

LANGUAGE, CULTURE, COMMUNICATION

LEGAL AND LEGISLATIVE FACTORS OF CULTURE FORMATION OF PROFESSIONAL ACTIVITY AMONG OCCUPATIONAL SAFETY AND HEALTH ENGINEERS

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Summary

The article is devoted to the problem of formation of the culture of safety of professional activity among future occupational safety and health engineers in higher education. The following methods of scientific research are used in the work: analysis and systematization of scientific and pedagogical, psychological literature on the problem of research, classification and synthesis of scientific works, practical experience. The article examines the factors that effectively influence the process of formation of the culture of safety of professional activity in future occupational safety and health engineers. The author highlights the hierarchical structure of these factors. The legal and legislative factors of formation of the culture of safety of professional activity among future occupational safety and health engineers have been substantiated and considered in detail. It was found that legislative factors (the creation of legislative and regulatory acts on labor protection) and legal factors (responsibility for violation of labor protection requirements and rules) create the prerequisites for increasing the level of knowledge of future specialists in the field of labor protection, contribute to the formation of a high degree of legal responsibility for observance and fulfillment of the requirements of the legislation on labor protection.

Keywords: culture of safety of professional activity, vocational training, occupational safety and health engineer, factors, occupational safety culture, legal culture.

DOI <https://doi.org/10.23856/5101>

1. Introduction

The study of the problem of formation of the safety culture (CSPA) among future occupational safety and health engineers led to the need to consider a set of factors that affect and contribute to the effectiveness and efficiency of the research objective. We believe that a holistic and comprehensive consideration of the factors will make it possible to determine the positive dynamics of their effect on the system of formation of the CSPA among future occupational safety and health engineers and at the same time to reveal the factors that affect negatively in order to reduce and minimize their impact on the intended research result.

The results of the analysis of scientific publications show that in the pedagogical literature there is no single approach to the classification of factors. So, among the factors contributing to the formation of legal, professional, communicative, corporate cultures, Ukrainian scientists distinguish the following: humanization and humanitarization of education; integrated content, professional identity, creation of an optimal educational environment, stimulation to self-education, spatial environment, legal education, environmental responsibility (Vovk, 2017; Habovda & Tovkanets, 2017; Hrybok, 2013; Karytka, 2018; Sherman & Bezbakh, 2014).

The theoretical analysis of resources allowed us to determine the factors influencing the formation of the CSPA among future occupational safety and health engineers:

- macro-level (state level) – political, legal, legislative, socio-economic;
- meso-level (the level of a higher educational institution and organization) – technological, organizational, biomedical, pedagogical, psychological;
- micro-level (subjective) – individual personality traits, professionally important qualities, motivation for safe behavior.

Taking this into consideration, the purpose of the article is to substantiate the legal and legislative factors for the formation of the culture of safety of professional activity among future occupational safety and health engineers.

2. Legal factors of formation of the culture of safety of professional activity among future occupational safety and health engineers

The legislative factors are characterized by the active creation of a legislative and regulatory framework for labor protection, which is the theoretical basis for the formation of the CSPA. The main law of the Ukrainian state, the Constitution of Ukraine (1996), laid down guarantees and rights of citizens to improve working conditions and health protection. Article 43 states that everyone has the right to work, decent safe and healthy working conditions, and the employment of women and minors in jobs hazardous to their health is prohibited. Articles 45, 46 ensure the rights of workers to rest, social protection, providing for their provision in the event of complete, partial or temporary disability, loss of the breadwinner.

The next law, which defines the main directions of the implementation of the political rights of citizens to protect their health and life in the process of labor activity, is the Law of Ukraine "On labor protection", adopted on 14.10.1992 № 2694-XII, which consists of 44 articles. The law, with the participation of the relevant state authorities, regulates the relations between the employer and the employee on the issues of occupational safety, hygiene and the working environment and establishes a unified procedure for organizing occupational safety and health in Ukraine.

An important legislative document regulating the labor relations of all employees, promoting labor productivity, improving the quality of work is the Labor Code of Ukraine (1971). The key elements for the formation of theoretical knowledge in the field of safety are the provisions of the labor code on the issues of collective employment agreements and labor agreements, work standardization, norms of working hours and time for rest, occupational safety, and labor regulation of women, minors and disabled people.

The following laws contributing to the formation of the cognitive base of CSPA are the following: the Law of Ukraine "Fundamentals of Legislation on Health Protection" dated 19.11.1992 № 2801-XII; the Law of Ukraine "On Ensuring Sanitary and Epidemic Safety of the Population" dated 24.02.1994 № 4004-XII; the Law of Ukraine "On Fire Safety" dated 17.12.1993 № 3745-XII; Fire safety rules in Ukraine dated 30.12.2014 No. 1417;

the Civil Protection Code of Ukraine dated 02.10.2012 № 5403-VI; the Law of Ukraine "On Environmental Protection" dated June 25, 1991 № 1264-XII; the Law of Ukraine "On the Use of Nuclear Energy and Radiation Safety" dated 08.02.1995 № 39/95-VR.

It should be noted that the level of safety at work depends not only on the legal framework but also on the regulatory framework, which includes state intersectoral regulations on labor protection, which apply to all enterprises, organizations, as well as state industry regulations on labor protection, the action of which extends to the enterprises belonging to a particular industry. In addition, in Ukraine, there are other types of normative and technical documentation for labor safety standards such as state standards of Ukraine, industry standards for enterprises, construction norms and rules, safety and industrial sanitation rules, and instructions. In accordance with the order of the State Committee of Ukraine for Labor Protection Supervision № 151 of 08.06.2004, the procedure for maintaining the state register of normative legal acts on labor protection (Register of NLALP) is introduced, representing a databank to ensure a unified record of the creation of the corresponding information fund of these acts. Thus, the considered legislative and regulatory documents constitute an important basis for the formation of the CSPA and create the prerequisites for increasing occupational safety and improving working conditions.

3. Legislative factors of formation of the culture of safety of professional activity among future occupational safety and health engineers

Legislative factors include the protection of the rights and interests of employees when concluding an employment contract, in the process of labor, due to a workplace accident or occupational disease, when assigning benefits and compensations for work in harmful and hazardous working conditions, and also provide for the material, administrative, disciplinary and criminal responsibility for violation of occupational safety legislation both on the part of employees and on the part of the employer, or officials.

Thus, in the Law of Ukraine "On Labor Protection" (1992) it is noted that, when concluding an employment contract, employees have the right to know about working conditions and about the presence of hazardous and harmful occupational factors at their workplaces. In the process of labor, the workplace, the equipment used, raw materials, materials, machines, mechanisms, personal and collective protective equipment must comply with regulatory requirements. An employee has the right to refuse assigned work if an industrial situation has become dangerous to his life or health or to the people around him. For work in harmful and hazardous working conditions, employees are entitled to benefits and compensation in the form of additional paid leave, reduced working hours, free therapeutic and prophylactic diet, milk or other equivalent food products, preferential pension benefits, and paid health breaks.

In addition, by reason of damage to health or in case of death, the employee has the right to compensation for harm caused to him, carried out by the Social Insurance Fund of Ukraine in accordance with the Law of Ukraine "On Compulsory State Social Insurance" No. 1105-XIV dated 23.09.1999. Note that the designated rights of employees are reinforced by their obligations to comply with labor protection legislation. So, in accordance with Art. 14 of the Law of Ukraine "On Labor Protection" (1992), employees must take care of personal safety and health, as well as the safety and health of people around, know and comply with the requirements of regulatory legal acts on labor protection, undergo preliminary and periodic medical examinations. The employee is directly responsible for the violation of these requirements.

According to Art. 44 of the Law of Ukraine "On Labor Protection" (1992) for violation of laws and other normative legal acts on labor protection, creating obstacles in the activities of officials of state supervision over occupational safety, as well as representatives of trade unions, their organizations, and associations guilty persons attracted to disciplinary, administrative, material, and criminal liability. So, in accordance with Art. 147 of the Labor Code of Ukraine (1971), disciplinary liability is imposed on an employee in the form of disciplinary action (reprimand, dismissal from work). Administrative liability is applied to persons guilty of violating legislative and other regulations on labor protection, creating obstacles to the activities of officials, state supervision bodies, in the form of a monetary fine. For example, in accordance with Art. 1884 of the Code of Ukraine on Administrative Offenses № 8073-X (1984) failure to comply with the legal requirements of officials of the central executive body that implements the state policy in the field of occupational safety to eliminate violations of occupational safety legislation or create obstacles to the activities of these bodies – is punishable by a fine on employees from six to ten non-taxable minimum incomes of citizens and on officials – from thirty to one hundred non-taxable minimum incomes of citizens. Liability includes the liability of both the employee and the employer. For example, on the basis of Art. 130 of the Labor Code of Ukraine № 322-VIII (1971), employees are financially liable for harm caused to an enterprise, institution, organization as a result of violation of their labor duties. When imposing material liability, the rights and legitimate interests of employees are guaranteed by establishing liability only for direct actual damage and provided that such damage is caused to the enterprise, institution, organization by the culpable illegal actions (inaction) of the employee. This liability, as a rule, is limited to a certain part of the employee's earnings and should not exceed the full amount of the harm caused. Criminal liability occurs if the violation of the requirements of the legislation on occupational safety entailed a danger to the life or health of citizens (section 10 of the Criminal Code of Ukraine № 2341-III (2001)). So, in accordance with Art. 271 violation of the requirements of legislative and other normative legal acts on labor protection by an official of an enterprise, institution, organization, or a citizen, who is a subject of entrepreneurial activity, if this violation caused harm to the victim's health, is punishable by a fine from one thousand to three thousand non-taxable minimum incomes of citizens or correctional works for up to two years, or restriction of freedom for the same period.

Summarizing the above, it is necessary to conclude that the knowledge of students in the field of the rights and obligations of employees and employers on safety issues, the types of responsibility established by law for violation of occupational safety regulations contribute to the formation of a high degree of legal responsibility for their life and health, discipline and compliance with legal requirements.

4. Conclusions

Thuswise, the analysis of the legislative and regulatory framework in the field of occupational safety showed that in the legal field there are serious prerequisites for improving occupational safety through the formation of the culture of safety. We see the prospect of further research in a detailed analysis and study of socio-economic factors that contribute to the effective formation of the culture of safety of professional activity.

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