall activity within the undertaking. One of the priority tasks therefore is the development of a strategy for sustainable development of the policy of the undertaking in the area of safety and health at work, directed towards applying methods and approaches for change in beliefs, mentality and attitude of workers towards this problem.

A national infrastructure is being established, consisting of units for support to the employers in fulfilling the requirements and obligations for provision of safe and healthy working environment – labour medicine services, laboratories measuring the various elements of working conditions, training and consultation centres for safety and health at work issues are functioning.

A basis is established for the introduction of “occupational risk assessment” system, as a method to manage and plan the activities for safety and health at work. The risk assessment addresses also the social risks: depressions and violence at work, arisen from the new employment forms, fear of unemployment, application of various forms for working hours management, need of additional qualifications and training, lack of motivation when the labour relations are not prospective, hierarchical relations, and other elements of “welfare at work”.

The Ministry of Labour and Social Policy actively supports the establishment and work of non-governmental organizations, for example the Association of specialists for safety and health at work and a National network of companies, improving the safety and health. We count on these two associations and their joint work with the labour

medicine bodies for the practical implementation of the new legislation and health promotion in the undertakings.

A fund “Work Conditions” was established and is functioning at the Ministry of Labour and Social Policy, whose activity is directed towards supporting the introduction of the new organization of work and training in this area. Since the beginning of this year, the fund expanded its scope of activity and will finance the implementation of solutions for certain problems in the undertakings, in this area.

Despite all that, there are several problems, which cannot be fundamentally solved.

The principles for prevention, laid down in the new legislation, are not yet fully rationalized by the participants in the work process and not yet effectively applied.

The investments in solving problems related to the working environment are little.

The established norms and requirements are mostly perceived as an obstacle to gaining quick profits and the actions of the control bodies – as unnecessary interference by the state. The workers and employees are still not actively involved in this activity.

The percentage of undertakings, where the management of the activity for safety and health at work is integrated in the total management of the undertaking and element of the quality system is small.

Based on comprehensive analysis of the achievements after 1996, with its Decision № 34 dated 29 August 2002, the Council of Ministers approved “Guidelines for development of the activities for safety and health at work in the period up to year 2006”. The Guidelines correspond to one of the objectives of the new social policy of the Government of Republic of Bulgaria – the provision of safe and healthy working environment, in the broadest sense, and are in harmony with the strategy of the Commission for health and safety at work at the European Union. They set new emphasis on the new social policy of the Government regarding the management of the activities for safety and health at work:

1. “Welfare at work” shall be a coordinating element of all various activities of the policy of Ministry of Labour and the state, pursuing protective objectives and motivation for work. The aim is to improve the quality of all types of labour and sustainable improvement of the status of all elements of this concept. The fulfilment of the objectives will be achieved in permanent cooperation with the social partners. The infrastructure of units supporting the employers for the implementation of the main activities and promotion of the safe methods of work and health at the workplace will be actively maintained.

2. Establishment of protection culture of workers and further development of the system of prevention in the activities for safety and health at work, combining a variety of political instruments: development of the legislation, training and education, the social dialogue, the joint social responsibility, economic initiatives and partnership among all participants in the labour.

3. Development of the competitiveness of the Bulgarian employers, based on the implementation of a targeted social policy and quality in the activities for safety and health at work.

4. Expanding the infrastructure of units consulting and supporting the employers, improvement of the quality of this activity. .

5. Carrying out a broad and effective control on the compliance with the labour legislation.

6. Development of insurance systems and activities and their efficient involvement in the activities for provision and maintenance of safe and healthy working environment in the undertakings.

The implementation of the legislation in the part "Safety and health at work" though requires significant investments both in the national bodies and the private sector.

According to the Guidelines for development of the activities for safety and health we have planned to develop this year a Methodology for assessment of the impact of the introduction of the European Directives, which will give us a possibility to analyse and assess the burden on employers and to forecast the necessary financial and human resources, the necessary training of workers, as well as the actual time period required to implement the provisions of the individual Directives. The methodology will be discussed and approved jointly with the social partners. Using this model, we will make an assessment of the impact of the implementation of the Directives and in the following periods of all managerial decisions. The principles and directions related to this form of prevention were discussed during a workshop in April, with the participation of experts from the Netherlands, Belgium and Slovenia.

A specific feature in our national legislation in the area of safety and health at work is the existence of Rules for safety at work. Such regulations provide for the specific requirements of the safety in various types of work activities.

The task is to harmonize these Rules for safety at work with European practices by year 2005 and to develop them as practical tools in using the system for assessment and control on the incurring of occupation risks. The Ministry of Labour and Social Policy analysed thoroughly the scope and quality of these regulations and systemized the existing shortcomings and problems.

The shortcomings of these regulations, the necessity of changes, their overall renovation and the input of modern quality were analysed and considered by the experts already during the preparatory stage for the Law on safety and health at work. The renovation though could only start after the sufficient harmonization of our legislation with the European Directives, the logic of the modern economy management and the beginning of the implementation of the modern social insurance model. Based on this, when setting the strategy, priorities and stages for the development of a modern system for safety and health at work in our country, their amendment was not envisaged during the first stage. The present second stage of the reform of the national administrative regulations will be designated to the improvement of the regulations, their legal status, implanting the specific and special Directives, as well as developing harmonized standards.

The first step related to the new principle of providing "welfare at work", underlying in the new for development of the activities for safety and health at work in the period up to year 2006 has been implemented.

Since 01.01.2003, the social security contributions for workers and employees are due on the received gross monthly remuneration, but on not less than the minimum social security income for the main economic activities and occupational groups as determined by the Law on the budget of state social security for the respective calendar year. From another point of view, this decision is a form of raising the income of workers.

The minimum social security income of workers and employees, who are working part time or not a full month based on the terms in their employment contract, is determined in proportion with the legally set working hours, respectively the full number of working days in a month.

Measures have been undertaken to strengthen the institutional capacity of EA "GLI" aiming at creating opportunities to improve the quality and efficiency of control, as well as the fulfilment of the new obligations, related to the control on employment. The number of staff of the Labour Inspectorate has been increased since the beginning of this year and more functions have been approved, adequate to the government's policy.

The cooperation between the Labour Inspectorate and the National Social Security Institute is active. Inspections were done in more than 4000 undertakings since the beginning of the year and based on the recommendations given more than 1000 new employment contracts have been registered. More to that, the revenues at the NSSI increased as follows:

- for January 2003 compared to January 2002 - 28 million BGN;
- for February 2003 compared to February 2002 - 26 million BGN.

The sociological survey carried out showed that 79 per cent of the workers and 76 per cent of the private owners are of the opinion that the legislative and enhanced control measures in this respect are useful. With regard to the minimum social security thresholds, the approval of workers is 69 per cent. On that basis, we consider the implemented practical approaches, related to the implementation of the policy of the European Union, to be "best practice" also because the express support of the society.