

---

## Environmental Safety of Enterprises Activity as a Precondition for Compliance with the Required Working Conditions

---

Kostiantyn Y. Melnyk <sup>1</sup>, Felix A. Tsesarsky <sup>2\*</sup>

<sup>1</sup> Kharkov National University of Internal Affairs, Kharkov, UKRAINE

<sup>2</sup> The Yaroslav Mudryi National Law University, Kharkov, UKRAINE

\* Corresponding author: felikscsarskij@gmail.com

---

### Abstract

The article contains determination of the status of legal regulation for proper working conditions and shows environmental safety position in this system. Specifics of environmental safety as a management principle indirectly conditioned by international legal standards are studied herein. Poor legal awareness of business entities and uncoordinated efforts to ensure adequate environmental safety explain the lack of legal standards for environmental safety. The authors determined approaches to the definition of the working conditions as determinants accompanying an employee within the working environment and execution of job duties and expressed in the equipment quantity and quality, the order and methods of its application, the condition of the working premises and the environment which affect the employee's health and working capacity during professional activity. The research issue is believed to be urgent because a vector of legal regulation of public relations associated with environmental safety has to be changed not as an external influence of the enterprise on the environment, but as an integral part of the enterprises' activities, which currently seem an integral part of administration. While in developed countries new systems of human resource management are being introduced and advanced technologies are being used replacing human resources, in our country, environmental standards are not even developed to regulate enterprises' activity. Obviously, it is caused not only by the status of legal regulation, but also by poor consciousness of the citizens involved in the enterprises management and operation. To study environmental safety as an object of environmental law seems to be ordinary as well as to define the essence of environmental safety as an object of commercial law. This is because the issue of environmental safety is universal, and concerns everyone. However, public relations appeared, changed, and terminated in the field of proper working conditions still stay out of attention. Environmental safety is an essential condition for each employee. As for the theoretical and legal substantiation to study the enterprise environmental safety as a prerequisite for compliance with proper working conditions, the concept of enterprise environmental safety has to be defined, the best international practices and solutions have to be analyzed, and a single concept of the stable development of proper working conditions at enterprises have to be outlined. In this regard, this article is aimed at revealing features of the environmental management system in Ukraine. The purpose of the article is to study social relations associated with the enterprise ecological safety as a precondition for compliance with required working conditions. The methodology of the research is based on the integrated approach to the study, systematization and analysis of effective practices of environmental safety at different levels of its implementation. The international experience in ensuring the environmental safety at the company for proper working conditions, particularly, the experience of Japan, France, and the United Kingdom is described herein. The article seems to be useful for researchers concerned with ecological safety, labor protection and implementation of an effective environmental management system, fixed at the regulatory level.

**Keywords:** environmental safety, provision, proper level, working conditions, legal regulation, international experience, reform

Melnyk KY, Tsesarsky FA (2019) Environmental Safety of Enterprises Activity as a Precondition for Compliance with the Required Working Conditions. Ekoloji 28(107): 463-469.

---

### INTRODUCTION

Environmental safety is a dynamic phenomenon that characterizes the protection of people and society from adverse environmental impacts caused by natural and anthropogenic factors and man-made load on a

region. To ensure proper environmental safety is one of the Millennium Development Goals stated in the UN General Assembly resolution of September 08, 2000. The goal can be achieved by solving such tasks as reducing human impact on the environment and use of

natural resources, improving ecological conditions for human development, decreasing environment threats to human security. The issue of environmental safety is inherent in the international community and depends on those measures implemented at the national level. As for Ukraine, an unsatisfactory system of ensuring environmental safety is evident at the national level in general and at the local level due to the following reasons: inherited structure of the economy with prevailing resource- and energy-intensive branches with negative impact increased by the transition to market conditions; deteriorated assets of the industrial and transport infrastructure; the existing system of public administration in the environment protection, regulation of using natural resources, lack of clear delimitation of environmental and economic functions; insufficient formation of civil society institutes; insufficient comprehension of priorities of preservation of the surrounding natural environment and benefits of stable development; noncompliance with the nature protection legislation (On the Basic Principles (Strategy) of the State ecological politics of Ukraine for the period up to 2020).

Accordingly, the environment in Ukraine with its huge population, production capacity and beneficent agricultural agreements is assessed as adverse by environmental determinants. Threats to environmental safety are observed against applied measures on reduction in environmental impact of chemical, physical, biological and other factors, including natural and man-caused emergencies.

The concept of environmental safety is determined by the Law of Ukraine "On Environmental Protection": ecological safety is a condition of the environment in which is prevented the deterioration of environmental conditions and danger for the human health (On environmental protection: Law of Ukraine 1991). However the term of ecological safety of the enterprise activity is not defined in the legislation yet. The ecological context of activity involves, first of all, the optimum use of nonrenewable or limited resources, reduction of man-caused loads on the natural environment and improvement of its ecological status, development of waste utilization programs with innovative technologies.

Ecological safety of enterprises means that their operation directly or indirectly does not lead to deterioration of the environment quality, to direct or indirect damages to the state, consumers, citizens and employees.

On the other hand, the initial point for achieving the goals of this research is the compliance with proper working conditions. In accordance with the provisions of the Labor Code (Labor Code of Ukraine 1971), based on general principles and standards of international law, and in accordance with Article 43 of the Constitution of Ukraine, the basic principles of legal regulation of labor relations and other direct relations include the principle of ensuring the right of each employee to fair working conditions, including working conditions that meet the security requirements (Constitution of Ukraine: Law of Ukraine 1996). The enterprise environmental safety is believed to be a prerequisite for the safety of the employees. Enterprises are legally responsible for creation and maintenance of work environment where employees can work safely, without exposure to their physical and psychological well-being. Besides, employees have to comply with legislative requirements and organizational policies and procedures; work in accordance with approved safe work practices; and use all the means provided for health protection and safety. Safety-related responsibilities of the employer and employees are often prescribed by law and maintained by rules, practice codes, and standards. They serve as a basis for recommendations on workplace safety, compensation, and rehabilitation. Employees have to cooperate with their employer and not to affect workplace safety for them or other people. Enterprises should eager to maintain the highest level of physical, mental and social well-being at the workplace for their employees. All employees should eager to preserve or improve working conditions, processes and behavior as a permanent commitment. Unfortunately, standards of environmental safety are not specified on a legislative level yet.

To ensure environmental safety is believed to be rather difficult because of external threats out of control of the enterprise, and internal threats from the enterprise's production system. Mechanisms for production environmentalization cannot be implemented because of internal and external threats. International experience in solving environmental safety issues at the enterprise should be thoroughly studied for more specificity.

## MATERIALS AND METHODS

Methods of scientific knowledge serve as a methodological basis of the research. The methodological frame of the article is based on a systematic analysis, which determined the research directions and the search for ways to improve the legal regulation of social relations in ensuring of adequate

working conditions in general, and environmental safety in particular. The logic and system method helps to deepen the conceptual framework used in the research. The dialectical method allows to study problems associated with the definition of participation of civil society institutions in effective and environmentally-oriented management of enterprises. The formal and logical method is used for the analysis and elucidation of international standards of the enterprise environmental safety. Methods of modeling, analysis and synthesis allow to formulate proposals how to improve the current legislation in this sphere. Summing up practices in the labor rights protection, publications in periodicals and reference literature serve as an empirical base of the research.

### RESULTS AND DISCUSSION

The concept of “proper working conditions” is not legally defined in Ukrainian legislation however used therein. According to Article 6 of the Law of Ukraine “On Occupational Safety”, work conditions, safety of technological processes, machines, mechanisms, equipment and other production tools, the state of collective and individual protection used by workers, as well as sanitary conditions have to comply with requirements of the legislation (On Occupational Safety: Law of Ukraine 1992). At the international level, the definition of proper working conditions is governed by the International Covenant on Economic, European Social Charter (2007), ILO Convention on Occupational Safety and Health and Work Environment No. 155 (The 1981 Occupational Safety and Health Convention and the working environment 2013, Recommendation on Occupational Safety and Health and Environment No 164 1981) , ILO Recommendation “On Occupational Safety and Health and the Work Environment” No. 164.

According to Article 7 of the International Covenant on Economic the states are responsible for recognizing everyone’s right to the enjoyment of just and favorable conditions of work, including, in particular, working conditions that meet the requirements of safety and hygiene. The European Social Charter declares that to ensure the effective execution of the right to safe and healthy working conditions, the states, in consultation with organizations of employers and employees, is responsible, in particular, for execution and periodical review the consistent national policy in the occupational safety, industrial hygiene and production surrounding, for adoption of the occupational safety and hygiene regulations; for ensuring of their compliance; for assistance in gradual development of occupational

health services for all workers to carry out preventive and advisory functions, etc. (European Social Charter, 2007). The ILO Convention on Occupational Safety and Health No. 155 declares that the purpose of the national policy of each ILO member in the field of occupational safety and health should be to prevent work-related accidents and damage to health, minimizing as far as possible and practicable, hazards inherent in the working environment. Besides, Article 16 of the international document stipulates that employers must ensure safety of their workplaces, machinery, equipment and processes to avoid any threat to health. Also the employers should, if necessary, provide appropriate protective clothing and equipment to prevent, as far as reasonably practicable, accidents or harmful health effects (Recommendation on Occupational Safety and Health and Environment No 164 1981).

Theoretically, the work conditions mean determinants accompanying an employee and demonstrating the equipment quantity and quality, the order and methods of its application, the condition of the working premises and the environment. This list should include the proper condition of machines, mechanisms, machine tools, devices, equipment and other production tools; safe materials and instruments required for work execution; the proper system of supply of electricity, gas and other energy sources; timely provision of technical documentation; heating, ventilation, the system of fighting against adverse effects of noise, radiation, vibration and other factors for the workers’ health; the state of collective and individual protection means, sanitary conditions, etc. The working conditions are determined by the nature of the work performed. They are specific for each production, workshop and site, and for each workplace. They depend on equipment, technology, work items, workers’ protection systems, workplace maintenance, as well as external factors that are conditioned by the state of working premises and their microclimate.

Thus, productive factors of work conditions can be distinguished: harmful which may cause diseases in affected workers; dangerous which may lead to injuries in affected workers (Tikhomirova 2008).

Consequently, the working conditions mean determinants which accompany an employee within the production environment and the process of performance of job duties at an enterprise, an institution or organization of all forms of ownership and regardless of the type of activity, and demonstrating the equipment

quantity and quality, the order and methods of its application, the condition of the working premises and the environment which affect the employee's health and working capacity during professional activity.

The working conditions may be classified into the following groups:

- social and economic factors that include the legislative and regulatory framework;
- technical and organizational factors caused by the design and features of work means and objects, applied technologies, protection means, as well as organizational forms of production, labor and management;
- natural factors, such as geographical, climatic, geological, biological;
- social and psychological factors caused by the character and peculiarities of relations between people and their groups in labor activity, personal and group values in labor activity, the system of information and communications in the organization.

The enterprise environmental safety is one of the natural factors of the working conditions. While executing job duties, a worker is affected by harmful and dangerous environmental factors. Their differentiation is caused by peculiarities of influence on the human body. The enterprise environmental safety should be legally determined as a precondition for compliance with the necessary working conditions.

In general, the notion of environmental safety can be defined as a complex of actions, states and processes which do not directly or indirectly lead to serious damage (or threats of such damage) to the natural environment, people or mankind; a complex of states, phenomena and actions that provide an ecological balance on the Earth and in any regions at the level at which humanity is prepared physically, socially, economically, technologically and politically (can adapt without serious losses). Regarding the mechanism of ensuring environmental safety, it is aimed at achieving the result by regulating and controlling the activities of environmental relationship subjects with mechanisms for adoption of state-administrative decisions in the field of national environmental security (Omarov 2016).

For example, the model law "On environmental safety" defines ecological safety as a system of political, legal, economic, technological and other measures on

protection of the environment and vital interests of people from possible adverse effects, economic and other activities and threats of natural and man-caused emergencies in the present and future time. According to this source of soft law, the ecological state of natural and economic systems, conditioned by the economic activity in the spatial and territorial boundaries, includes objects of ecological safety;

the ecological condition of urbanized areas and settlements, conditioned by the maintenance of comfortable living conditions in the spatial and territorial boundaries;

the technical state of technological processes, technologies and productions, conditioned by the assessment of risks of dangerous adverse effects on human health and the environment;

enterprises' action plans on precautionary measures against threats to environmental safety, conditioned by the assessment of their effectiveness in preventing dangerous negative impacts on human health and the environment;

projects of planned economic and other activities during ecological examination in order to prepare and approve conclusion on their environmental safety.

Defining the concept of "environmental safety", it is better to abstract from the identification of this concept with environmental protection. As for the law, environmental safety is designed to protect human life and health and the environment from human-induced impacts. From a scientific point of view, environmental safety is the state of the "man-nature-technique" system, which provides a balanced interaction of natural, technical and social systems, formation of natural and cultural environment that meets the sanitary, hygienic, aesthetic and material needs of the inhabitants of each region, with preservation of natural resources and ecological potential of natural systems and the biosphere ability to self-regulation.

Enterprises understand ecological safety as the compliance of their environmental activities with regulatory requirements. In accordance with the Law of Ukraine "On ensuring the sanitary and epidemiological well-being of the population", all individual entrepreneurs and legal entities are obliged to comply with the sanitary legislation, to carry out production control of compliance with sanitary rules in the performance of works, provision of services, production, transportation, storage and sale of products

(On ensuring sanitary and epidemiological well-being of the population 1994).

Consequently, a phased process of impact on the ecosystem begins at an enterprise. At the level of the enterprise, the ecological safety means its production and economic activities, which do not threaten to the environment and the employees, and meet their needs and exclude any danger to human health.

Human health is directly affected by the production process at every workplace. Indirect influence is shown in the employees in a certain period of time as occupational diseases, and in the population - as a result of living in adverse environment conditions. It can be caused by hazardous materials, equipment, poor-quality technological processes, etc used at the enterprise. Environmentally hazardous factors are believed to negatively affect the company and its employees, and subsequently the environment.

The following management standards on safety at the enterprise should be mentioned: quality (ISO 9000), environment (ISO 14000), Occupational health and safety (OHSAS 18000).

The OHSAS 18000 series set out requirements for occupational safety and health management systems, providing a company with the ability to control risks and improve its performance. It neither sets specific performance criteria nor provides detailed requirements for building a management system. This OHSAS specification can be applied by any company to develop a management system for minimizing risks for their employees who can be affected due to their job duties; to introduce the management system and further to support and improve it; to make sure in its proper policy; to certify/register its management system by external organizations; to perform self-assessment and to declare compliance with the OHSAS.

In order to assess the enterprise environmental safety, an integrated approach should be built for reevaluation of principles of the indicators system characterizing the environment state. For deep assessment of the enterprise environmental safety, a wide range of indicators can be used in accordance with the management capabilities, interests and needs. In each case, the list of indicators will be determined by the enterprise's capabilities, interests and needs, the production scale and type, used materials and energy sources, emissions into the environment, environmental risks, emergency situations, requirements of legislation (Glushchenko 2015).

Today, the term "ecological management" seems to be relevant, and its purpose is to achieve the environmental safety with the enterprise environmental policy through implementation of environmental protection programs.

In correlation of the concepts of "enterprise environmental safety" and "ecological management", they seem to be close. In addition to the enterprise environmental safety, environmental management includes other components of the management, expressed in its effects, strategy, etc.

The content of enterprise environmental safety can be defined by certain standards:

- maximum permissible concentrations of contaminated substances in the environment;
- maximum permissible acoustic, electromagnetic, radiation and other harmful impact on the environment; maximum permissible content of harmful substances in food.

Thus the permissible concentration means the amount of pollution in the soil, air or water, which in permanent contact or periodical exposure practically does not affect human health or cause unfavorable consequences in the offspring.

In addition to measuring environmental safety, it is important to pay attention on its actual unsatisfactory state. Looking at the international experience of solving this problem, the experience of Great Britain seems to be interesting. So for protection against exposure to hazardous substances, contaminated air, extreme temperatures, the employer's duty is to provide the employees with personal protective equipment to avoid the potential risk of harm failed to be reduced by any other means (the Last resort rule).

These means include: high-visibility clothing, safety footwear, safety helmets, gloves, eye protection, safety belts and respiratory protective equipment. If several items of protective equipment are required to be used for a particular work, all of them should be effective. One item (for example, safety glasses) should not cause inefficiency of another (for example, a respirator).

Maintenance and storage of personal protective equipment is standardized. Reusable items should be properly cleaned and kept in good condition. If the items have disposable parts (for example, respirator filters), spare parts must be properly compatible with the original equipment. The employer's responsibility

is to ensure proper training on application of personal protective equipment for employees, their proper level of responsibility and proper knowledge about risks. Also the employer has to ensure the proper use of any provided personal protective equipment in accordance with instructions. The workers are also required to report any damage, defects or loss of equipment they become aware of.

For example, in France, enterprises at risk for environmental safety should publish and implement a plan of vigilance that includes appropriate measures to reveal and prevent risks of serious violations of human rights and fundamental freedoms, serious bodily harms, health risks or damage to the environment.

The plans of vigilance, as well as reports on their implementation, are available to the general public and included in the company's annual report. The plan of vigilance should include: a map that identifies, analyzes and ranks out all risks; procedures for regular assessment in accordance with the levels of risks associated with the subsidiaries; subcontractors or suppliers; measures to reduce risks or prevent serious violations; an alert mechanism that collects potential or actual risks, developed in cooperation with representatives of trade unions; a scheme for monitoring the implemented measures and assessing their effectiveness. If the company did not publish the vigilance plan, it can be filed to the relevant jurisdiction. Upon the official claim notification, the company is given a three-month period to fulfill its obligations. If the company fails to fulfill its obligations after the said period, the judge may require the company to publish the plan. The judge also decides whether the plan of vigilance is complete and proper.

In Japan, risks in the workplace are assessed using the wording "employers should strive." The law in Japan defines criminal penalties both for individuals and for organizations (for example, corporations) for failing to comply with proper working conditions. Employers

should be fully aware that criminal penalties will result in government sanctions, judicial decisions, and media criticism. Moreover, according to the Employment Contract Act, adopted in Japan in December 2007, employers shall provide wide-ranging commitments to make reasonable efforts to ensure the health and safety of employees against the risks involved. This means that enterprises, disregarding not mandatory guidelines provisions, may be found to be responsible for pollution, accidents caused by a driver, occupational accidents or occupational diseases. These social risks can undermine customer loyalty and lead to competitive disadvantages, investors' disapproval, and even boycott among consumers (Seichi 2010).

### CONCLUSION

The enterprise ecological safety is defined as a state of its production and economic activity not threatening to the environment or people and meeting the employees' needs and excluding any danger to their health.

Upon studying international experience, the experience of Japan in assessing environmental risks seems to be useful to Ukraine, the Japanese effective system predicts and help avoid harmful effects arising from the work environment, materials, methods, schedules and other working conditions; experience of UK with the employer's duty to provide the employees with personal protective equipment in order to avoid potential risks of harm failed to be reduced by any other means (the Last resort rule); experience of France in public monitoring of the enterprises' activities dangerous for environment through the publication of their reports on all environmental safety determinants. In order to promote and strengthen the role of relevant personnel at the workplace, the technical, financial and physical support of civic organizations in the field of occupational safety and health should be increased, and the best practices for risk reduction should be applied.

### REFERENCES

- Code of Labor Laws: Code of Ukraine (1971) No. 322 of December 10, 1971. URL: <https://zakon.rada.gov.ua/laws/show/322-08>
- Constitution of Ukraine: Law of Ukraine (1996) Bulletin of the Verkhovna Rada of Ukraine of 28.06.1996. No. 30. Art. 141
- European Social Charter (2007) International document of 03.05.1996. Bulletin of the Verkhovna Rada of Ukraine. 2007, No. 51. Art. 2096
- Glushchenko ME (2015) Environmental safety of enterprises: a comprehensive evaluation methodology. Science and man. Humanitarian research, 1: 166-174.
- Izuita PO (2007) The concept of safe and proper working conditions.

- Omarov AE (2016) Management mechanisms of state policy of ensuring environmental safety. Theory and practice of public administration, 3(54): 1-7.
- On ensuring sanitary and epidemiological well-being of the population (1994) Law of Ukraine, No. 4004-XII. Bulletin of the Verkhovna Rada of Ukraine, 27: Art. 218.
- On environmental protection (1991) Law of Ukraine of 25.06.1991 No. 1264-XII. Bulletin of the Verkhovna Rada of Ukraine, 41: Art. 546.
- On Occupational Safety: Law of Ukraine (1992) No. 2694-XII. Bulletin of the Verkhovna Rada of Ukraine, 49: 668-675.
- Recommendation on Occupational Safety and Health and Environment No 164 (1981) International Document No. 164 of June 22, 1981. URL: [https://zakon.rada.gov.ua/laws/show/993\\_075](https://zakon.rada.gov.ua/laws/show/993_075)
- Seichi H (2010) Occupational Health Policies is Risk Assessment in Japan. URL: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3430934>
- The 1981 Occupational Safety and Health Convention and the working environment (2013) International Document No. 155 of June 22, 1981. Official Bulletin of Ukraine, No. 5: 32-45.
- The Health and Safety at Work Act Explained | British Safety Council URL:<https://www.britsafe.org/training-and-learning/find-the-right-course-for-you/health-and-safety-legislation-what-you-need-to-know/>
- Tikhomirova TP (2008) Labor organization, standardization and payment at an enterprise. Yekaterinburg: Publishing house of the SEI HPE "Russian State Professional Vocational University".