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## IMPLEMENTATION OF EUOSH STANDARDS IN COMPANIES OPERATING IN SLOVAKIA<sup>1</sup>

**Abstract:** *The European Union has been dealing with issues related to the occupational safety and health (OSH), which results mainly from the high and ever-increasing costs of the impacts and consequences of failure to OSH standards in the workforce and also the diversity of norms and rules in the European Economic Area which are valid in the field of OSH because of the different approaches of EU Member States on health and safety, or to enshrine them in the basic instruments and provisions. This state of OSH recently provoked the EU to draft basic documents aimed at unifying and adapting generally binding standards for occupational health and safety for businesses operating in the Economic Area of the European Union, mainly relating to the businesses in particular EU Member States. Also companies doing business in the SR are obliged to implement binding EU standards in the field of occupational health and safety have. This contribution describes and characterizes the basis for setting standards in the field of occupational health and safety the European Union, which are binding for Member States and companies operating in the EU labour market and companies doing business in Slovakia. The paper pays attention to the implementation of the binding standards of EU OSH in the basic documents of companies operating in Slovakia. The present paper mediates the results of a survey on the implementation of adopted EU standards in the field of occupational health and safety in companies operating in Slovakia, which was conducted in 2013–2014. The paper is the output of solutions of grant tasks under VEGA project No.1/0662/15 – "Economic-social tools as a factor for job creation in companies".*

**Keywords:** *occupational safety and health, OSH standards of the EU, implementation of the EUOSH standards, enterprises in the SR*

**JEL:** M 5, M 12, O 15

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<sup>1</sup> The paper is the output from research project VEGA No.1/0662/15 – Economic-social tools as a factor for job creation in companies.

## Introduction

The issue of ensuring the health<sup>2</sup> of employees at work has taken a wide variety of Community measures. European directives are legally binding and have to be transposed into national laws by the Member States. [1] A directive enters into force once it is published in the Official Journal of the EU. The Framework Directive with its wide scope of application as well as further directives focusing on specific aspects of safety and health at work is the fundamentals of European safety and health legislation. [3] These directives set out minimum requirements and fundamental principles, such as the principle of prevention and risk assessment, as well as the responsibilities of employers and employees. Moreover, a series of European guidelines aim to facilitate the implementation of European directives as well as European standards, which are adopted by European standards organisations.

## European Legislation in the Field of OSH

EU directives on safety and health at work have their legal foundation in Article 153 of the Treaty on the Functioning of the European Union (ex Article 137 TEC), which gives the EU the authority to adopt directives in this field. Since then, a wide variety of EU directives setting out minimum health and safety requirements for the protection of workers have been adopted. Member States are free to adopt stricter rules for the protection of workers when transposing EU directives into national law. [6]

A series of individual directives focusing on specific aspects of safety and health at work were adopted on the basis of the Framework Directive. Nevertheless, the Framework Directive continues to apply to all areas covered by the individual directives. Where individual directives contain more stringent and specific provisions, these special provisions prevail. Individual directives tailor the principles of the Framework Directive related to: specific tasks (e.g. manual handling of loads); specific hazards at work (e.g. exposure to dangerous substances or physical agents); specific workplaces and sectors (e.g. temporary work sites, extractive industries, fishing vessels); specific groups of workers (e.g. pregnant women, young workers, workers with a fixed duration employment contract); certain work related aspects (e.g. organisation of working time). [2]

The individual directives define how to assess these risks and, in some instances and set limit values for certain substances or agents. The standards set in these individual directives are minimum standards for the protection of workers, and Member States are allowed to maintain or establish higher levels of protection.

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2 The World Health Organization (WHO) defines health as a state of complete physical, mental and social well being and not merely the absence of disease or infirmity. The right to development, the protection and restoration of health is a fundamental human right. Everyone, regardless of race, religion, political belief, economic and social status has the right to the enjoyment of the highest attainable standard of health and quality.

In addition, a series of EU directives based on Article 114 of the Treaty on the Functioning of the European Union (ex Article 95 TEC) relate to safety and health aspects. On that legal basis, a series of technical directives under the so-called 'New Approach' were adopted whereby the European standardisation organisations – European Committee for Standardization (CEN), European Committee for Electro-technical Standardization (CENELEC) and European Telecommunications Standards Institute (ETSI) – set and update European standards on a regular basis. [1]

To better protect the more than 217 million employees in the EU from work-related accidents and diseases, the European Commission [5] has adopted a new Strategic Framework on Health and Safety at Work 2014–2020, which identifies key challenges and strategic objectives for health and safety at work, presents key actions and identifies instruments to address these.

The Strategic Framework identifies major health and safety at work challenges. One of the main objectives is to improve implementation of existing health and safety rules, in particular by enhancing the capacity of micro and small enterprises to put in place effective and efficient risk prevention strategies. An important objective is to improve the prevention of work-related diseases by tackling new and emerging risks without neglecting existing risks and also to take account of the ageing of the EU's workforce.

Changes in the contemporary world of work relate primarily to demographic changes (sustainable work for a healthier and longer working lives); contradictory processes of globalization and their impact on regional and global labour market, OSH research for safe new technologies and also new or increasing occupational exposure to chemical and biological agents. These changes reflect the global economic, social and technological challenges that the European Union is facing, combined together the objectives set in the document The Europe 2020 strategy [4] priorities in OSH research.

European legislation of occupational health and safety on the one hand contribute to strengthening prevention in the European Union, as well as the rationalization and simplification of national legal systems. On the other hand, however, they appear various shortcomings in the implementation of standards that reduce the chances of their successful implementation. As reported by Majer (2014) [7], the evaluation reports, the European Commission assessed positively the procedure for adopting the rules, but more consistent appeal to the necessity of the process of implementation of new regulations in company practice. As a part of enforcement, it is necessary to promote the application of OSH legislation in everyday practice, to avoid neglecting OSH standards to consistently respect the provisions of laws and other regulations to ensure occupational health and safety.

## **The Survey Results of the Implementation of EU Standards in the Field of Occupational Health and Safety in Companies Operating in the SR**

Having studied the secondary sources, documents and materials related to health and safety at work, issued by the EU, we determined the survey's objectives. Our survey was aimed at finding out whether the managers in companies operating in the Slovak Republic that are responsible for occupational health and safety, are familiar with the EU directives on safety and health at work, whether they incorporate these directives into company documents, methodological instructions and regulations as well as the occupational training and education of employees. Furthermore, the survey was intended to find out which company documents included the EU directives on safety and health at work. Besides this, we tried to find out whether the companies, which took part in our survey, had made any changes concerning implementation of the EU directives on safety and health at work during or within one year.

The sample group of respondents consisted of 145 small, medium-size and big companies operating in the Slovak Republic. The managers responsible for health and safety at work were our respondents<sup>3</sup>. They were selected at random. When conducting the primary survey, we collected data using the exploration methods – a questionnaire and a semi-structured dialogue. The questionnaire contained 30 combined questions and 5 characteristic competences of occupational safety managers, including a five-point scale of answers. It was sent to the respondents via e-mail. The survey contained also a supplementary method of a semi-structured dialogue over the phone. The data acquired through this dialogue were processed by means of content analysis as well as sorting, classification, comparison and generalization methods. We decided to use the semi-structured dialogue because it allows us to ask questions flexibly and enables more flexible interpretation of the respondents' answers. For complex assessment of acquired data and information, we used standard mathematical and statistical methods.

The survey was conducted in two phases, in November 2013 and in November 2014. We asked the respondents from the same companies the questions aimed at finding out whether the companies had made any changes concerning implementation of the EU occupational safety regulations within one year.

The survey results showed that 71 % of the managers working in small and medium-size companies with Slovak capital participation and responsible for health and safety at work are not familiar with the EU directives on health and safety at work. Only 29 % of the managers in the small and medium-size companies knew these regulations and standards. In contrast, 94 % of the occupational safety managers in big companies with foreign capital participation are familiar with the EU directives on health and safety at work and only 6% did not know these regulations and standards.

Following the results of our survey, we made the graph (Graph 1) that presents some companies operating in the Slovak Republic. This graph shows that the occupational

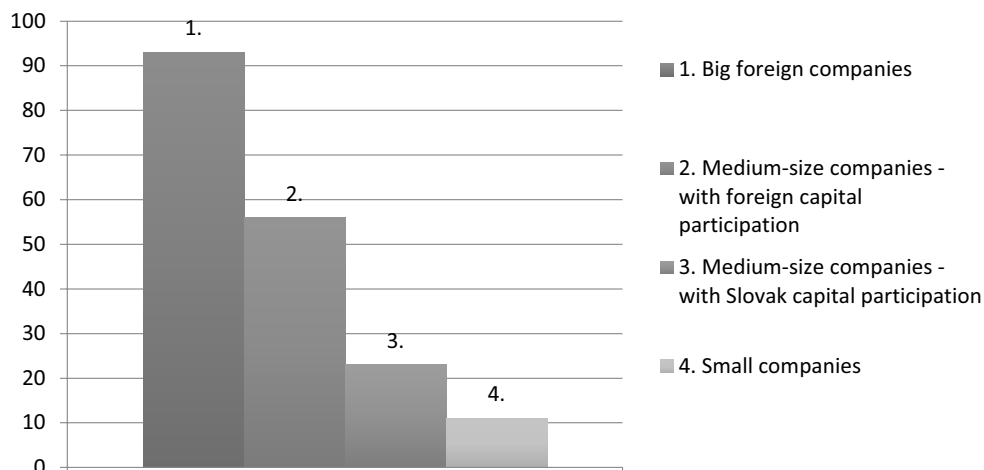
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<sup>3</sup> The surveyed managers responsible for occupational safety demonstrated key and communicative competences in the area of health and safety at work.

safety managers in the big foreign companies implement the EU directives on health and safety at work most (93 %) (for example: automobile manufacturers, banks, insurance companies, chemical companies, supermarket chains, e. g. Tesco). Then there are medium-size enterprises and limited liability companies with foreign (56 %) or Slovak capital participation (e. g. shoe manufacturers, leather manufacturers, supermarket chains – for example, Lidl) and small companies (tourist industry, services, attorney and notary offices, nonbank and consulting firms) (11 %). The survey indicated that the fewer employees a company has, the less it implements the EU directives on health and safety at work. The implementation of the EU occupational safety directives in the small companies with Slovak capital participation has a decreasing tendency.

Graph 1

**Results of the survey focused on implementation of the EU occupational safety directives in the companies operating in the Slovak Republic**



Source: own elaboration.

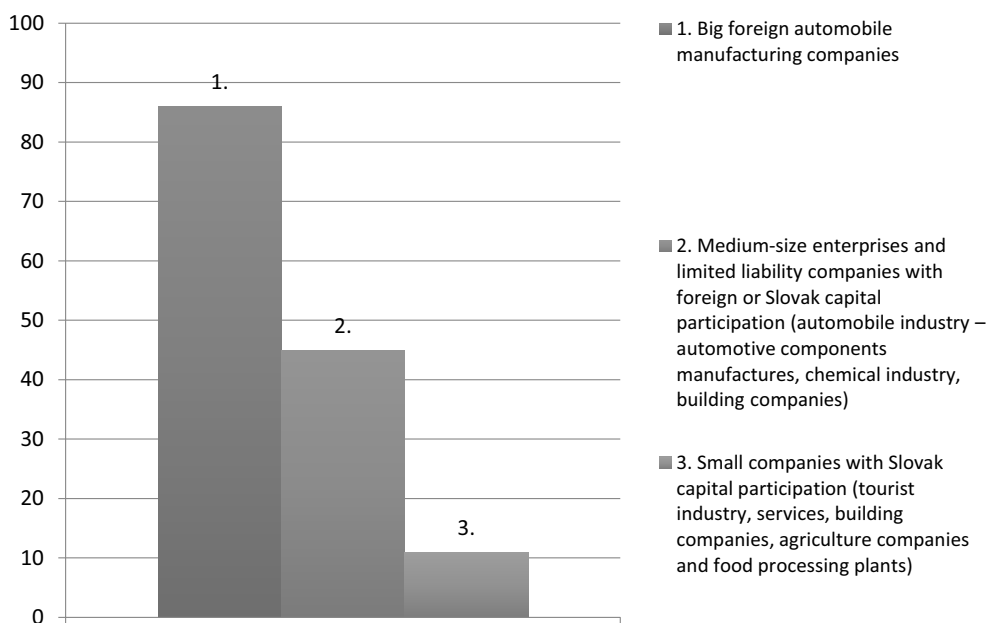
According to the survey results, managers of the foreign companies operating in Slovakia implement the EU directives on health and safety at work because their parent companies do so as well (this information was acquired by means of a semi-structured dialogue). Other companies, in which the executive staff decided on implementation of the EU occupational safety directives, implemented these directives much more slowly. Moreover, they implemented only some directives, not all of them, which depended especially on capabilities of the executive staff and the pressure exerted by auditing bodies and institutions (for example, the Labour Inspectorate).

We were also interested to find out how the EU directives on health and safety at work are implemented in the companies according to their line of business (Graph 2). According to the survey results, the big foreign automobile manufacturing companies

proved the highest level of the EU occupational safety directives implementation (86 %). They are followed by the medium-size enterprises and limited liability companies with foreign or Slovak capital participation (45 %, for example the automobile industry – automotive components manufactures, the chemical industry, and building companies). The Slovak companies and enterprises focused on tourist industry, services, building companies, agriculture companies and food processing plants implement the EU occupational safety directives least (11 %).

Graph 2

Survey results – implementation of the EU occupational safety directives according to the companies' line of business



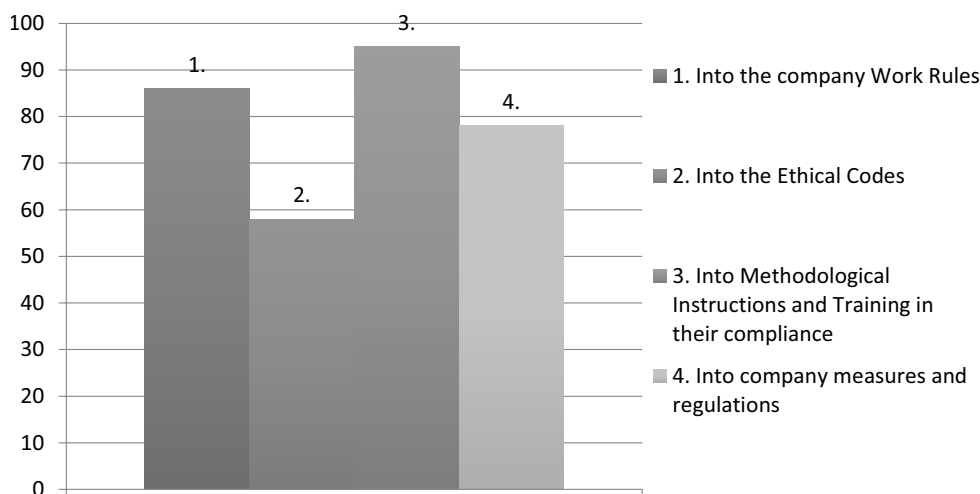
Source: own elaboration.

According to the Graph 3, there are differences between the occupational safety managers in the companies operating in Slovakia as far as the extent to which they implement the EU occupational safety directives is concerned. This regards incorporation of these directives into company documents, methodological instructions and regulations as well as the occupational safety training and education of employees. The EU occupational safety directives are incorporated into the company work rules (86 %) by the subsidiary firms, especially banks and insurance companies, automobile producers (e.g. Volkswagen, Kia) as well as state and public administration. The EU directives on health and safety at work are incorporated into the ethical codes (58 %) especially by subsidiary firms, mainly banks and insurance companies with foreign capital participation, public institutions and state

administration. The EU directives are incorporated into methodological instructions and training in their compliance (95 %) especially by the building companies with foreign capital participation and manufacturing enterprises with foreign participation. The EU directives on health and safety at work are incorporated into company measures and regulations by 78 % of the companies, including mainly building companies, manufacturing enterprises, services and supermarket chains with foreign capital participation. The survey proved that small enterprises with the Slovak capital participation and micro-enterprises (notary offices, attorney offices, financial advisory services, nonbank firms, staffing agencies, and so on) do not implement the EU occupational safety directives at all.

Graf 3

**Incorporation of the EU occupational safety directives into company documents  
by the companies operating in the Slovak Republic**



**Source:** own elaboration.

Furthermore, the survey results show that most of the participating companies (86 %) had not made any changes regarding implementation of the EU directives on health and safety at work during the course of one year or in one year. This was caused especially by the language barrier and the fact that the companies did not have the EU directives translated into the Slovak language. Another reason is the lack of information or insufficient knowledge the managers in given companies have, underestimation of risks (most of the occupational injuries are not recorded as occupational injuries because of agreements with employees, corruption, etc.) and negligence of mandatory standards.

## Conclusion

Health and safety at work is one of the significant areas that contribute to high performance, efficiency, competitiveness and success of each company or enterprise. Its importance is rising particularly due to introduction of new technologies into production processes and other business activities. Moreover, occupational safety is becoming more significant due to globalisation processes that integrate all markets, especially the labour market, but do not integrate the working conditions concerning mainly health and safety at work. In fact, these processes enable multinational corporations and entrepreneurs to use the differences in occupational safety implementation in order to make their profits higher. The European Union, which opened the single market, tries to use the legislative and economic tools so as to create the same conditions for the trade in labour power within the European labour market and to introduce uniform standards and directives on health and safety at work. The EU supposes that healthy labour power working under safety working conditions is far more productive, reliable and thus more competitive in relation to the outside world. What is more, the absence or a low level of implementation of the EU directives on health and safety at work in the companies in individual EU member states as well as low investment [8] in occupational health and safety<sup>4</sup> can lead to higher costs for occupational injuries and diseases and deepening of regional differences within the EU. This, however, contradicts the main EU efforts to create a compact, highly effective, structured and competitive unit. The Slovak Republic belongs to highly open economies (83 %), which means there is a majority of foreign companies and companies with foreign capital participation.

As the survey results show, these companies and enterprises do not have much difficulty implementing the EU directives on health and safety at work. On the other hand, in the companies with Slovak capital participation, which are in the minority, there are serious shortcomings concerning implementation of the EU occupational safety directives. The data and information acquired by means of structured dialogues prove that the occupational safety managers in the surveyed companies have an indifferent attitude towards health and safety at work, which may be caused mainly by the fact that they are aware of the low level of legal claimability in Slovakia. However, the employees of these companies also keep having this indifferent attitude towards health and safety at work, which might be brought about by a strong pressure. As a result, they agree to neglect or intentionally ignore occupational safety regulations just to get and maintain their working position. All this is done with the tacit consent of their employers. This practice becomes evident in some cases when circumstances and character of occupational injuries have altered or when employee's violation of occupational safety regulations is not revealed and so on. What is more, the survey showed that the small and medium-size companies with

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4 Profitability is a criterion for measuring the company's ability to create new values from the invested capital. The company's ability to maintain its position in the market is determined also by financial ratios.



Slovak capital participation are not familiar with most of the EU directives on health and safety at work. The survey, which is being prepared and which should take place in November 2015, should answer some questions that our survey has raised.

## Literature

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