

APPROACHES REGARDING OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT IN EUROPEAN AND NATIONAL CONTEXTS

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Abstract: *The development of economic performance and the need to identify certain solutions to ensure greater efficiency make it necessary for employers to identify proper solutions to motivate their staff. One issue not to be neglected is ensuring fair and equal treatment in terms of working conditions. The present study aims at scanning the main European concerns in the field of occupational health and safety as well as qualitative and quantitative characteristics specific to Romania. The authors have used qualitative research in this study by capitalizing on studies in this field, and European and national legislations.*

Key Words: *psychosocial risk, labour protection, occupational health and safety, economic growth.*

JEL Classification: *I15, J81, K31.*

1. Introduction

Conducting this study relies on the need to ensure in-depth knowledge of European norms and national legislation in the field of occupational health and safety as knowledge should be regarded as a key area to most organizations in the current period (Dindire, 2013). Equally, at the core of this research there are the world and European studies on population aging and its effects on the labour force.

The "Safer and Healthier Work at Any Age" Report carried out over three years (as of 2013) upon the initiative of the European Parliament has shown the aging of the population. Thus, worldwide the share of people over 60 years old is expected to increase from 11% in 2000 to 22% in 2050, whereas in Europe the share of people over 65 will be 27% of the total population in the year 2040.

This fact reinforces the European concerns for identifying economic development solutions which started almost a decade ago and were also reflected in increasing the retirement age. In addition to its positive influences, the phenomenon also generates expenditures as a result of the increase in health problems.

The aforementioned study shows a decrease of 5 p.p of the labour force in the 15-24 year-old category and an increase of 6 p.p in the 55 - 64 year-old age group.

In this context, addressing the issues related to occupational health and safety is a topical concern of major interest to modern society. Demographic changes are a major concern for occupational health and safety, and the legal framework developed at European and national levels appreciates the importance of sustainable work life and, as a condition of this, the need to promote health and safety in the work place, to create and implement a culture of prevention (EU - OSHA, 2017).

Another argument in support of the importance of occupational health and safety is highlighted by the World Congress on Occupational Health and Safety held in Singapore which estimates that occupational injuries and diseases generate losses representing 3.9% of GDP, namely 2,680 billion Euros, with occupational diseases being the cause of 86% of occupational deaths worldwide and 98% at EU level. In the European Union, the costs incurred by occupational diseases are 478 billion (3.3% of GDP) Euros, with occupational cancer generating 119.5 billion Euros, namely 0.98% of GDP.

2. Stage of the Research

Occupational accidents and diseases generate the most diverse negative effects: the workers are injured, the equipment is totally or partially affected, there are losses caused by employees' absenteeism and thus they both the organization and its reputation are negatively affected (Mohamad, 2017).

There is research that shows that the companies that have adopted occupational protection and health systems have had a lot to gain in the long term by the employees appreciating the working conditions, the effects concerning organizational climate in general and labour productivity in particular. Vinturache and Toaje (2012) believe that companies can not only aim at economic performance but must also aim to protect the life, health and safety of their employees.

The European Union policy which, according to the Europe 2020 strategy, aims at ensuring smart, sustainable inclusive growth, also aims at the field of occupational health and safety in order to ensure decent, safe jobs that will not affect workers' health (US - OSHA, 2013). Companies have to face multiple challenges regarding occupational health and safety concerning on the one hand the need to identify the legislative provisions that suit them, and on the other hand the legal responsibility regarding the application thereof (Audiffren, 2012). Condrea and others (2013) believe that the implementation of a management system of occupational health and safety in the organizations of our country must be designed so as to ensure the transposition of the European requirements regarding occupational health and safety for workers, to be found in the national legislation.

The consequences of occupational accidents and diseases manifest themselves on the performer, on the workload, on the production means and on the environment (Rusu - Zagăr C.). Lațiu L (2005) believes that it is moral for an employer to bear the costs generated by the occupational accidents and diseases induced by the activity performed by a worker.

3. European and National Regulations

Article 6 of the Consolidated Version of the Treaty on European Union states that the Union is competent to carry out actions to support, coordinate or supplement the actions of the Member States, and Article 151 sets objectives to promote employment and improve living conditions. Achieving such goals is a responsibility of the European Union that defines regulations that do not undermine the right of any country to define its social security principles. In the field of occupational health and safety, one can find the right to working conditions and social protection regulated in the European Social Book signed in Turin in 1961 and revised in 1996.

European Directive 89/391/EEC of 12 June 1989 on the implementation of steps to promote the improvement of occupational health and safety of workers in the work place, with subsequent amendments, defines a number of steps aimed at ensuring an adequate working environment. The main obligations of employers and workers in the field of occupational health and safety are identified. Thus, an employer has the obligation to ensure the health and safety of their workers by taking all necessary steps for both the protection of health and safety, as well as for the prevention of occupational risks and for providing information.

On 17 November 2017, the European Parliament, the European Council and the European Commission approved in Gothenburg (Sweden) the European Pillar of Social Rights. It stated that workers have the right to "fair and equal treatment in terms of working conditions, access to social protection and vocational training" (Principle 5), namely they "have the right to a high level of occupational health and safety" (Principle

10). The European Pillar of social rights aims at ensuring efficient results at social as well as employment levels.

That element represents a desideratum of the European Union based on the need to ensure all the necessary and sufficient conditions to achieve the objectives of the Europe 2020 Strategy namely "smart, sustainable inclusive growth".

Protection in the workplace has been and still is a permanent concern for both the decision-makers and the employees, since there is always the risk of occurrence of certain events that might affect the employees and the organizations they work in. The phenomenon generates the need to establish one's own strategy in the field of occupational health and safety that has as priority objectives the prevention of risks, the provision of suitable conditions in the workplace, the prevention of occupational accidents and diseases, the support of employees' health. The ultimate goal of such steps is to protect the life, integrity and health of employees against the factors that can generate risks of occupational injuries and diseases, and the creation of working conditions that can provide an employee with adequate physical, social and mental comfort.

Risk management in the workplace must be a permanent concern not only for an employer but also for an employee, as any decision made in this respect by a decision-maker does not lead to any results if the employee is not actively involved. In this respect, a French employer, after taking the appropriate steps for occupational health and safety, created a system that warned the employees that "nothing justifies getting injured". That meant that the employer had taken all steps to protect the employees, the other things being the responsibility of the latter, so that the latter bear full responsibility for what happens to them.

It should be added that it is not enough just for the employer to take steps to protect the work and the employee to follow the steps, but the government must adopt a correct occupational health and safety policy and create the appropriate legislative framework, applicable to this sensitive area.

In this respect, in Romania, Law no. 319/2006 with subsequent amendments and additions has been adopted which has fully transposed Directive 89/391/EEC of 12 June 1989 on the implementation of steps to promote the improvement of occupational health and safety of workers. Subsequent regulations of that law including Government Decision 1425/2006 for the application of Law no. 319/2006 with subsequent amendments and additions ensure the harmonization of the national legislation with the Community legislation in the field. It is worth mentioning that occupational health and safety is also regulated by Law no. 53/2003 (Labour Code) with subsequent amendments and additions, in Title V, Articles 175 -191, issues regarding "occupational health and safety".

The most concerned in taking steps on the safety and health of the employees is the employer to whom a series of obligations are incumbent, arising from the provisions of Article 7 of Law no. 319/2006.

By Government Decision no. 191/2018, Romania has adopted the national strategy in the field of occupational health and safety for the period 2018-2020 which sets, among other things, the specific objectives of occupational health and safety, and their beneficiaries.

Given that any change in the social, economic and technological climate also generates new risks for employees in the employees, it is necessary to find specific adequate methods and means for the protection and avoidance of occupational accidents.

In this regard, it is necessary for any legal entity to develop and implement an occupational health and safety policy, having as main objectives:

- prevention/reduction in the number of work accidents;
- reduction in the number of medical leaves;

- ensuring a proper working climate;
- recruitment of the best labour force;
- facilitating contacts with the authorities, etc.

In order to achieve that policy, it is necessary to go through some stages:

1. Health and safety policy

In this regard, a company/legal entity must:

a) prepare an action plan signed by the partners and director regarding its health and safety policy;

b) involve the employees in the preparation of that action plan, as they know in detail the risks that may arise in the workplace.

2. Annual plan and report

a) prepare an annual plan to promote occupational health and safety;

b) conduct an annual assessment to improve health and safety status;

c) discuss the assessment plan with the employees or their representatives.

3. Training and certification in the field of health and safety;

a) the company must ensure that the employees have the necessary qualifications for the tasks they perform (e.g.: forklift certificates).

4. Presentation of health and safety issues

a) the company conducts and holds its own training for the new employees, including those at management level.

b) present health and safety issues before the start of employee activities.

5. Specific safety instructions, laws and regulations

a) train all employees and people who legally enter the company regarding the legislation and regulations specific to the activities carried out.

6. Verification of work equipment and products

a) periodically check in order to identify and register critical work equipment and components (e.g.: safety nets, welding equipment).

b) prepare a list of critical/hazardous equipment and products used.

7. Keeping records of accidents and incidents

a) laying down an internal procedure for keeping records of important accidents and incidents, of the person to whom they are related and of the person responsible for the investigation and monitoring.

b) precisely deciding the incidents that are reported and whom they are reported to.

8. Protection equipment and hygiene and health steps

a) the presence of a system to control the collective protection equipment;

b) the presence of a system to teach and maintain the protection equipment;

c) the presence of hygiene and health facilities.

9. Organizing safety

a) the company promotes regular dialogues with the employees or their representatives, according to needs and/or national legislation.

10. Management meetings

- Occupational health and safety issues should be regularly found on the agenda of management meetings.

The application of occupational health and safety management systems is a strategic and operational decision for any organization; organizations' success is a variable dependent on the management and involvement of all stakeholders from all levels and functions of the organization.

The development of an occupational health and safety management system involves defining a component of general management that includes the organizational structure, planning activities, responsibilities, practices, procedures, processes and

resources for the preparation, implementation, achievement and revision of the health and safety plan.

In order to ensure a system that offers a better control of occupational risks, specific standards have been defined, namely OHSAS 18001:2007 and OHSAS 18002:2009, replaced by ISO 45001 as of March. The organizations that already apply the OHSAS 18001 standard have 3 years for the implementation of the ISO 45001 standard.

Applying the standard does not guarantee risk prevention or secure jobs, but gives employees and stakeholders the image of an organization involved in workers' problems.

The ISO 45001:2018 standard addresses the occupational health and safety issue through the PDCA (Plan-Do-Check-Act) concept, an iterative process that offers organizations the possibility of continuous improvement of the system and implies:

- P - Plan – Identify and assess the occupational health and safety risks and opportunities, set the specific objectives and processes;
- D – Do - Implement processes according to planning;
- C – Check - Monitor the outcome; monitorizarea rezultatului;
- A – Act - Take the necessary steps for continuous improvement and achievement of the expected outcomes.

The implementation of an occupational health and safety management system is influenced by a number of factors, of which the following can be mentioned:

- The management method and the involvement level of the top management;
- Building an organizational culture that includes elements of occupational health and safety;
- The communication system;
- The workers' level of involvement;
- The resources allocated for carrying out specific actions;
- Defining an occupational health and safety policy in accordance with the organization's strategy and policy;
- Conducting efficient risk assessment procedures;
- Implementing a system of permanent monitoring of occupational health and safety in order to improve performance;
- Building occupational health and safety structures integrated into the organization's structure;
- Compliance with specific legislation.

At the level of an organization, the presence of an occupational health and safety management system generates a number of remarkable advantages both at the organizational level and at the level of the environment where the activity is carried out, namely:

- Provides managers with a well-defined framework that allows the management of occupational health and safety issues;
- Improves the organization's image and stakeholder relations;
- Increases the level of involvement of personnel working in the operational sectors;
- Increases the awareness of necessity and the justice of responsibilities defined in this regard;
- Ensures better working conditions to increase work productivity but also employees' loyalty through greater confidence in the organization's management
- Demonstrates the employer's concern for the employees' working environment against the risks involved in their activities;

- Ensures the identification of risk factors and allows the preparation of plans to reduce them;
- Reduces costs related to non-compliance;
- Makes it possible to plan the investments that will be made in the field of occupational health and safety, which allows a correct and balanced management of the organization's resources.
- Reduces the number of occupational accidents and diseases.

Building an occupational health and safety management system allows organizations to manage activity-related risks more correctly, and the government to ensure a higher level of health and a reduction in the expenditures for social health, and in this regard, knowledge is the element that can provide added value to an organization that is forced to cope with environmental changes (Voiculeț A., 2010).

Conclusions

This paper has been aimed at highlighting the main European and national regulations in the field of occupational health and safety, since building occupational health and safety management systems represents a correct response to population aging, to the globalization phenomenon, to the application of new technologies and also to the use of different substances when performing activities.

The implementation of a management system for occupational health and safety is to an employer a helpful tool to generate profit as a result of reducing the costs caused by occupational diseases and accidents.

Regarding a workplace as a micro-environment, an occupational health and safety management system can offer solutions for increasing work productivity and the efficiency of performance carried out.

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