Methodical Instruction No.1
for the students’ self – preparation work
(at class and at home)

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<th>The subject under the study</th>
<th>Safety of Labour in Branch</th>
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<td>Module No.</td>
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<td>Topic</td>
<td>Legislative and organization basis of safety of labour</td>
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1. The topic basis:
   One of main and major tasks of the state there is a guard of life and maintenance of health of citizens in the process of implementation of labour activity. It follows to consider creation of safe terms of labour leading pre-condition of adequate existence and fruitful activity both separate workers and modern enterprises, establishments and establishments, on the whole. Moreover, a health protection workers, providing of terms, for productive and safe professional activity is the original face of the state, by the mortgage of it high authority in the world. State of modern production, level of providing of reliable guard and safety of labour in our state it is impossible to name such that in a complete measure satisfies all of existent necessities predetermines the high level of capacity, instrumental in forming of such terms realizations of labour activity, which can it would be acknowledged harmless and safe.

2. The aims of the training course:
   To analyse the system of legal, socio-economic, organizationally technical, sanitary-hygienic and medical measures, directed on maintenance healthy and to the capacity of medical workers of different specialities.
   To offer the complex of administrative, sanitary-hygienic and medical measures, directed on the prophylaxis of production traumatism, origin of the professional poisonings and diseases and other unfavourable changes, in the state of health as a result of influence of harmful factors of production environment in industry of health protection.

3. Materials for the before – class work and self – preparation work:
   3.1 Basic knowledge, experience, skills necessary for studying the topic in connection with other subjects:

<table>
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<th>Practical skills</th>
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<td>Preclinical disciplines</td>
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<td>To apply the unique order of organization of labour protection in Ukraine.</td>
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<td>To own the mechanism of realization of constitutional rights for citizens on the proper safe and healthy terms of labour.</td>
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<td>To identify a requirement in strengthening of prophylactic work in relation to the maintenance of life and health of people during realization of labour activity.</td>
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3.2 The contents of the topic:

Text:
Jurisdiction of OHS Requirements

Compliance with the OSH requirements is mandatory in all factories, companies, and organizations regardless of their ownership and business status, as well as to all working citizens. Both employer and employee are equally responsible and liable for incompliance with the OSH requirements.

Occupational safety laws of Ukraine are a system of interdependent laws and regulations in the field of occupational safety and health. It is a set of laws of Ukraine and specific regulations based on these laws.

Fundamentals of Ukrainian legislation in the field of hygiene and labour protection

Labour protection legislation in Ukraine is regulated by government (High Council (Verkhovna Rada), Cabinet of Ministers, Ministry of Labour and Ministry of Public Health), trade union organizations and other institutions and public organizations.

1. Constitution of Ukraine guarantees: “everybody has right to work …, to safe working conditions. It is forbidden to use the labour of women and adolescents at dangerous for health works” (Article 43); “Everybody who works has the right to rest. This right is guaranteed by half day work for the workers of a number of professions and productions that are determined by the law, and by working time reduction at night …” (Article 45); “Everybody has the right to health protection, medical care and medical insurance” (Article 49) etc.

2. Law of Ukraine “On provision of sanitary and epidemic safety of the population” approved by Rada on 24.02.1994. Also this law states “Citizenry has the right to: … safe for health labour conditions; reparation of damages, inflicted to their health … compulsory medical examinations.” It is envisaged to remove from work those individuals who refuse compulsory medical examinations and vaccinations.

Legislation provides for a single state list-register of dangerous hazards, make of a state sanitary examination of industrial construction projects, production techniques, raw materials, half-finished products, integrated products, prevention of diseases, injuries, poisonings etc.

3. Law of Ukraine on labour protection approved by Cabinet of Ministers of Ukraine by № 64 from 1993 provides for creation of proper hygiene and sanitary conditions in industry, prevention of injury causes, occupational diseases and poisonings, reduction of noise, vibration and other harmful effects, waste treatment and extermination etc.

Legislation provides for realization of wide health-improving and preventive measures, compulsory medical examinations, preventive medical examinations, rendering of medical and preventive help, help in prosthetics to disabled workers, sanitary education.

An important place in the labour legislation is occupied by the Labour Code (LC, 1992) that was elaborated by trade union organizations, Ministry of Public Health (MPH), other departments. Lawbook includes a big number of acts about accident prevention, sanitation in the production, labour protection of womankind and adolescents, elderly people; about collective agreements between employers and employees; about internal regulations at the enterprises, provision with individual protectors, working clothes, footwear etc.

Ministry of Public Health has worked out “Principals of Ukrainian legislation on health protection” № 2801 – XII from 1992; “Sanitary code for microclimate of working zones” and “Maximum allowable concentrations (MAC) of harmful substances in the air of the working zone” (State Standard 12.1.085 - 88); “Regulations of commissioning procedure for finished construction projects” (Resolution of the Cabinet of Ministers № 431 from 1992); Sanitary regulations for iron industry enterprises (№ 2527 - 82) and for number of other industries etc.

A special place among documents of sanitary legislation is occupied by legal acts, rules and instructions: “Regulations on procedure of amercement of the enterprises, institutions and organizations for breach of labour protection statutory acts” (Resolution of the Cabinet of
Ministers № 754 from 1993); “Procedure of ceasing or withholding investment activity in case of violation of Sanitary legislation” (Order of MHP № 65 from 1995), Order of MPH about suspension of individuals at breach of sanitary legislation (№ 65, 66, 67 from 1995); about criminal liability for rough violations of sanitary legislation etc.

The principles underlying public policy in the field of labor protection:
- Priority of employee’s life and health, employer’s responsibility to create appropriate safe and healthy working conditions.
- To improve industrial safety by providing continuous technical control of production, technologies and products, as well as to assist enterprises in creating safe and harmless working conditions.
- To find complex solutions to the main tasks of labor protection based on national and regional programs on this issue and consider other areas of economic and social policy, advances in science and technology, and environmental protection.
- To provide social protection of employees at work, full compensation for people who have suffered from accidents and occupational diseases.
- To establish common requirements for labor protection for all enterprises and entrepreneurs regardless of the type of ownership and activities.
- To ensure adaptation of work processes to employee’s capabilities considering his/her health and mental condition.
- To use economic methods of labor protection management, government involvement in the financing of measures to ensure safety, attract voluntary contributions and other legal solutions for these purposes.
- To raise public awareness, provide training within organizations, professional safety training of employees.
- To coordinate public authorities, institutions, organizations, and associations that solve problems of healthcare, hygiene and safety, as well as cooperate with and consult employers and employees (or their representatives), and all social groups concerning changes in labor laws and regulations at local and national levels.
- To use world experience to organize workplace and improve working conditions and ensure occupational safety through international cooperation.

State Regulation of Occupational Safety
According to Article 38 of the Law of Ukraine On State Occupational Safety control over execution of State Laws and other normative documents on occupational safety is performed by:
- the State Committee of Ukraine on Occupational Health and Safety, the State Mining Committee and the State Control of Managing Explosive Materials for Industrial Purposes (Derzhhirpromnahlyad), the activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine;
- the State Nuclear Regulation Committee of Ukraine (Derzhatomrehuliuvannya), the activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine;
- the State Department of Fire Safety (Derzhpozhbezpeky), which is a state authority within the Ministry of Emergencies and Population Protection from Chernobyl Catastrophe Consequences (Ministry of Emergencies of Ukraine);
- the State Mining Committee (Derzhhirpromnahlyad) promotes the development of occupational culture through complex management of occupational safety and monitoring its efficacy on various stages by means of state supervision of occupational safety conditions. It
coordinates the activity of:
— ministries and other central bodies of executive power, the Council of Ministers of the Crimean Autonomous Republic;
— local state administrations;
— state self-governing bodies;
— institutions and other subjects of household management in occupation safety, occupational hygiene, etc.

The value of labour protection consists in that exactly it is the main condition of maintenance of health and defence of man from influence of harmful factors of production environment.

Labour protection as an inalienable constituent of creation of safety of vital functions of man in the conditions of production spreads on all of enterprises, establishment and organization regardless of forms of their property and types of activity, on all of citizens which work, and others like that. Therefore for violation of organization of labour protection in an identical measure carry responsibility before a law both employer (proprietor) and employee (performer).

A labour protection is the obligatory component of activity of structures of Ministry of health (patient care and educational establishments, health complexes, treatment-and-diagnostic centres, stomatological cabinets of private, or other patterns of ownership, pharmacy network, enterprises of pharmaceutical industry and others like that).

The main functions of occupational safety management:
- prognosis and planning of activities and their financing;
- organization and coordination of activities;
- calculation of the coefficients of occupational hygiene and safety;
- analysis and estimation of the coefficients of working conditions;
- control of the activities of industrial management bodies to ensure safe, healthy and productive working conditions.

The principal objectives of the occupational safety and health laws and regulations are to promote and secure the safety and health of people in the workplace – employees as well as visitors, volunteers, supervisors, and members of the public. Common law requires employers to provide their staff with:
- A safe place of work
- A safe system of work
- Safe and proper plant and equipment
- Competent staff to manage and supervise.

Under common law, an injured staff member may be successful in suing for damages, if it can be shown that the injury or disease resulted from negligence on the employer’s part. In addition, under criminal law there is also provision for manslaughter charges for negligence resulting in death. The employer is in law responsible for any damage which an employee may suffer as a result of an act done by another member of staff in the course of employment if that act is negligent or otherwise constitutes a breach of duty. If any such act results in injury in circumstances which would entitle the injured person to recover this loss from the staff member, the injured person may sue the member of staff but also has the additional right to sue the employer. If a person suffers injury in circumstances in which no negligence or other breach of duty on the part of the staff member exists, the person will have no legal right against the practice or the staff member and, as a matter of law, must bear the loss personally. Intent does not have to be proven for an employer (or employee) to be prosecuted for a breach of
workplace health and safety legislation. This is also known as the principle of “absolute obligation”, that is, if there are not systems in place to address workplace health and safety concerns in the workplace, negligence is established automatically. The legislative framework is hierarchical, from Acts and Regulations forming the highest aspect (for which compliance is mandatory) through to Codes of Practice, Standards, and various Industry Specific Standards/Guidance Notes. The regulator looks across all areas of risk but targets eight particular areas of risk, in which lack of compliance is more likely to be followed with penalties and prosecutions. These areas are: Electricity, Forklifts, Hazardous substances, Manual handling, New and young workers, Slips and trips, Working at height, and Guarding.

In broad terms, the purpose of the Act is to:

- promote and secure the safety and health of persons at work;
- protect persons at work against hazards;
- assist in securing safe and hygienic work environments;
- reduce, eliminate and control the hazards to which persons are exposed at work;
- foster cooperation and consultation between and to provide for the participation of employers and employees and associations representing employers and employees in the formulation and implementation of safety and health standards to current levels of technical knowledge and development;
- provide for formulation of policies and for the coordination of the administration of laws relating to occupational safety and health; and promote education and community awareness on matters relating to occupational safety and health.

The emphasis in the Act is that employers (and self-employed people) must ensure the health and safety of each of their workers and of themselves, and that the way their business is conducted does not affect the health and safety of other people. Workers, on the other hand, are obliged to follow safety instructions given by their employer, and to use personal protective equipment provided by the employer. They must not deliberately put the health of themselves or others at risk. With respect to medical practice, the Act imposes workplace health and safety obligations on a wide range of persons, and in particular it applies to employers (such as practice principals or partners); self-employed people (such as contractors); supervisors; other employees; volunteers; patients, and visitors.

3.5. Self-control material:

A. Questions to be answered:

1. A legislative and normative base of Ukraine is about a labour protection. Responsibility is for violation of legislation about a labour protection.
2. State administration of labour and organization of labour protection a guard is on a production. Service of labour of the system of Ministry of health Ukraine protection. Service of labour of enterprise protection.
4. A state supervision and public inspection is after a labour protection.
5. Investigation and account of accidents, professional diseases and failures, is on a production.
6. A list of professional шкідливостей is at implementation of professional duties of medical and pharmaceutical workers.
7. Preventive and periodic reviews of workers, organization of their leadthrough, registration of registration and current document.
8. Description of documents which must be utilillized in the process of investigation of cases of the professional poisonings or diseases.
9. Accident prevention, production sanitation, sanitary education of workers, as facilities of prophylaxis of professional diseases and poisonings.

B. Test tasks to be done:
1. Labour protection legislation in Ukraine is NOT regulated by:
A. High Council (Verkhovna Rada).
B. Cabinet of Ministers.
C. Employers.
D. Ministry of Labour.
E. Trade union organizations.

2. Every employer in the dental workplace must abide by the following requirements:
A. Provide additional nutrition in the workplace.
B. Provide special clothing according to national traditions.
C. Provide dynamic monitoring of the health of workers.
D. Set the physical, physiological and psychological capacity of people to work.
E. Provide a working environment for employees that is safe, without risks to health.

3. “Everybody has right to work …. to safe working conditions”. It is guaranteed by:
A. Law of Ukraine “On provision of sanitary and epidemic safety of the population”.
B. Law of Ukraine on labour protection (#64 of 1993).
C. Constitution of Ukraine.
E. “Regulations on procedure of amercement of the enterprises, institutions and organizations for breach of labour protection statutory acts”.

4. “It is forbidden to use the labour of women and adolescents at dangerous for health works”. It is guaranteed by:
A. Law of Ukraine “On provision of sanitary and epidemic safety of the population”.
B. Law of Ukraine on labour protection (#64 of 1993).
D. Constitution of Ukraine.
E. “Regulations on procedure of amercement of the enterprises, institutions and organizations for breach of labour protection statutory acts”.

5. Common law requires employers to provide their staff with:
A. A safe place of work.
B. Travel to work.
C. Daily free exit.
D. Labour liability.
E. Liability.

Situational task

A 17.5 year-old girl graduating secondary school is hired to work as a junior nurse of the roentgenological department of the clinic.
Can she be taken for work? Argue answer.

Literature recommended

Main Sources:

Additional ones:

Information Resources:
1. www.umsa.edu.ua
2. www.dovkil-zdorov.kiev.ua
3. www.who.int/topics/hygiene