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Abstract

The paper deals with the core problems of improving the occupational safety and health (OSH) management system in Russia, as well as work-related and occupational risks for employees, production organizers, the labour market and society at large. It examines the necessity, the essence and the general content of the OSH management system in the Russian Federation in the context of a transition to a risk-oriented approach with the aim of regulating and preventing the loss of earning capacity. Our analysis demonstrates that in the regulatory framework of the national OSH system there are content-related contradictions and formal inconsistencies. To resolve the highlighted problems, we suggest revising the approaches to the OSH system regulation, developing and implementing the concept of change, including granting trade unions greater powers in the sphere of public inspection.

JEL classification

J81, K32, M14

The Occupational Safety and Health System: Key Problems and Solutions

INTRODUCTION

A risk-oriented approach, widely introduced to the national occupational safety and health (OSH) system by the Government of the Russian Federation in 2016, has unexpectedly identified a multitude of unresolved problems for scientists and practitioners to deal with. Without these issues clarified, it is impossible not only to employ best practices, but also to ensure sustainable development of Russian society per se.

It is worth reminding that focusing on successful achievement of stated goals is an integral part of any human activity, but, as the centuries-old practice has shown, without safety guaranteed, the planned success often turns into a catastrophe. Unfortunately, the essence of the maxim "Safety is the technology of success!" still remains terra incognita for many managers. It is possible to ameliorate this situation only through adapting a clear concept comprehended and shared by all the participants of the management activity and through the unified understanding of responsibility and the way in which certain regulatory and managerial processes are implemented in the conditions of modern production and market economy. However, for various objective and subjective reasons, the sphere of preserving labour potential and occupational safety and health in Russia, not to mention a risk-oriented approach, lack such a concept, whereas the very Russian OSH system and its tools are morally outdated and need to be modernized. Since 1992, the system has been trying and failing to adapt itself to the conditions of modern market economy, but its performance indicators, such as work-related injuries and occupational diseases, are several times higher than those of developed nations.

The reason behind the ineffectiveness of selective transformations in the context of such systems' gold standard being well known is that it is virtually impossible to implement effective changes with the bureaucratic method of "creeping empiricism". Furthermore, with the destruction of the administrative-command system, the ef-

fective mechanisms for reproducing labour resources and human capital were also largely ruined. Overlapping with the technological and organizational revolution, all these problems are subjectively not identified by top management, but objectively hinder effective management and impede the development of the entire society [1].

The current study aims to discover the principal problems in the sphere of occupational safety and health management in Russia, as well as to propose measures to combat them in the context of "catch-up modernization" based on the progressive approaches practiced overseas. The paper's information base includes the drafts and the adopted regulatory documents in the field of occupational safety and health management, classical Russian and foreign publications on this issue, the author's experience and findings introduced at international, interstate, federal, regional and corporate levels of management. The methodological basis of the article is a risk-oriented approach to management.

THE CORE PROBLEMS IN THE OCCUPATIONAL SAFETY AND HEALTH SYSTEM

Risk-oriented approach to management and its limitations

The essence of the risk-oriented approach to management is to make decisions taking into account possible risks and on the basis of the risk assessment of the object of management. But what are these risks?

The most common definition of risk is associated with uncertainty of obtaining the planned result and a failure to achieve the stated objective. However, this definition is too general to be applied in practice, because for being utilized in a specific case, it would have to be redefined in the form of a new concrete operational interpretation.

The definition of risk as a combination of its possibility and significance is much more heuristically valuable for practice [9]. However, everything is not as simple as it seems. Firstly, the form of this combination is principally unknown. Secondly, pos-

Система обеспечения охраны труда: ключевые проблемы и направления их решения

sibility can vary from crude “likelihood” to quantified “probability”. Thirdly, the significance of risk, if putting aside financial losses measured in monetary terms, is impossible to convert into any score-based or other pseudo-quantitative indicators, for example, in case of death of a person [3].

In addition, to assess risk as an accidental hazard, we need a measure. In the capacity of such a measure, it is appropriate to use a new concept proposed by the author¹, i.e. *a degree of risk*: this is a scoring or verbal measure of risk that uses a scale to rank a certain risk among other risks. At that, the degree of risk increases if there is an increase in probability and (or) significance. The aforementioned nature of risk causes the four extreme values of the entire field of possible degrees of risk² to emerge:

1) unambiguously high degree of risk in case of high probability combined with high significance;

2) unambiguously low degree of risk in case of low probability combined with low significance;

3) relatively high degree of risk in case of high probability combined with low significance;

4) relatively high degree of risk in case of low but non-zero probability combined with very high significance.

It is noteworthy that recognizing Case 4 requires an additional analysis to be conducted and, as the practice of our work at enterprises has demonstrated, is often hindered by the extreme rarity of such events and their uniqueness in the aggregate of all random circumstances. Nevertheless, this is the state that leads to “unexpected” catastrophes and “unpredictable” man-made accidents and causes the greatest losses.

All the aforementioned is applicable to the so-called *individual risk* and is seriously distorted when assessing an *aggregate risk*, i.e. the overall risk that is inherent in the aggregate of individual objects and generalizes all individual risks. In this case, in addition to the two-parameter depend-

ence of the degree of risk on the probability and significance, the cumulative degree of risk grows dependent on the prevalence of certain individual risks. Case 3 becomes a typical situation. In this instance, the source of the growth of risk is not a high individual risk as much as its frequency and prevalence. As a result, the typical begins to mask the unique.

Traditionally, the greatest attention from the perspective of ensuring safety was paid to jobs with a high individual risk of work performance [17]. These kinds of work are characterized by a high rate of work-related injuries. At the same time, the cumulative risk is higher for enterprises performing a large number of jobs with a relatively low individual risk. This kind of risk is taken into account when differentiating enterprises for the purposes of state monitoring.

As a result, nowadays managers at enterprises face a phenomenon of splitting the risk-oriented approach in two. Management of OSH and production requires the methods of the risk-oriented approach of one sort, whereas state monitoring utilizes the tools of another sort in virtually all areas of supervision. Both “approaches” use the concept of risk but interpret it differently. This is the central problem to be taken into account in the situation that takes place in the field of occupational safety and health.

Multilayeredness of the management pyramid

The existing multilayeredness of the pyramid of the occupational safety and health management system causes many problems in the process of its transformation for the better. Even the linguistic means of expressing thoughts interfere with this. The Russian term “*upravleniye*” seems homogeneous and monolithic, but the English concepts of *control* (applicable at the level of workplace), *management* (the level of the production organizer) and *governance* (the level of the state) prove it to be false. The point is that in the field of ensuring OSH, due to its universality and huge social function, there are three “layers” of controlled reality, often intertwined with each other.

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Ключевые слова

ТРУД

ТРУДОВЫЕ РЕСУРСЫ

ОХРАНА ТРУДА

УПРАВЛЕНИЕ

ПРАВООТНОШЕНИЯ ПО ПОВОДУ ТРУДА

РИСК-ОРИЕНТИРОВАННЫЙ ПОДХОД

Аннотация

Статья посвящена оценке ключевых проблем совершенствования системы управления охраной труда в России, а также анализу производственных и профессиональных рисков для работников, организаторов производства, рынка труда, общества в целом. Последовательно рассматриваются необходимость, сущность и общее содержание системы охраны труда в РФ в условиях перехода к риск-ориентированному подходу с целью регулирования и профилактики утраты трудоспособности. Анализ показал, что в отечественной системе охраны труда существуют как содержательные противоречия, так и формальные несоответствия в нормативной базе. Для разрешения выделенных проблем предлагается пересмотреть подходы к регулированию системы охраны труда, разработать и реализовать концепцию изменений, в том числе наделить профсоюзные организации большими полномочиями в сфере общественного контроля.

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¹ In the draft of an interstate standard on risk assessment which is currently being approved.

² Here, we do not consider extreme abstractions such as zero risk.

The first one is a material layer at the workplace, where the damage to the health of workers occurs and people die when they face hazardous and (or) harmful work-related factors of the material working environment and working process (a simple process of work). According to the International Labour Organization statistics, every 15 seconds, a worker dies from a work-related injury or disease [2]. Our calculations show that every two hours in Russia one person dies for the same reasons. At that, we should understand that the number of staff members holding an employment contract with their production organizer (employer), who are the only ones covered by statistics on occupational accidents and diseases, is much smaller than the total number of workers. Consequently, the number of officially registered cases of fatal work-related injuries is also significantly lower. Due to technological revolution, working conditions (in the narrow sense) and work operations change, new threats arise and new victims appear. Engineering protection from these threats is a complicated task requiring huge labour and financial resources and considerable time for the transition of the "human factor" from one painfully familiar situation to a new one and for adaptation to "changes". The shifts associated with technological advances turn into an "avalanche" sweeping away everything in its way, including human lives.

The second layer, which is inevitably based on the first one, is a layer of socio-economic relationships between subjects of activity. The problems typical of these relationships, such as labour of women and people with disabilities, child labour, and working night shifts, underlie OSH as a social and labour phenomenon. Here, we can see the following non-identical phenomena to entwine: 1) social protection for unfavourable (nighttime, hard, etc.) wage jobs (labour protection); 2) post-event social protection of victims of occupational accidents and diseases (social insurance); and 3) maintenance of a preventive safety and health culture and occupational hygiene, i.e. protecting life and health of employees (occupational safety and health)¹.

The third layer is standardizing, regulating and legal. It embraces legal arrangements between parties in the sphere of labour and socio-economic relationships associated with material production. At this

level, there exists a distinction² between off-the-books workers and workers with employment contract and emerge such concepts as "personal injury", "harm-doer" and "compensation services".

This pyramid of "layers" of reality gives rise to both a variety of means of control and special features of their functioning. We can ascertain that inevitable faults in managerial decisions at the pyramid's top level (the legal layer) lead to dramatic swings in real events at the level of workplace. A relatively large time lag between adverse events of reality and changes in the indicators of the upper echelons of management makes this whole picture undetectable and unmanageable.

Duality of labour and its consequences for the juridification of reality

It is commonly known that in the process of labour human, using instruments of labour, transforms the subject of labour into the product of labour. This is its material essence. At the same time, labour initiates socio-economic (labour) relationships with regard to the appropriation of the product of labour. This duality extends to other concepts of ensuring safety of a simple process of work and occupational safety and health of workers.

It is common knowledge that specific direct labour of any person—a worker—is a simple process of work associated with performing work operations of the production process that are often hazardous, risky and detrimental to health [6].

Despite the fact that workers are always required to protect themselves from hazardous and harmful production factors of the working environment and the production (labour) process, society is unable to make it obligatory for everybody due to

democratic principles prescribing not to interfere in private life and rights of everyone.

However, the world of wage labour, the world of labour relations between the employee and the employer is not private but public in nature. Therefore, all countries of the world regulate the activities of employees hired by the employer and working in its interests and dictate that employers have to ensure protection in the field of occupational safety and health for their employees as members of society. Staff should generate "profit" for society to prosper, rather than imposing a burden on it. To do so, its activity should be of use for society. The correlation between good and harm in labour activities, as well as their components, is shown in Fig. 1.

In turn, duality of labour produces duality of terminology. In the area of OSH, widely known concepts of accident, injury, disease and risk are added a compulsory and clear adjective "occupational" (which is sometimes inaccurately translated into Russian as "professional'niy" – professional for labour). The meaning of such word groups as *occupational accident*, *occupational injury*, *occupational disease* and *occupational risk* is conveyed into Russian with the following non-clear expressions, respectively – "accident in the process of production", "industrial trauma", "professional disease" and "professional risk". The omnipresent adjective "occupational" means that we are talking about employees holding an employment contract³.

That is why occupational safety and occupational health means ensuring safety of employees and the minimal level of their health—but not health in general—necessary for performing professional tasks [16].

³ It is worth mentioning that the adjective "professional" in English is associated with profession that can be performed by freelancers, etc., but not with employment. In Russian, the same term is used for two various reality things.

² See, Interstate Standard GOST 12.0.002-2015. Occupational Safety Standards System. Terms and Definitions.

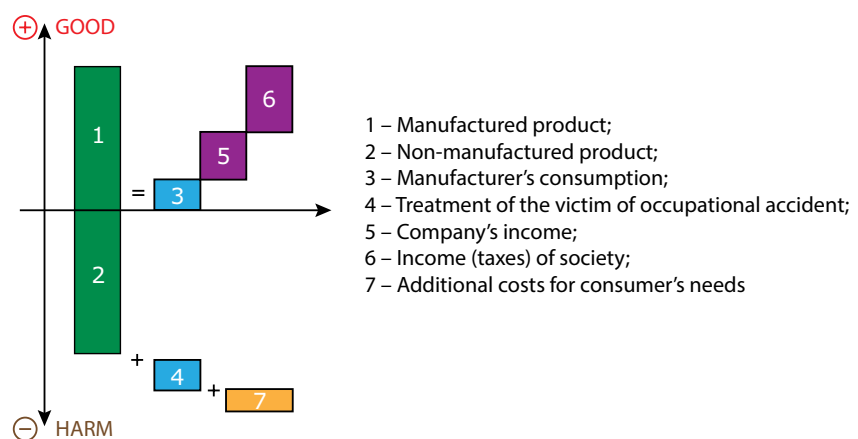


Fig. 1. The results of employees' activities in an organization and their decomposition in terms of good / harm to society

¹ Occupational Safety and Health – OSH (USA) and Occupational Health and Safety – OHS (United Kingdom).

Trilateral interaction and regulation

The two obvious parties of socio-labour relations in the process of public production are the production organizer (a legal entity engaged in organization of production – for any purpose, including earning profit or obtaining non-monetized results) and its workers¹ involved in “injecting” life in production functions with direct labour that turns them into labour functions. The centuries-old practice has long proved that, being formally only one party of equal relationships, the production organizer dominates workers at both the material and social levels to such an extent that it is required to regulate their interaction through the legal level which is under the control of the state.

This is why when establishing the International Labour Organization in 1919, designed to protect workers from the ideology and practice of Bolshevism, all its arrangement and working methods were premised on the principle of tripartism which required a consensus between workers (through trade unions), production organizers (through business associations) and the state.

In Russia, it is not customary to focus on the term “tripartism” and its essence, although there are “tripartite” commissions and agreements. However, quite often they are viewed just as a formally irremovable instrument.

Unfortunately, the Russian bourgeoisie, which succeeded in dethroning the tsarist autocracy in February 1917, failed to take advantage of its victory because of a complete lack of the understanding of social processes. Nowadays, 100 years later, due to the objective historical necessity, it has been reborn but is still unable to realize that the modern period is not similar to the era of the “primitive accumulation of capital” in Europe, but is the era of global distribution of property among a narrow circle of people, along with mass “unsuitability” of traditional labour resources for modern increasingly robot-assisted production [7]. These conditions are so novel that they imply using brand-new, unparalleled regulation and management instruments. Nevertheless, the creation of such tools is hampered by traditions and the inertial restructuring of public consciousness and, consequently, of science and closely related education.

¹ In modern English-to-Russian translations, the Russian term “trudiaschiysya” as the English term “worker” is numbered among the terms of communism ideology and often substituted for “rabotnik” as “employee”, which significantly distorts the meaning of ILO Conventions and Recommendations and unintentionally influences the management practice in Russia.

Despite the fact that the proletariat, objectively opposing the bourgeoisie, is now being forcibly and systematically superseded by the precariat, research studies of Russian sociologists headed by O.I. Shkaratan demonstrate that there emerge more and more reasons for social discontent in the sphere of labour relations [14]. From the standpoint of breaking the current world order, there is no difference between the revolution of the proletariat and the revolution of the precariat.

In these conditions, social partnership in the labour market is not just an element of economic activity of organizers of production, but the most important tool for maintaining social and political stability of modern society which is already being torn apart by contradictions typical of the end of the classical economic era of human development and unlimited “opportunities” of information technologies to change lifestyle of billions of “well-fed” people.

That is why real social partnership at the corporate level provides a more favourable psychological climate at the workplace, which, in turn, contributes to better productivity of labour and higher quality of manufactured products.

Problems of law enforcement in the sphere of OSH legislation

In the context of a market economy, reducing costs and increasing profitability are natural for organizers of production. Since ensuring safety and health does not entail an increase in income, it seems that it only increases costs. To understand the true mechanisms, it is necessary to introduce the concept of *prevented damage*, because, firstly, ensuring safety is aimed specifically at increasing the size of prevented damage and thereby at reducing damage in general, and secondly, prevented damage, similar to

income, is a positive (although in part virtual) increase in the financial resource (Fig. 2).

It is worth emphasizing that income is typical and noticeable to the management, whereas prevented damage is not. Its size is ambiguous; it can either be “intuitive” or counted using a specific method necessary to be developed.

This is the reason why the production organizer in every possible way tries to reduce its direct costs incurred in ensuring safety and health. The more so because these are employees who are exposed to the true risks of death and loss of earning capacity, while the production organizer in the most general case does not bear any losses, except for a temporary stoppage of production and a drop in production volume. It may cause concern – though not in every instance – if violation of OSH principles undoubtedly results in accident, i.e. significant direct property damage.

Therefore, the state, as the regulator of the OSH system, should create such conditions for economic activity and profit making that would have stimulated the organizer of production to seriously engage itself in ensuring safety and health of their workforce. For that, the state has administrative and market leverages at its disposal.

Market leverages are naturally more efficient in the market economy, but there are not enough of them because they must be enshrined in law as well. Assigning all expenses incurred in occupational safety and health to cost price is the most popular option, but here we also have many details to be improved.

Another layer of market instruments of the so-called technical regulation is associated with licensing, certification, personnel certification and accreditation of organizations. At the moment, all these tools are

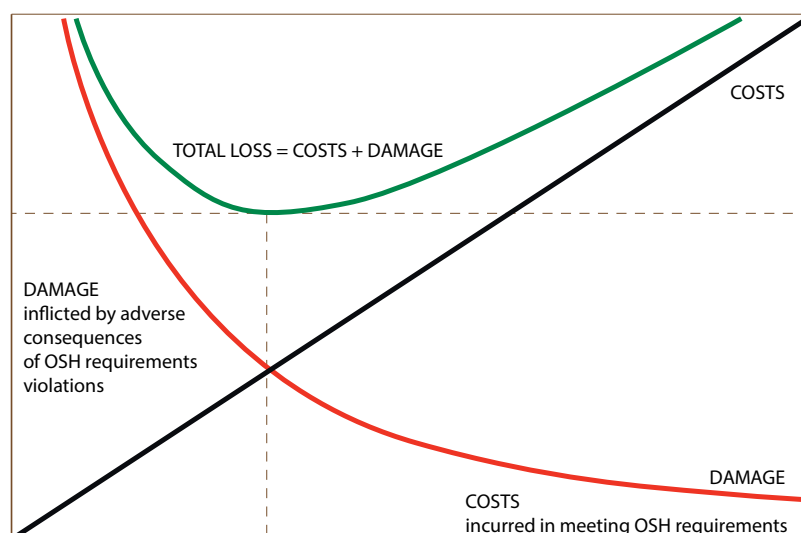


Fig. 2. Ratio between loss and damage inflicted by OSH requirements violations

fragmentary and used not as permissive, but rather as prohibitive and protective measures for monopolizing the market; their value is incommensurate with real costs. What is most important is that they have been long depreciated by the free market of services, where, for example, the OSH management system is certified within one hour and the documents are delivered to the customer's office. This is the way in which the generally accepted means of regulation objectively turn into the means of deregulation facilitating only the withdrawal of funds from the real sector of economy, since all production is inherently dangerous and harmful. This is the sphere in which problems need to be straightened out rather than new ways of development, not applied anywhere in the world, to be invented, such as formalism-generating occupational standards, specific assessment of working conditions that distorts occupational safety and health, absolutely unnecessary but financially capacious professional-public attestation of staff, confirmation of professional qualifications, etc.

One of the elements of real economic regulation in the sphere of OSH is insurance against particular risks [11]. Compulsory social insurance against occupational accidents and diseases and compulsory insurance of civil liability in the field of industrial safety are the most widespread types of insurance. These systems (in some way, of additional taxation) should be "upgraded" to the real risks insurance that makes it possible to reinvest part of the collected funds in actual prevention of the risk of accidents, injuries and diseases. Only then, it turns out to be a true market leverage of regulation, but there is no place for bureaucracy and its interests in it.

State and public supervision over law enforcement practice

At present, direct administrative methods remain the most familiar and mastered for the state apparatus of regulation. By means of laws, the state dictates to perform some mandatory actions that, if ignored, can lead to a fine. For this purpose, in the field of occupational safety and health the state establishes supervision over law enforcement practices in the form of the Labour Inspectorate.

That is why, a century ago, when turning to total protection of workers' rights, the Council of People's Commissars, using its decree "On Labour Inspection", established the Labor Inspectorate, which "is aimed at protecting life, health and labour of all persons engaged in any economic activity, and extends to the whole set of living

conditions of workers inside and outside the workplace" [5]. The Labour Inspectorate was responsible for monitoring and control over the implementation of decrees, regulations and other acts of the Soviet government in the field of defending the interests of workers, as well as taking measures necessary to ensure safety, life and health of workers.

For this purpose, to perform their duties, labour inspectors were granted a free access to all places where workers and their families lived, worked and rested, as well as gained a right to bring perpetrators to trial or impose monetary penalties within the limits fixed in a special instruction, for non-fulfillment or violation of decrees, regulations and other similar acts of the Soviet government and for failure to take measures necessary for protecting safety, life and health of workers.

The brochure "Protection of Labour" by I.S. Veger (Head of the OSH Department of the People's Commissariat of Labour, 1918) is probably the first publication on this subject in Russia.

On its title page, there are two epigraphs in italics – "Labour is the only wealth of the worker and should be carefully and fully guarded by the working class – its organizations"; and the second one – "Labour is the main source of the country's wealth and should be carefully and fully guarded by the state" [4. P. 3].

Currently, the traditions of the Labour Inspectorate and classical principles of its construction and activities adopted throughout the world (see, for example, [10]) are handed over to the State Inspectorate in the subjects of the Russian Federation subordinate to the Federal Services for Labour and Employment (Rostrud), as well as to technical inspectorates of trade unions.

The adoption of measures prohibiting spontaneous inspections by the State Inspectorate initiated a practice according to which, if an enterprise was not on the list of inspection plans, no actions were taken.

Moreover, the transition to the so-called risk-oriented approach means inspecting only large enterprises that, due to large staff numbers, always generate a considerable cumulative risk and significantly larger amount of fines. At the same time, small and cash-strapped companies, which do not reach OSH standards anyway, can act in full arbitrariness.

At that, undetectable violations create an appearance of absolute well-being which does not correspond to the real situation. According to the analysis conducted by foreign experts in the sphere of occupa-

tional safety and health, there is a significant discrepancy between the research results, the real practice, theoretical guidelines and statistical data [18]. Society will have to pay for these bureaucratic "maneuvers", since the problems of the victims have to be resolved. Under these conditions, this is the trade union inspectorate that is able to really contribute to the improvement of occupational safety and health at enterprises.

Having identified the central problems in the sphere of occupational safety and health, we can now turn to developing measures to resolve them.

MAIN DIRECTIONS FOR RESOLVING KEY PROBLEMS IN IMPROVING OSH

Basic principles of occupational risks prevention

Transformation of the subject of labour by means of instruments of labour into the product of labour is inextricably linked with hazardous and/or harmful production factors of technological processes. This transformation is merely impossible without them. Any modern production is full of "dangers" and their "sources" – peculiar carriers of dangers. The characteristic feature of any hazard is a deterministic damaging effect of hazards when they affect the organism of a worker. The possibility of such an impact, on the production environment included, increases sharply in case of loss of control over hazards and their accidental delocalization.

Since a standard situation can always turn into a non-standard one, then – into a dangerous situation, and later – into an emergency, then there are accidental hazards that are called risks¹ of exposure to a certain hazard to the organism of a worker² or creation of a specific hazardous situation.

Therefore, the chain "analysis of production activity – identification of hazards – analysis (revealing, assessment and evaluation) of risk – risk management", which delivers favourable results in advanced corporations and developed countries, should become a pervasive phenomenon in Russia.

The difficulties with putting the real management of these processes into practice consist in the fact that the aforementioned terminology and ideology introduced by us into the legal framework of

¹ In English it is unequivocal, but not in Russian. The given interpretation of risk is determined by the Interstate Standard GOST 12.0.002-2015.

² A worker is an individual engaged in labour. An employee (in Russia) is an individual working for a company and holding an employment contract. For more information, see GOST 12.0.002-2015. Occupational Safety Standards System. Terms and Definitions.

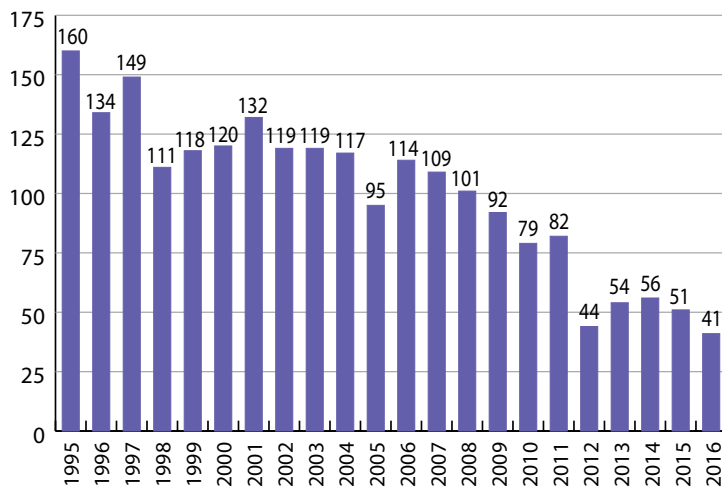


Fig. 3. Dynamics of fatal injuries at work in the Perm region of the Russian Federation for the period 1995–2016, number of people

the CIS countries¹ are in fact not recorded in the regulatory and normative-technical documentation. The regulator's attempts to do everything by its own efforts or by using the resources of the affiliated quasi-scientific organizations have not yet succeeded, since in-depth scholarly research need to be undertaken.

But what can the technical inspectorate of trade unions examine if it operates within the framework of employment law and social-labour relations between staff and the production organizer?

It is worth reminding that any social relationship is only then of significance in the sphere of occupational safety and health management (that is engaged in compensation schemes covering occupational accidents and diseases) when it is enshrined in law.

The most widespread legal arrangement in Russia is known as "labour arrangement" according to which employees and their employer are connected through employment contract. This is the only kind of labour relations regulated by the OSH system in Russia. This is stipulated by the Labour Code of the Russian Federation and to some extent implements Article 37 of the Constitution of the RF on the right of everyone to work in conditions that meet the requirements of occupational safety and health [15].

In addition to employment relationships, there are also relationships established by civil-law contracts, temporary agency work, etc.

¹ See, for example, drafts of the Interstate Standards GOST 12.0.230.4: Occupational Safety Standards System (OSSS), Occupational Safety and Health Management System (OSH MS). Methods for Identifying Hazards at Various Stages of Work and GOST 12.230.5: OSSS. OSH MS. Methods for Risk Assessment for Ensuring Safety at Work.

Since the area of labour arrangements is much broader, the number of injuries and deaths caused by hazardous and (or) harmful work-related conditions greatly exceeds the number of employees. Fig. 3 shows a decline in the number of fatal injuries among employees.

There is a certain level of injury associated with the prevailing culture of production and typical qualifications of personnel that is impossible to detect due to a decrease in the number of registered accidents. The point is that injury to health is a material but not a social process, and a person can suffer occupational injuries in the process of direct work, whereas compensation for the harm caused is a social event related to the legal status of the subject of law.

Therefore, the real prevention of occupational injuries and work-related diseases in Russia encounters unresolved issues in the sphere of legal regulation of off-the-books work.

In Russia, there are 71.4 million workers, 48.7 million jobs, but only 52.1 million workers are insured against loss of earning capacity, 5.2 million employers acting also as insurers, 470 thousand recipients of employment accident and occupational disease insurance premiums.

We can easily notice that nearly 20 million workers, i.e. more than 25%, hold no insurance against loss of earning capacity covering occupational accidents and diseases. All victims are eventually granted certain government guarantees funded out of the state budget, but they could receive funds collected from their employers by the Social Insurance Fund (SIF) of the Russian Federation. According to our estimates, about 60% of victims of occupational accidents create a "burden" for the budget, and the SIF of the RF has a huge surplus of collected insurance premiums.

It is essential for the safety management that the absence of labour relations leads to the absence of rights and duties in the field of occupational safety and health for real workers who are not officially employed, such as members of cooperatives, students, home-workers, freelancers, servicemen and prisoners involved in elimination of hazards or accidents, etc. in the field of prevention of injuries and diseases, including the loss of earning capacity. The production organizer is not concerned with their safety. As stated by the law, it is their own business. Such a situation is uncommon for civilized countries with developed civil society; therefore, it should be resolved in Russia. Consequently, all the details mentioned above should be introduced and described in the Labour Code of the RF and in Federal law No. 125-FZ, as well as in other regulatory legal acts of the Russian Federation.

Managing occupational risks at the employer's level

How to manage the risk of losing earning capacity (more often called "occupational risk") at the level of corporate management?

The OSH management at the level of the production organizer should also be premised on the principles of the risk-oriented approach and system management.

It is worth noting that occupational risks and the risk-oriented approach have long been discussed at the government level (since around 2007), but there is still no progress. One of the objective reasons behind this is that, due to the exceptional complexity and diversity of risk identification and assessment, in the world there is no uniform, clear and detailed methodology other than the general principles².

However, there are well-known methods of risk management that often carry other names, without the word "risk". Therefore, if you look without prejudice at what can be done to effectively manage occupational risks, then the following state of affairs becomes clear.

The most cardinal measure is changing the technology and the production process in order to eliminate (remove) the sources of hazards, primarily manual labour. This is a complex and expensive way that is never applied by the production organizers without any economic incentives involved. This

² Currently, Rosstandart (the Federal Agency on Technical Regulating and Metrology) is trying to rectify this situation. See, for example, drafts of Interstate Standards GOST 12.0.230.4: OSSS. OSH MS. Methods for Identifying Hazards at Various Stages of Work and GOST 12.230.5: OSSS. OSH MS. Methods for Risk Assessment for Ensuring Safety at Work.

requires the management to “go beyond” the labour law, become familiar with the tax and economic sphere and formulate innovations in the law that can improve the motivation of owners and the top management.

The next step is the extensive use of collective and personal protective equipment and various types of preventive and corrective measures. This way is also costly and needs to be employed by the staff.

This exhausts the possibilities of technical, sanitary-hygienic means and medical and preventive methods, and here it is necessary to utilize organizational measures.

The first and crucial measure is to provide occupational safety and health trainings for workers and make sure that they master the OSH instructions, to organize internship programs, etc.¹

The second measure is to develop instructions and technological regulations and to create adequate and safe “organizational models” for performing work.

The third possible action is to put into practice the systems of occupational safety and health, activity management, manufacturing supervision, etc., that is, to create “an organizational field” for managing the safety of the works performed [13].

Last but not least, to initiate a system for stimulating and motivating all employees, from ordinary workers to the top management, to adhere to safe work principles. It has not been fulfilled so far. At the same time, it is important to bear in mind that, despite the fact that the ultimate goal of risk management is to control “occupational risks”, the “occupational risks” themselves are almost impossible to assess at the level of corporate management, since there are not enough data on them to arrive at statistical and logical conclusions.

¹ See, GOST 12.0.004-2015. OSSS. OSH MS. Organization of OSH Training. General Provisions.

However, it is possible to evaluate all situational risks and risks of exposure to hazardous and harmful occupational factors. This is one of the fundamental functions of the production organizer, whereas the RF Ministry of Labour, the Social Insurance Fund, the Federal Service for Labour and Employment (Rostrud), the Federal Service for Supervision of Consumer Rights Protection and Human Well-Being (Rosпотребнадзор), etc. should be engaged in assessing “occupational risks” and publish all the available data on these risks (based on the countrywide statistics) for using it in practice.

Such allocation of functions (the production organizer assesses risks, and the public authorities assess occupational risks) is necessary to be legitimized and introduced into the management practice.

What is the end result of the identification of hazards and risks, risk assessment and risk management? As the conducted analysis has shown, the answer is unambiguous: actions on prevention of problems in the field of occupational safety and health should be implemented on a regular basis. The goal of these measures is to investigate whether the requirements are strictly met and to broadcast the need for minimizing occupational risks among employees and employers. Activities in this area should be standardized in accordance with scientific developments, best practices and legislative requirements [8; 12].

CONCLUSION

A logical and efficient system for managing the huge state-owned supercorporation, the “Soviet economy”, today is compelled to continue acting, but in completely different conditions. At the material level, it is fully operational, but at the social and legal level, the OSH management is long overdue for adaptation to the realities of

the social state and civil society in the market economy.

We regret to say that but Russia is lagging behind best practices of the developed capitalist countries and has to follow a specific path of “catch-up modernization” of the occupational safety and health system. Its global objective is to objectively improve the mechanisms for preventing occupational injuries and diseases. However, transformation of the entire regulatory framework of the OSH system is a serious task.

Russia, especially in the context of today’s global financial crisis and economic sanctions, does not need a breakdown of the conventional and operational, albeit imperfect, OSH system because of its bad timing. Therefore, the Concept of Change should be designed in the first place, and this will help to:

- Describe the main weaknesses of the current regulatory framework in the field of occupational safety and health management, which allows trade unions and employers associations to monitor the compliance between these shortcomings and changes in the regulatory framework;
- Develop the mechanisms for eliminating these weaknesses, which makes it possible to control the correspondence between the goals and the content of the draft laws;
- Assess the expenditure of public budgets at different levels and expenditure of business, as well as the damage to employees occurring if the draft law is approved.

Only in this case the availability of a coherent and scientifically grounded Concept can contribute to the creation of a required set of regulatory and legal acts in the sphere of occupational safety and health management and regulation and preserve the labour potential of the nation. ■

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