# **EMPLOYEES HEALTH AND SAFETY REQUIREMENTS AND REGULATION IN THE EUROPEAN UNION**

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#### Abstract

Occupational safety and health is a cross-disciplinary area concerned with protecting the safety, health and welfare of people engaged in work or employment. As a secondary effect, it may also protect co-workers, family members, employers, customers, suppliers, nearby communities, and other members of the public who are impacted by the workplace environment. It may involve interactions among many subject areas, including occupational medicine, occupational hygiene, public health, safety engineering, chemistry, health physics, ergonomics, environmental health, industrial relations, public policy, sociology, and occupational health psychology.

In the European Union, member states have enforcing authorities to ensure that the basic legal requirements relating to occupational safety and health are met. In many EU countries, there is strong cooperation between employer and worker organizations to ensure good OSH performance as it is recognized this has benefits for both the worker (through maintenance of health) and the enterprise (through improved productivity and quality).

In a democratic country every human has got an inborn and constitutional right to free choice of work and business, as well as to have favourable, safe and healthy working conditions. The problems of safety at work and the health of employees are extremely relevant because if someone breaks the basis of the system, people are going to suffer moral consequences. Moreover, hazard often arises to one's health and sometimes even life. To assure the legal adjustment of safety and health of employees, one has to understand the legal system of this field.

Occupational health and safety comprises all preventative measures aimed at protecting functional capacity, health and life of employees at work which are used or planned at all operational stages of the company to protect employees from occupational risks or minimize these risks. The main safety objective - the prevention of accidents, increase safety awareness at work, it is important to avoid unsafe practices and conditions, each contributing to the creation of safe working conditions.

Every employee must be provided with secure and healthy working environment irrespective of the activities of the company, type of employment contract, number of employees, profitability of the company, work place, working environment, nature of work, duration of the working day or shift, citizenship, race, nationality, gender, sexual orientation, age, social background, political or religious beliefs of the employee. Creation of secure and healthy working conditions in all work-related aspects is the duty of the employer. Occupational safety and health measures in the company are funded by the employer. The state of occupational safety and health in companies is measured to the extent that work equipment and working conditions in the company and its units meet occupational safety and health requirements laid down in legal acts. Employers have legal obligations to ensure a safe and healthy workplace.

#### **Keywords:**

European Union, occupational health and safety, occupational risks.

#### Introduction

The investigation of the operating conditions and evaluation range is especially wide and takes various different steps, which everyone might determine an operating conditions of the employee. Whereas in these times of science and technology development appears new and improved laws and regulations is striving to control and supervise as possible the actions of the corporations and therefore to reduce or completely avoid accidents in a workplace. Creation of the safe and healthy operating conditions is an inseparable part in work planning. Employer must follow safety and healthy ensuring regulations, create suitable and innocuous work conditions; and employee – to care himself and others health, work safely, familiarize and keep the requirements of safety and healthy work regulations according performing job specification. Unfortunately, the indexes of industrial injuries and occupational disease are poor whereas formation of the optimal operating conditions is the main aim for employer.

Problem. The personnel safety's and health's problem is particularly topical. Violation of following system means not only a moral harm but also damage of health and some cases for life. Is not easy to evaluate laws and even infringements of constitution in juridical attitude, so, after the entrance to the European Union, business and systems of organizations, as well as higher requirements are raising for warrant of workers safety and health. Another topical problem is concerned with occupational health and safety prevention of accident. There are realizable varying programs of prevention in all European Union states in order to find a way how to reduce accidents in workplace. Consequently in this article will be analyzed safety of personnel and health's management system and other laws regulation in attitude of personnel safety and health.

Aim of the article is to analyze the regulation of the employees' health and safety in the European Union and to provide abilities and suggestions for their upgrading.

**Object of the article** – the employees health and safety regulation.

Tasks of this article:

- to analyze the most important legislation of employees condition of health and safety;
- to identify the most important risk objects of personnel safety and health;
- to establish imperfection in organization of employees condition of health and safety company of domestic salvage and suggest possibility eliminate them.

**Reach methods:** special general scientific research literature methods – descriptive method, logical analysis and synthesis.

# Systemic analysis of occupational health and safety legislation

The need to improve working conditions is a common concern, extend to both the humanities and economic considerations (the European Commission). Create more quality jobs - the goal, fueling European Union has set the Council in March 2000 in Lisbon and in the same year in December in Nice. Safe and healthy working environment is essential component of quality work. Health and safety at work is one of the most important and cutting-edge of social policies. The European Union's activities in this area of law by the European Union Treaty Article 137. However, the act is not limited to legislation. The European Commission has expanded its activities, In cooperation with the European Health and Safety Agency and the life and work Foundation for the Improvement of information, advice and healthy working conditions for promotion, in paying particular attention to small and medium business enterprises. Health and safety at work legal framework of the European Commission Treaty, 71, 94, 95, 136, 137 and 308 articles. According to Article 137, the European Union encourages the working environment, in order to protect workers' health and safety through the harmonization of working conditions. To this end, the European Union level is to establish minimum requirements, allowing Member States to establish a better safety at the national level, where they themselves would like to. (The European Parliament, 2006).

Since the establishment of the European Economic Community was to go global approach to health and safety at work towards. Established a permanent safety in coal mines and the Committee of the Advisory Committee on safety, hygiene and health at work, whose purpose was to assist the European Commission to draw up and implement the measures relating to the work around the list.

In 1980, under the Treaty establishing the European Community, the Common Council adopted a directive 80/1107/EEC governing the protection of workers against the dangers of chemical, physical and biological agents at work. This Directive was the plan, providing for the action to be taken by member countries, limiting the potential of chemical, physical and biological factors impact on employees. Directive 80/1107/EEC Article 8, it was found that the Council adopt individual Directives on worker protection from chemical, physical and biological factors effects. Implementing this 80/1107EEC Directive (under Article 8), was adopted by the individual "a subsidiary directive". (The European Parliament, 2006).

Higher occupational safety and health elements are very important for European companies operating in the space. Key European Union requirements on working conditions, including safety at work is determined by specific directives. The aim of the Directive - to take measures to improve occupational health and safety. There is a distinction of the main directives on occupational safety and health in the EU.:

**89/391 EEC -**,,,On measures for workers' safety and health of workers at work''

**92/85 EEC** -,,On labour, prohibiting work during pregnancy, given birth and breastfeeding women, and work not recommended for women wishing to preserve the function of maternity, as well as the harmful and dangerous work environment factors and their application of the"

93/104 EC -,,Working Hours"

94/33 EC - "Youth Work" and others.

Directives set out general principles relating to the

prevention of occupational risks, safety and health, risk and accident factors, the removal of employees and their representatives information and advice.

European Union legislation in the framework of occupational health and safety point of view, it is crucial to the Directive 89/391/EEC. General Directive 89/391/EEC seeks to ensure the protection of workers from industrial accidents and occupational diseases, improvement of the through preventive measures, information, advice, harmonious workers and their representatives' cooperation and training. Directive applies to all European Union workers, whether employed private enterprises, and public institutions or organizations. Private practice and the development of local officials, this Directive does not. (J. Brundza, R. Butkus, 2002).

It complements and expands on a separate Directive,

89/391/EEC based on Article 16., or the other, providing for the safety and health requirements for certain products or activities, the directive. Incompleteness of the summary in Figure 1 (J. Brundza, R. Butkus, 2001). This Directive is validated in accordance with the EC Treaty Article 118 A. Article 16 of this Directive provides that the Council, acting on a proposal from the Commission under Article 118 A thereof, (including-among others) take the individual directives. Under European Union directives, employers are responsible for their own occupational safety and health. Directive 89/391 of the general health and safety management, risk identification and prevention scheme. Directive 16 (1) article, it was stated that the Council of the Commission, pursuant to 118 of the Treaty provides for measures to guarantee not less than the safety requirements of the Directive, that is, less than the minimum. (The European Parliament, 2006).

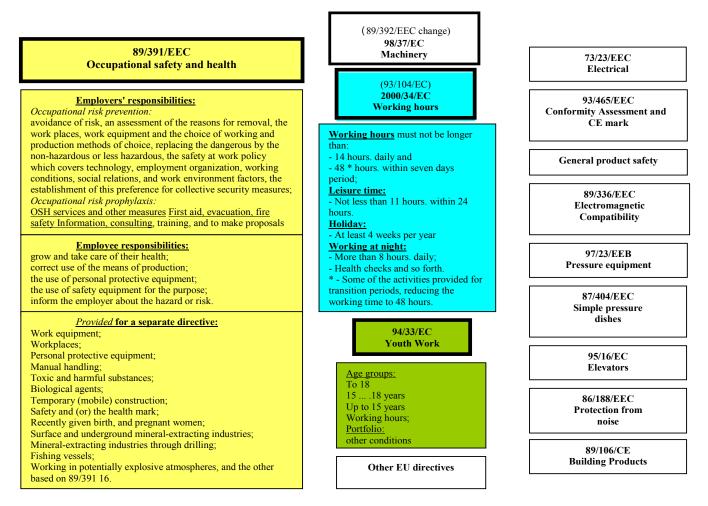


Fig. 1. Incomplete summary of European Union directives on health and safety at work (J. Brundza, R. Butkus, 2001)

EC Directive 89/391 lays down certain rules for the protection of workers in their places of work, for example. the requirement of first aid items. However, the main objective of the Directive - the introduction of measures to encourage safety and health improvement. It sets out general principles relating to the prevention of work-risk, safety and health, risk and the elimination of random factors, information, advice, staff and their representatives, and training, and general provisions for the implementation of these principles. As already mentioned, the Directive is of a general nature and is applicable to all areas of activity in both the public and the private sector, except for specific public sphere (armed forces, police). Sets out the employer - to take the measures necessary for the workers safety and health, including preventive measures, the risks associated with the work, to provide information and training of staff. This Directive requires the employer to assess risks related to occupational safety and health at work and ensure that they receive the necessary information on safety and health and will be properly trained. The other for the working time directive is: EC Directive 94/33 on the protection of youth work. It is prohibited to work for persons under 15 years old (with some exceptions) and the regulation of persons 15-18 years of age work. EEC Directive 93/104 concerning certain aspects of the organization of working time, daily, weekly and annual rest periods, and restricting the working week and night work. (J. Brundza, R. Butkus, 2001)

Thus, the adoption of Directive 89/391/EEC, lay the basis of the principle of the new occupational health and safety legislation to develop the system. Under the Framework Directive was drafted and adopted in a separate directive on minimum safety and health requirements for employment 89/654/EEC (the Directive), 89/655/EEC on minimum safety and health requirements for work equipment (Second Directive), and the other, laying down minimum requirements for the protection of workers from chemical, biological and carcinogenic effects. The separate directives on the basis of the basic Directive 89/391/EEC, adopted by 19 (The European Parliament, 2006).

## Risk factors in the system of safety and health

The state of occupational safety and health in companies is measured to the extent that work equipment and working conditions in the company and its units meet occupational safety and health requirements laid down in legal acts. Measurement of the state of occupational safety and health involves assessment of the occupational risks, i.e. the likelihood of injury or any other deterioration of the employee's health due to the impact of the harmful and/or hazardous work environment factor(s). Occupational risks must be assessed in every company. The procedure for occupational risk assessment in companies is established in the Occupational Risk Assessment Regulations. Occupational risk assessment is carried out with the help of the occupational safety and health service of the company, bodies measuring the risk factors certified by the State Public Health Service and licensed occupational safety and health experts. The assessment includes measurement of risks to employees posed by every factor (chemical, physic, biological, ergonomic, psychosocial, physical) of the work environment. When the risks are assessed, Occupational Risk Assessment Cards are completed for each risk assessment object. Information in the Occupational Risk Assessment Cards must be summarized and the Document of Occupational Safety and Health Status in the Company must be completed in the established form. When the occupational risks are assessed, the company has to draw up a risk elimination and mitigation action plan which is used for implementation of risk prevention measures. Key indicators of the occupational safety and health status are the number of accidents at work and incidence of occupational diseases. (Ministry of social security and labour).

Depending on the technologies used in enterprises and business type is distinguished in high-risk technological objects. This is the energy, chemical industry, transport and storage of hazardous substances and other dangerous objects, which operate potentially dangerous equipment. Risks associated with the risk analysis depend on the severity of possible damage which may result in analyzing the risks and the likelihood of injury (impact on the frequency and duration, the probability of occurrence of hazardous event, the possibility to avoid or to limit the damage). It should be emphasized that:

- risk assessment is a prerequisite for creating a safety management system helps the company to constantly monitor the situation and avoid accidents;
- the absence of safety measures, in danger or dangerous situations, sooner or later lead to accidents, and workers will be damaged;
- a small number of accidents in the plant, a light of their nature or their absence should not cause any reason to automatically assess it as low-risk situation, and stop to assess the risk;
- absolute safety is not achieved, so the best solution in this situation to achieve the highest possible level of safety.

The main duty of the employer to ensure worker safety in all workplaces and to promote health in all workrelated aspects. In the risk assessment and providing preventive measures should first be taken on their role and importance of:

- the emergence of new threats, new jobs in a restructuring or changes in the work (due to constant focus on the necessity and the like.)
- an increase in serious accidents and occupational diseases work;
- anomalies in-out associated with employee status (technical employees, temporary replacements), experience, qualifications, etc.;
- change in working time, the increase in psychological stress or the stress of forced labor, rhythm, etc..

unusual working times and routes.

These changes should bring business to a logic of security based on technical rules, guidelines and instructions for compliance, together with the one based on the logic of prevention spacing. It is necessary to define and provide for the assessment of risk and the use of preventive measures program. This program should include the organizational, technical and human aspects of the company. This program does not exempt the company from the emergency prevention measures. Thus, to achieve the company's achievements in the field of safety, as well, and improves the company's operations, quality and productivity. Risk assessment is the need for the company manager (employer) in helping the entire group of service (s) staff, appointed by the companies and the responsibility of the manager or his authorized representative for:

- human capital (the safety manual, etc.);
- workers' representatives;
- staff who are relevant test reports;
- the work of doctors;
- mercenary experts from other institutions (if necessary). (V. Duoba, A. Lupeika, 2007).

Risk assessment aims to determine the employee injuries or other health probability of harmful and / or dangerous work or exposure factors, the assessment of the workplace or other place of work, working arrangements, working conditions (working environment, job, work and leisure mode) meet occupational safety and health regulations IGHT set of occupational safety and health requirements, and provide for preventive measures that employees are protected from the risk or it would be reduced as much as possible.

Risk assessment of possible risk-factors in the evaluation process, which can be found in the risk of potential impact on worker health and the decision of whether the risk is acceptable or unacceptable. Study, it is sufficient, or the existing precautionary measures, or even necessary to take additional factors in order to prevent hazards. In addition, the risk assessment to ensure that no worker will not hurt.

The risk assessment should be established, what is the probability that the risk of causing injury, and the size of the damage will be. Jobs virtually impossible without the risk. The employer must do everything possible to minimize the potential risks, and decide independently when evaluating the risk. Small and medium-sized enterprises, employers should be fully informed about the additional risks when they are hired by subcontractors, or subcontractor. In such cases, the risk must be assessed in collaboration with the principal employer and the employer, a subcontractor, since it is necessary to evaluate the work activity can operate next to each employee safety and health.

Professional risk assessment includes risk analysis and risk assessment. Risk analysis phases: hazard identification, identification of exposed persons, the risk of admissibility determination (figure 2). (P. Čyras, V. Grinius,2003).

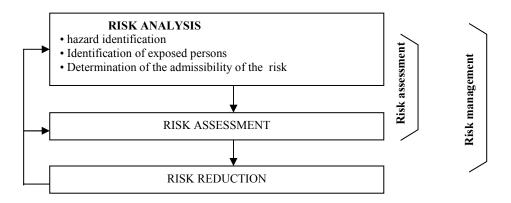


Fig. 2. Professional risk management process SCEM (P. Čyras, V. Grinius, 2003)

In summary of the provisions set out, we want to stress that risk assessment is not in itself, but must be an integral part of the risk management, the ultimate goal – to reduce the risk of the necessary preventive measures. Therefore, proper risk management controls necessary to systematically monitor and adjust the risk assessment data.

# Occupational Safety and Health (OSH) Management System (MS) and strategy

Structuralized viewpoint to management warrants are fully evaluated, are applying safe work methods. It is necessary to periodical checks of applicable means' efficiency. Safe and health is requiring huge commitment of managers, active participating of workers also wellstructuralized system of the management. (International Labour Organization. Fact on Safety at Work). As a result of the ever-increasing pace of worldwide liberalization of trade and economies, as well technological progress, the number of occupational accidents and diseases are increasing in many developing countries. It is estimated that every year over 1.2 million workers are killed due to work-related accidents and diseases and 250 million occupational accidents and 160 million work-related diseases are occurring. The economic loss related these accidents and diseases are estimated to amount 4% of world gross national product. (Europos saugos ir sveikatos darbe agentūra. Sėkminga nelaimingų atsitikimų prevencijos vadyba.)

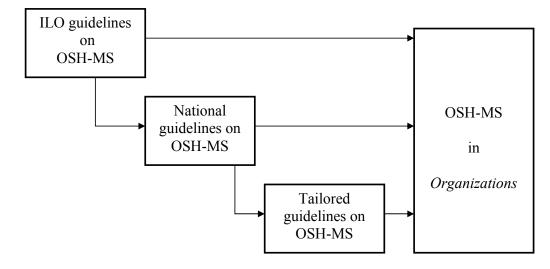


Fig. 3. Elements of the national framework for OSH management system (ILO Safe Work - OSH Management Systems)

Occupational safety and health management system implementation on two levels - national and organizational.

National occupational safety and health management system framework.

At the national level, they provide for the establishment of a national framework for occupational safety and health (OSH) management systems (MS), preferably supported by national laws and regulations. The National Policy for OSH-MS should be formulated by competent institution(s) in consultation with employers' and workers' organizations, and should consider:

- Promotion of OSH-MS as part of overall management;
- Promote voluntary arrangements for systematic OSH improvement;
- Avoid unnecessary bureaucracy, administration and costs;
- Support by labour inspectorate, safety and health and other services.

The functions and responsibilities of implementing institutions should be clearly defined as well. Figure 3 describes the elements of the national framework for OSH managements systems. It shows the different ways in which International Labour Organization (ILO) OSH may be implemented in a member State (ILO Safe Work - OSH Management Systems).

<u>The occupational safety and health management</u> system in the organization.

ILO-OSH deals with the occupational safety and

health management systems at the *organizational* level. The Guidelines stress that compliance to national laws and regulations are the responsibility of the employer. ILO-OSH encourages the integration of OSH management system elements into overall policy and management arrangements, as well as stressing the importance that at *organizational* level, OSH should be a line management responsibility, and should not be seen as a task for OSH departments and/or specialists.

The OSH management systems in the *organization* has five main sections which follow the internationally accepted Demming cycle of Plan-Do-Check-Act, which is the basis to the "system" approach to management. These sections are namely Policy, Organizing, Planning and implementation, Evaluation and Action for improvement.

Policy contains the elements of OSH policy and worker participation. It is the basis of the OSH management system as it sets the direction for the *organization* to follow. Organizing contains the elements of responsibility and accountability, competence and training, documentation and communication. It makes sure that the management structure is in place, as well as the necessary responsibilities allocated for delivering the OSH policy. Planning and implementation contains the elements of initial review, system planning, development and implementation, OSH objectives and hazard prevention. Through the initial review, it shows where the *organization* stands concerning OSH, and uses this as the baseline to implement the OSH policy. Evaluation contains the elements of performance monitoring and measurement, investigation of work-related injuries, illhealth, diseases and incidents, audit and management review. It shows how the OSH management system functions and identifies any weaknesses that need improvement. It includes the very important element of auditing, which should be undertaken for each stage. Persons independent of the activity being audited should conduct audits. This does not necessarily mean third party auditors. Action for improvement includes the elements of preventive and corrective action and continual improvement. It implements the necessary preventive and corrective actions identified by the evaluation and audits carried out. It also emphasizes the need for continual improvement of OSH performance through the constant development of policies, systems and techniques to prevent and control work-related injuries, ill-health, diseases and incidents. The main sections and their elements of the OSH management system at the *organization* are shown in figure 4 below (ILO Safe Work - OSH Management Systems).

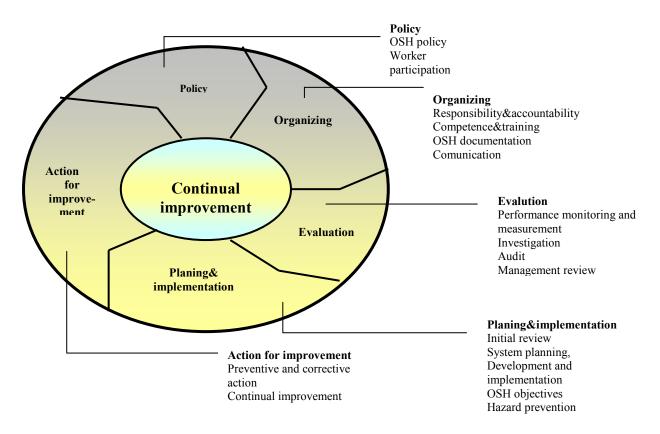


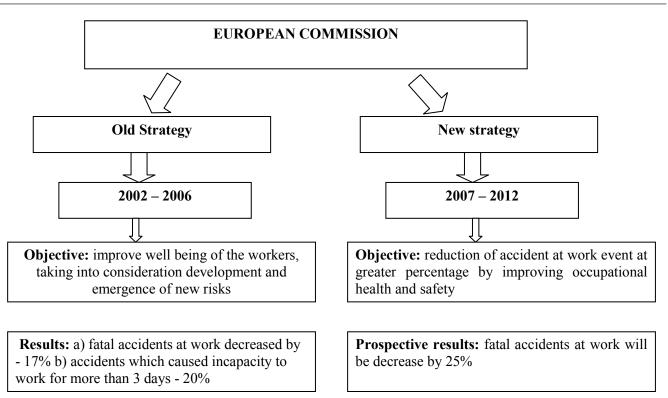
Fig. 4. OSH management system (ILO Safe Work - OSH Management Systems)

Employee health and safety - one of the most important and most developed of employment and social aspects of EU policy. Over the past decades has been adopted and consistently applied to many of the Community legislation, enabled to improve working conditions in EU Member States and to achieve significant progress in reducing work-related accidents and illnesses. (ILO Safe Work - OSH Management Systems).

In order to update the workers health and safety policy of the European Commission in 2002 2002-2006, found Community Strategy. This strategy relies on a common approach to the employees feel good, taking into account the changes in the work area, and new risks (especially psychosocial nature) appearance.

2002-2006, Community health workers and the safety of the conclusions of the evaluation report noted that with this strategy was updated in the prevention policy at the national level, to provide a coherent and convincing arguments in favor of the partnership to achieve common goals, and the prevention of the interested parties are encouraged to think strategically, that these goals are achieved, this strategy has drawn public attention to the occupational health and safety of the importance of keeping these components of quality management and is essential for economic efficiency and competitiveness of the factors. (2007-2012 m. Bendrijos darbuotoju sveikatos ir saugos strategija, 2007).

Noted that the period 2002-2006 Community Strategy for the period significantly decreased the number of accidents at work. New for 2007-2012 strategy proposed to achieve a larger goal - the total number of accidents by 25% fewer accidents at work in the 27 Member States by 2012, improving the health and safety protection, and thus contributing significantly to economic growth and jobs strategy. Strategies for structural scheme shown in Figure 5 (2007-2012 m. Bendrijos darbuotojų sveikatos ir saugos strategija, 2007).



#### Fig. 5. Strategies for structural scheme (2007-2012 m. Bendrijos darbuotojų sveikatos ir saugos strategija, 2007)

Sustained and a work-related accidents and occupational diseases, the major decline in the period 2007-2012 The aim of the strategy. The Commission considers that the overall goal of this period should be - 25% reduction in accidents at work 100 000 27 EU Member States, working people.%.

To achieve this objective is proposed to implement the following key tasks:

- to ensure a good implementation of EU legislation;
- to support SMEs in the implementation of existing legislation;
- a legal framework adapted to the work area and to simplify the development, in particular for SMEs;
- promote the development of national strategies and implementation;
- to promote staff behavior change, as well as employers' health-friendly approach;
- a new potential threat to the identification and assessment methods;
- to improve the supervision of the progress made;
- health and safety to promote the international level.

If the health and safety of workers are not properly care for, can result in terms of absenteeism, accidents at work and occupational diseases, as well as standing for work due to professional reasons, must take into account not only the human dimension - and its important economic impact. With occupational health and safety problems associated huge costs hampering economic growth and adversely affect the competitiveness of EU enterprises. Much of these costs must be covered by social security systems and public finances.

Thus, the occupational safety and health policy formulation and implementation affect the safety condition and institutions of the European Union formulated and implemented employee safety and health policy. And the economic and social public welfare, it is necessary to increase efforts to improve the health and safety protection. Uninterrupted, and sustained a workrelated accidents and occupational diseases, the major decline in the period 2007-2012 The aim of the strategy. (2007-2012 m. Bendrijos darbuotojų sveikatos ir saugos strategija, 2007).

### Conclusions

1. Permanent Occupational Safety and Health promotion is the most important European social and employment policy, although not all Member States or the availability of resources and knowledge sufficient to address this problem. One of the most important and most developed of employment and social affairs in the EU policy is a workers health and safety. Occupational safety and health problem is particularly acute because, in violation of this systems framework, by the people, not only the moral harm, but often the damage to health, sometimes caused by the risk of their lives. The legal point of view to evaluate the law, often even the safeguards of constitutional violations is not easy, so join the EU, business, organization systems, increased requirements for worker safety and health guarantee.

- 2. The main duty of the employer to ensure worker safety in all workplaces and to promote health in all work-related aspects. In the risk assessment and providing preventive measures should first be taken into account in their role and importance, and the need to establish what is the probability that the risk of causing injury, and the size of the damage will be. Risk assessment is not in itself but must be an integral part of the risk management, the ultimate goal - to reduce the risk of the necessary preventive measures. Therefore, proper risk management controls necessary to systematically monitor and adjust the risk assessment data.
- 3. Over the past decades has been adopted and consistently applied in a number of Community law, enabled to improve the working conditions of the EU Member States and to achieve significant progress in reducing work-related accidents and illnesses. For occupational safety and health improvement, the Commission introduced the Occupational Safety and Health Strategy for the period 2007-2012. Which aims to promote a common approach to the wellbeing of workers, taking into account the changes in the work area, and the emergence of new risks, and reduce accidents. Thus, for economic and social well-being of society, it is necessary to increase efforts to improve the health and safety protection.

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