

TECHNOSPHERE SAFETY



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Overview of changes in legislation establishing the requirements for the assessment of occupational risks at the enterprise

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Introduction. The paper analyzes the requirements for the implementation of occupational risk assessment at the enterprise. Until recently, this procedure did not actually have the necessary legislative basis, so the authors offer a detailed review of the key changes in the normative-legal regulation of occupational safety, which specifically touched upon the management of occupational risks.

Problem Statement. The purpose of this study is a detailed consideration of innovations in the field of the occupational safety, which came into force on March 1, 2022.

Theoretical Part. The Labor Code of the Russian Federation was used as the basic information for the study.

Conclusions. The results of the analysis indicate the need to create effective tools for the regulatory procedure of occupational risk assessment.

Keywords: occupational safety, risk, occupational risk assessment procedure, risk management, occupational safety management system.

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Introduction. As international and domestic practice shows, any production is a source of increased danger, and the responsibility for creating safe working conditions lies entirely with the employer. Risk assessment is one of the most effective tools to achieve this goal [1–2].

Problem Statement. Currently, there are no requirements for the assessment of occupational risks level. The organization has the right to conduct it both independently and by concluding an agreement with a specialized organization.

However, the main problem is that there are virtually no regulations for the occupational risks assessment procedure, as a result of which many employers treat it formally, endangering the personnel of their enterprise.

In this regard, there is a need to assess the changes that have occurred in the regulatory control of this issue.

Theoretical Part. An integral part of the production activity of any employer is the occupational health management system (OHMS), the structure of which is described in Regulation of the Ministry of Labor No. 776n of 29.10.2021.

This regulation establishes general requirements for the organization of work on occupational safety on the basis of regulatory documents, principles and management methods. The OHMS functioning is carried out through the compliance with state regulatory requirements for occupational safety, obligations assumed and the application of local documents in the implementation of processes provided for in the sections of OHMS [3–4].

One of the main problems of OHMS is that it implies a direct response to the occurrence of a hazardous situation, and not to its prevention. For this reason, the assessment of potential hazards by risk indicators and the

development of preventive measures based on this assessment become the primary tasks of occupational safety management [5].

According to the Labor Code of the Russian Federation, we understand occupational risk as "the likelihood of harm to health as a result of exposure to harmful and (or) hazardous production factors when an employee performs duties under an employment contract or in other cases established by this Code and other federal laws" [6].

There are many methods by which you can determine the level of occupational risk at an enterprise: matrix, point, direct, indirect, lists of control questions, brainstorming (Delphi method), etc. The use of these methods has not been enshrined in law, so the employer has the right to choose one of them himself or develop a methodology depending on the specifics of the enterprise [7].

Occupational risk assessment is traditionally carried out in several stages: hazard identification, risk analysis, which includes determining the level of risks, the acceptability of the level of risks and the need for safety measures, the choice of risk management methods and their implementation, repeated risk analysis to verify the achievement of the acceptability of the risk level.

The concept of occupational risk management is currently the most relevant one, as it allows minimizing the number of accidents and occupational diseases at work [8].

In this regard, the role of occupational risk assessment as a tool to improve the effectiveness of the management system is increasing and there is a need to improve the procedure.

Within the framework of this study, an analysis of key changes in occupational safety related to occupational risks assessment was carried out, which came into force on March 1, 2022 (Table 1).

Table 1

Analysis of key changes related to occupational risks assessment

Changes	Essence of changes	Comments
Federal Law No. 311 of 02.01.2021 "On Amendments to the Labor Code of the Russian Federation" comes into force, which makes amendments to a number of provisions of the Labor Code	Federal Law No. 311 fixes such concepts as "labor protection requirements", "occupational risk" and "occupational risk management". Occupational risk management is interpreted as a set of interrelated measures and procedures that are elements of the occupational safety management system and include the identification of hazards, assessment of occupational risks and the application of measures to reduce the levels of occupational risks or to prevent their increase, monitoring and revision of identified occupational risks [6]	The new occupational safety policy launches the process of reorientation towards the reduction of the number of hazards in the workplace. It is quite natural that in order to implement a new policy, it became necessary to legislate its basic concepts
Section X of the Labor Code of the Russian Federation underwent significant changes	There was a so-called transition to a target-focused policy [9]	The amendments made to section X of the Labor Code of the Russian Federation allow personalizing the occupational safety management system by switching to a target-focused policy that takes into account the results of occupational risks assessment and, as a result, the individual characteristics of each workplace
Amendments have been introduced to Article 209.1 of the Labor Code of the Russian Federation	According to the updated version of Article 209.1, one of the basic principles of ensuring occupational safety will be the reduction of the level of occupational risk in the workplace [9]	It is easier to prevent the cause than to eliminate the consequences. The procedure for occupational risks assessment will become mandatory, since its prevention is established as one of the basic principles of ensuring safety
Amendments have been introduced to Article 214 of the Labor Code of the Russian Federation	According to the new version of Article 214 of the Labor Code of the Russian Federation, the employer is obliged to ensure the systematic identification of hazards and	Micro-injuries received at the workplace can provoke temporary disability. Therefore, to keep records of them, issuing a certificate as an act of investigation, is for the convenience of

Changes	Essence of changes	Comments
	occupational risks, their regular analysis and assessment, investigation and accounting of accidents, accounting and consideration of the causes and circumstances of micro-injuries (microtrauma) [6]	the employer himself. The Ministry of Labor advises each enterprise to develop its own local act containing the procedure for this accounting. This practice is successfully applied and allows preventing accidents at many foreign enterprises
Amendments have been introduced to Article 214.1 of the Labor Code of the Russian Federation	According to the amendments, an employee has the legal right not to start his/her work duties until the occupational risk factors are eliminated	It is better to conduct an occupational risks assessment immediately before a special assessment of working conditions, since if the special assessment of working conditions identifies dangerous working conditions of Class 4, the employer will have to declare a downtime with the retention of the employee's position, as well as his average earnings
Amendments have been introduced to Article 214.2 of the Labor Code of the Russian Federation	The employer now has the right to conduct video and audio recordings at work to ensure control over the safety of work carried out	Sometimes the level of occupational risk at the workplace can be increased even by the employee himself, who doesn't follow the occupational safety regulations. Thanks to video and audio recording, the employer will be able to continuously monitor the labor process, which will allow him to intervene in time if violations are committed, avoiding undesirable consequences. It must be remembered that this method can be used strictly with consent, otherwise the employee will be able to sue because of an illegal invasion of his/her privacy
Amendments have been introduced to Article 218 of the Labor Code of the Russian Federation	Risks are now divided (depending on the cause) into the following categories: injuries and occupational diseases	It is not always possible to understand what kind of insurance event occurred with an employee. Injuries as a result of an accident and occupational diseases are investigated in different ways, if you take an accident for occupational disease and do not report it within a day, the employer will be fined. Dividing the risk into categories will make it possible to clearly determine what measures need to be taken to manage it in a particular case
Order of the Ministry of Labor of the Russian Federation No. 796 of 28.12.2021 came into force, approving the recommendations on the choice of a method for the assessment of occupational risk level and on its reduction	The Ministry of Labor has developed the recommendations on the choice of a method for occupational risks assessment. The recommendations contain criteria, the process and stages of choosing the necessary methodology, a selection of methods used in domestic and foreign practice, as well as the examples of evaluation tools [8]	Methodological recommendations will not have normative weight, the employer still has the right to independently choose the evaluation methodology depending on the specifics of the enterprise
Amendments have been introduced to Article 221 of the Labor Code of the Russian Federation	The procedure for handing out personal protective equipment (PPE) has changed. According to the experience of foreign countries, handing out will be based on the results of the occupational risk assessment procedure [10]	This approach is more effective than handing out according to standards, since the number of PPE is determined depending on the actual working conditions

Changes	Essence of changes	Comments
Amendments have been introduced to Article 218 of the Labor Code of the Russian Federation	The analysis of occupational risks must now be carried out not only for the existing enterprises, but also for those facilities that are just about to be put into operation	This is nothing more than one of the preventive measures aimed at eliminating the danger at the initial stage of the enterprise. An employer who has carried out an occupational risks assessment at the stage of commissioning of a production facility has the opportunity to independently detect and promptly eliminate all the shortcomings

As it can be seen from the table, the trends in legislation clearly tend to introduce a risk-based approach.

Conclusions. The issue of changes in occupational safety legislation has been overdue for a long time. It should be expected that the transition period will not happen all at once, it may take from three to five years. So, many of the amendments listed in the work were planned to be introduced in 2021, but this was not done until this year.

Such changes will be able to give impetus to the formation of an effective legal framework regulating the conduct of such a procedure as the occupational risks assessment.

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