

сумісництвом, поширюються гарантії працівника-не сумісника, встановлені частиною третьою статті 40 КЗПП України, оскільки звільнення працівника відбулось з ініціативи власника або уповноваженого ним органу, а саме у зв'язку з прийняттям на роботу іншого працівника на повний робочий день, а тому у даному випадку його неможливо звільнити з посади, яку він займав за сумісництвом, у період його тимчасової непрацездатності.

Ключові слова: звільнення працівника, звільнення працівника з ініціативи роботодавця, тимчасова непрацездатність, гарантії для працівника.

Ключевые слова: увольнение работника, увольнение работника по инициативе работодателя, временная нетрудоспособность, гарантии для работника.

Key words: dismissal of an employee, dismissal of an employee at the initiative of the employer, temporary disability, guaranties for the employee.

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SAFETY AND HEALTH AND THE FUTURE OF WORK

Occupational Safety and Health remained a priority for many countries and that many developed and developing countries were in the process of formulating or updating their national Occupational Safety and Health policies and their regulatory systems.

Healthy and safe working conditions are one of the fundamental human rights and an integral part of the concept of «decent work».

Occupational Safety and Health challenges are a global challenge and as such require global solution.

It is important to pay attention that key occupational safety and health challenges to work are as follows: sustainable employability to extend working life; disability prevention and reintegration; psychosocial well-being in a sustainable working organisation; multifactorial genesis of work-related musculoskeletal disorders; new technologies as a field of action for occupational safety and health; occupational risks related to engineered nanomaterials; safety culture to prevent occupational accidents.

On April 17, 2019 at the Government meeting the Cabinet of Ministers of Ukraine adopted the Decree «On Approval of the Procedure for the Investigation and Accounts of Accidents, Occupational Diseases and Incidents at Work», which improved the mechanisms for investigation and registration of accidents and incidents at work in accordance with the requirements of the current legislation, as well as the issue of investigation of occupational diseases and poisonings at work was regulated.

The aforementioned decree provides, in particular, for simplifying the procedure for issuing documents necessary for establishing the factors linking an accident or illness with professional activity, determining the list of cases to be investigated, setting a limitation period for investigating accidents at work, setting requirements for sanitary -hygienic conditions of work, as well as functions and powers of the State Labour Service of Ukraine on accounting for accidents, incidents, acute and chronic occupational diseases and poisonings and the reasons for their occurrence.

For the prevention accidents at work, occupational health and safety management systems are being introduced. Taking into account the specifics of one or another workflow, appropriate instructions, regulations, rules for handling machines, mechanisms, equipment, rules of conduct on the territory of the enterprise and at workplaces, rules of execution of work, systematic training of employees on labour issues should be developed. The level of injuries at enterprises in which the staffing position was introduced as an occupational safety and health engineer is much lower than that of enterprises where its functions are assumed or duplicated by the head of the unit, the change, the master or the foreman. The reason for this is to lower the quality of control over compliance with the requirements of occupational safety.

The practical improvement of working conditions, the prevention of health and safety hazards and occupational diseases at the workplace, and the protection of workers' health and work ability often requires external occupational health services.

The State Labour Service of Ukraine, which has the authority to monitor compliance with employers' labour legislation, plays an important role in ensuring occupational health and safety.

In exercising control functions, the State Labour Service of Ukraine emphasized the formation of partnerships with business, defining as a priority direction of explanatory work, providing consultations. On the other hand, the State Labour Service of Ukraine holds a principled position on violators of the law, defending the interests of the employee in the safe and healthy working conditions, timely and full payment of wages and social guarantees.

In the field of occupational safety and health, the development and dissemination of information and knowledge that may meet the needs of governments, employers and workers are a prerequisite for identifying key priorities, adopting relevant strategies and implementing national occupational safety and health programmes.

It is also worth highlighting that between Ukraine and the International Labour Organization a Memorandum of Understanding was signed on the implementation of the Decent Work for Ukraine Program for 2016-2019. Within the framework of this program, the State Labour Service of Ukraine in conjunction with ILO launched the project «Strengthening the System of Labour Inspection and Social Dialogue Mechanisms», which envisages, in particular, developing and implementing a gender-sensitive personnel policy and appropriate measures for the recruitment and retention of

skilled staff; to expand the possibilities of the State Labour Service of Ukraine to work in partnership with other institutions and organisations; as well as the construction of a functional model of trilateral dialogue within the system of labour administration.

The results also confirm that the right to safe and healthy working conditions by its legal nature, in addition to being a personal non-property labour right, is also characterized as one of the main labour rights and an integral part of the concept of «decent work» as an individual labour right and regulatory labour right.

The structure of the right to safe and healthy working conditions is considered as a set of powers, the main of which are the competence for working conditions, which should not endanger the health of the employee, require the introduction of modern systems of management of occupational safety at enterprises, providing information about working conditions, availability of the place where he will work, the dangerous and harmful production factors that have not yet been addressed, and the possible consequences of their impact on health, the active participation of representatives of employees in labour protection in the development of but the use of preventive methods for the prevention of accidents and health at the enterprises.

This is especially true that the experience of developed countries suggests that a high culture of safety at work is beneficial for both employees, employers and the state. Various preventive measures have proven effective in preventing accidents at workplaces and in improving productivity. Modern high standards of safety in some countries are a direct consequence of long-term policies that encourage tripartite social dialogue, the conclusion of collective agreements and agreements between the parties to the social dialogue in the field of labour.

Consequently, only joint efforts of the social partners of Ukraine will contribute to the implementation of the fundamental principles of daily life: «Safe and healthy future of work».