

SAFETY AND HEALTH PROTECTION AT WORK IN SLOVAK REPUBLIC

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Safety and health protection at work is inseparable part of the society's life and directly or indirectly it is concern of every citizen.

The very representative role has the State in this important social area, which in the Constitution of the Slovak Republic guarantees to employees the right for safety protection and health at work and the rightful and satisfactory working conditions. By the framework of legislative regulations the State constitutes the principles to meet this constitutional right and at the same time ensures adherence of these provisions.

Implementation of safety, health protection at work and creation of working conditions requires concentrated strategy and unified action of all interested ministries and social partners.

Development in the area of safety and health protection at work and new international trends necessitated to formulate joint strategy of state and society for promotion of safety and health protection, to create positive social awareness with aim to comply legal duties and principles against unfavourable work effects.

Particular representation of such orientation is the Resolution of Government of the Slovak Republic no. 838/2002 of 7 August 2002 by which was adopted

Occupational Safety and Health State Policy Strategy

to which is attached

Programme of Realisation of the Occupational Safety and Health State Policy Strategy – The National Programme.

In coming period the main task of all parties concerned will be the realisation of **The Aims of Occupational Safety and Health State Policy Strategy for 2002-2006**, focused first of all on:

- permanent improvement of OSH, working conditions, working environment and reduction of occupational accidents and occupational diseases
- complex approach for solution of the occupational safety and health tasks
- assessment and prevention of risks, to increase the ability to identify risks inclusively new risks and to manage them and progressive measures of good practice
- training and promotion of citizens' awareness, school preparation, courses and motivation of employees
- constitution of partnership among all interested parties, mainly in involvement of employees into OSH tasks.

These aspects are described in details in above mentioned Governmental Document and there are proposed orientations minimally to assess the state policy, the co-operation of social partners, the promotion of introduction of OSH management systems in undertakings, the co-operation with professional and employers associations, the promotion of information technologies, creation of welfare at work, increase of work culture, enforcement of OSH legislation, **reassessment of competencies of inspection and supervision organs, rationalisation labour inspection activities**, the system of education and training, promotion of science and research, harmonisation of national legislation with EU and ILO

legislation, the stimulation of employers to eliminate harmful working conditions, to create conditions with regard to ensure participation of experts in international and European institutions etc.

In this document there are also outlined relations to other strategies and programmes.

The part of this document is working document that is setting responsibilities of involved parties for fulfilment including schedule of their fulfilment:

“Programme of the Realisation of the OSH State Policy Strategy – National Programme”

from which follow tasks for year 2003 and next years, and particularly:

- to make more effective the work of Permanent Tripartite Commission for safety and Health Protection working under the Council of Economic and Social Agreement of the Slovak Republic
- to ensure bipartite co-operation at branch and regional level
- to organise campaigns in media, to introduce in press regular OSH columns etc,
- to promote introduction of OSH management systems in enterprises, to publish rules of good practice.

The Strategy is the part of effort expressed in different forms in documents linked to accession process and to overall effort to be harmonised also in the area of the occupational safety and health with EU member states.

This strategic document has been prepared as consensus of the representatives of the Ministry of Labour, Social Affairs and Family, National Labour Inspectorate, Ministry of Health, Ministry of Environment, Ministry of Interior, Ministry of Defence and other ministries, representatives of the Confederation of Trade Unions and Federation of Employers Associations, representatives of science and research, Universities and other involved parties.

Enforcement of requirements in the area of OSH

At present time several state administrative organs carry out supervision over OSH, particularly:

- a) supervision over safety and health protection at work, technical equipment safety, labour regulations, provisions on wages and collective agreements, according to Act of the National Council of the Slovak Republic no. 95/2000 Coll. on Labour Inspection is carried out by National Labour Inspectorate and Labour Inspectorates,
- b) supervision over safety and health protection at work, technical equipment safety and working conditions in mine activities and activities performed by mine method is performed by state administrative mine authorities according to Act no. 51/1988 Coll. on Mine Activities, Explosives and on State Mine Administration in the wording of latest provisions
- c) supervision over fulfilment of the Act on the Protection of Human Health and on treatment for health working conditions, as well as fulfilment of issued provisions and decisions is performed by state health supervision authorities according to Act of the National Council of the Slovak Republic no. 272/1994 Coll. on the Protection of Human Health
- d) supervision over selected technical equipment in the department of transportation, posts and telecommunications is performed by the departmental authorities
- e) supervision in selected premises of the Army of the Slovak Republic, Ministry of Interior is performed by departmental authorities.

The Ministry of Labour, Social Affairs and Family, National Labour Inspectorate and Labour Inspectorates carry out state administration in the area of labour inspection according to Act no. 95/2000 Coll. on Labour Inspection in the wording of latest provision.

By adoption of mentioned law significant changes took place in the position of executive organs of labour inspection what necessitated to establish such organisational structure at National Labour Inspectorate with aim to guarantee effective fulfilment of tasks not only in the area of safety and health protection at work, but also in new areas – industrial relations, provisions on wages and commitments following to collective agreements.

The Ministry of Labour approved present organisational structure of the NLI and there are four departments for labour inspection and four for administrative activities.

National Labour Inspectorate (NLI) according to Act no. 95/2000 Coll. on Labour Inspection in the wording of the Act no. 231/2002 Coll.

- **manages and controls Labour Inspectorates**
- ensures operation of labour protection information system
- carries out labour inspection in the area of nuclear power energy
- secures education and professional training of labour inspectorates employees
- takes part in preparation of conceptual documents in the area of labour protection.

The major task of Labour Inspectorates is enforcement of employees' protection at work and performance of state administration in the area of labour protection according to Act no. 95/2000 Coll.

Inspection activities are aimed on:

- supervision over adherence of legal regulations and other regulations for assurance of safety and health protection at work
- assurance of technical equipment safety including the provisions which govern factors of the working environment
- supervision over industrial relations (*creation, amendment and termination of legal relations, working conditions of employees inclusive of working conditions for women, adolescents and persons with altered working capacity*), *provisions on wages and commitments following to collective agreements.*

Very important area is provision of advisory to employers, employees and natural persons in the area of labour protection.

The most frequented questions within advisory had been related to issues on fulfilment of duties following from the Act no. 330/1996 Coll. on Safety and Health Protection at Work and linked regulations.

Slovak Republic has been transposed the whole framework of *acquis communautaire* of the EU in the field **safety and health protection** (negotiation Chapter 13 "Employment and Social Affairs").

But still exist some disproportions in competencies with the Ministry of Health regarding transposition of EU law – so called dual system of supervision over adherence of legislation in the area of occupational safety and health protection at work, especially the Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work and linked Directives (adopted in the Slovak Republic in form of Governmental Ordinances of the Slovak Republic). Above mentioned creates an obstacle for the Slovak Republic to perform so-called **integrated labour inspection**.

EU experts from Sweden and Germany also expressed this opinion during transposition of the Framework Directive. They also stated that in this area the system was not established which is taking into consideration the holistic view of the Framework Directive where the safety and health are combined. Moreover, some parts of the Framework Directive have been transposed by the Act no. 272/1994 Coll. on the Protection of Human Health including detailed requirements that shall not be regulated by act.

According to EU experts this situation constitutes opacity in legislation – overlapped acts (Act no. 330/1996 on Safety and Health Protection at Work and Act no. 272/1994 on the Protection of Human Health), where is **missing holistic view onto workplace**.

The appropriate way for performance of labour inspection is outlined in the Safety and Health Protection State Policy Strategy. The aim of the Strategy is to establish integrated labour inspection (according to requirements of international institutions which are given first of all in regular evaluation reports of the EU and according to statements of LIO experts e.g. Mr. von Richthofen). From mentioned recommendations follows the need of emendation of respective competence laws and particularly Act no. 95/2000 Coll. on Labour Inspection and Act no. 272/1994 Coll. on the Protection of the Human Health.

Information, educational and training activities

Occupational safety and health protection at work and risk prevention methods are included in scholar preparation of pupils and students who are preparing for the job performance and as well in further training of adults including re-qualifications. Employer shall ensure that part of professional education and training programme of all employees is safety and health protection and risk prevention.

Physical and natural persons may perform advisory, education and training in the area of occupational safety and health at work, technical equipment safety and determined working conditions as entrepreneur activity based on authorisation which is issued by labour inspection authority or by respective supervision authority.

Stipulations of the Act on Safety and Health Protection at Work oblige the employers in addition to other duties to identify dangers and harms, to assess risks, to eliminate them and to acquaint employees on such risks. This principle follows from the principles of the new Policy of the EU member countries in the area of OSH, according to which is not enough to issue and comply the safety regulations but it is necessary that employer ascertained, that occupational safety and peoples' lives are not endangered by the working activity and he or she actively according to specific conditions at the workplace identifies and eliminates such factor that might cause accident or other health damage.

To comply this legal requirement NLI has issued guideline for employers "Risk Assessment". Important role and assistance in identification of risks represents advisory provided by labour inspectors directly in enterprises to employers during inspection visits or at labour inspectorates during assigned days and/or daily by telephone.

Performance of labour inspection of employers is carried out all above according to Act no. 95/2000 Coll. on Labour Inspection in the wording of the Act 231/2002 Coll. and at the same time according to principles of the internal guidelines with the aim to reach some level of the standardisation of labour inspection activities and outcomes, e.g. Guideline for Labour Inspection Performance, Guideline for Investigation of Events by Labour Inspection and Guideline for Market Surveillance.

If necessary these procedures are modified, e.g. in case of realisation of special tasks (check-ups with special regime) where labour inspection performance is carried out with specified aim and extent, for instance control of illegal employment, provision of personal

protective equipment. For these purposes the regulations are arranged together with preparation process and processing of check-up results. During these check-ups it is supposed advisory activity together with promotional means for presentation of such issues – e.g. guideline, brochure (in last period most frequently provided brochure are the rules of good practice **OSH Management Systems – guide on introduction of the system**. Basic advisory provided in such regime has different effect as advisory provided in premises of labour inspectorates. Mostly these check-ups are targeted on small and medium sized enterprises.

Moreover it should be said that also international contacts are oriented on acquiring of new knowledge from the area of safety and health protection at work, technical equipment safety, publicity in the area of OSH, information systems and supervision in the area of nuclear power energy. They are also focused on study and knowledge of labour inspection systems in EU member states and candidate countries (Czech Republic, Poland, Slovenia, Hungary) with aim to exchange experience in adaptation of legislation and labour inspection system to EU requirements.

These contacts are mostly realised by participation on expert seminars, study visits, international forums, regular meeting of international institutions and/or screening meeting, visits of exhibitions and fairs on health and safety issues and by visits of partner organisations with aim to exchange experience in the area of labour inspection, OSH management systems etc.

Conclusions and some perspectives

In spite of economic situation the majority of deficiencies occur as result of insufficient, of poor quality and non-system management in the area of safety and health protection at work.

Mentioned situation is the challenge for the labour inspection that the priority attention should be given to control and enforcement of requirements following from the Act no. 330/1996 Coll. on Safety and Health Protection at Work and especially to put importance on employers **system management of the safety and health protection at work**.

To meet these intention and other goals is possible to reach via conceptual policy and by preparation of programmes with clearly set tasks and single steps.

In spite of this concept and based on guideline prepared by NLI

Rules of the Good Practice Management System of the Occupational Safety and Health Guide on how to introduce

it is perspective to prepare specific guidelines which will take into consideration the size of enterprises, infrastructure and working risks.

Eventually, the development can be estimated after appropriate regulation and strengthening of employers' and employees' motivation for care for safety and health protection at work by effective economic instruments (for instance accident insurance, systems and programmes of tax allowance) respectively with promotion and co-operation of tripartite partners at national and enterprise level.