PROSPECTS OF THE PREVENTION OF WORK ACCIDENTS AND OCCUPATIONAL DISEASES BASED ON RISK ASSESSMENT IN AGRICULTURE

Dr. HAJÓS, LÁSZLÓ

SUMMARY

During the previous decade fundamental changes have taken place in the political and economic structure of Hungary. This transition, called also change of regime, had far-reaching effects also on the agricultural population of the country. Unfortunately, however, no significant change can be detected in the prevention of work accidents and occupational diseases so far.

In the spring of the year 2004 Hungary will officially become a member state of the European Union, which means that the Union's labour safety and accident prevention regulations will apply to all the sectors of economy, including agriculture. (As a matter of fact, most of them are already regarded as being in force.)

The Constitution of the Republic of Hungary states that her citizens are entitled to fullest mental and physical health. This right is ensured by the Republic of Hungary through the provision of a health care system, maintenance of medical institutions, and labour safety measures.

A substantial improvement in the level of accident prevention and labour safety in small farms in Hungary is expected from the introduction of an independent accident insurance system, the extension of the Labour Safety Act to small farms, the assessment of risk factors in them, the dissemination experience acquired in Western Europe, the analyses of data on accidents (cause, place, injuries caused, and consequences), and the measures to be taken on the basis of all this.

1. THE FUNDAMENTALS OF ACCIDENT PREVENTION IN HUNGARY

The Labour Safety Act passed by the Parliament in 1993, following the letter and the spirit of the Constitution, defines the state's responsibilities in this respect as follows. The Hungarian state is responsible for:

- developing a national programme of labour safety,
- defining the fundamental requirements of safe work conditions and related rights & obligations,
- promoting the enforcement of labour safety rules by using economic regulators, providing incentives, creating the financial background for labour safety research of importance for the whole national economy, carrying out advisory work, and providing information,
- defining the know-how bases necessary for the propagation of safe lifestyles within the field of general education, and for labour safety rules within vocational training,
- annually reviewing the labour safety situation in the national economy,

publishing the results of the review, and creating & maintaining a labour safety information system.

The tasks related to labour safety at the level of the national economy are carried out, within their own competence, by the Hungarian Parliament, the Government, the Ministers of Labour, Social Welfare, Industry & Trade, and the central administrative agencies supervised by the ministries, such as the National Labour and Labour Safety Inspectorate (OMMF) and the State Public Health and Medical Administration (ÁNTSZ).

The National Labour and Labour Safety Inspectorate is a central office created for initiating, preparing and promoting the implementation of state supervisory tasks in the field of labour safety, and for fulfilling general labour safety tasks. The organisation is directed by a president.

The president and vice-president of OMMF are appointed by the Minister of Social and Family Affairs, who also defines the central supervisory and controlling tasks of OMMF, as well as the detailed rules of operation for the Labour Safety Inspectorates of the counties and the capital. The regional Labour Safety Inspectorates of OMMF are headed by directors and employ labour safety inspectors.

On the basis of a separate legal regulation, the State Public Health and Medical Administration acts also as a labour safety authority, primarily in respect of occupational diseases.

The Ministry for Agriculture and Rural Development has a legislative role mainly in the area of agricultural labour safety. As a result of its activity in this field, the Ministry published the Safety Regulations for Agriculture in 2001 in the form of a ministerial decree.

The above state bodies and agencies having official authority in the supervision of labour safety activities cooperate with each other, as well as with public administration bodies and the representative organisations of employers and employees.

The organisations mentioned above can exert their official authority only in case of organised employment. Thus, the law does not apply to farms based on family labour. It follows from this that the bodies having official authority in such matters do not supervise the family farms: for which labour safety regulations are not obligatory, unless they are officially registered as entrepreneurs, or endanger people in their vicinity, as e. g. in the case of farm tourism. The law does not apply to subsistence farming.

2. VALIDITY FOR ENTERPRISES WITH EMPLOYEES

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3. WORK IN ADVANCE FOR A SPECIAL ACCIDENT INSURANCE

Social security payments are uniform throughout Hungary. Thus, the different sectors of economy, including agriculture, do not have independent social se-

curity systems. The central social security system consists of two branches: the pension insurance and the health insurance systems. It is the latter that is responsible for covering work accidents and carrying out related tasks (medical care, payment of sickness benefits, etc.). A few years ago preparations were made for the creation of an independent accident insurance system. This measure is expected to enhance the efficiency of preventive labour safety. Work necessary to make accident insurance "independent" has been in progress for several years, and according to the official information assessment of labour safety risks in different sectors, including agriculture, has been completed. However, the author's experience shows that the assessment in agriculture is not yet complete. At present, work aimed at analysing the findings of the risk assessment survey is still in progress, and it will provide a basis for creating the conditions necessary for the establishment of an accident insurance system.

Experts from the National Health Fund (OEP) are working at the creation of an independent accident insurance branch, which may start operating in 2004 if the Government accepts the proposal. The system will be based exclusively on the insurance principle, using payments made by companies and providing insurance cover for work accidents and occupational diseases on a fuller scale than possible at present. Persons eligible for this type of insurance will be given medical treatment in certified institutions specialised for accident care. The costs of treatment and rehabilitation are going to be paid by the accident insurance organisation. According to plans, the same organisation will be responsible for paying accident sickness payments and disability pensions.

Under the plan, the rate of accident insurance will depend on the level of labour safety in a given company. A company in which work is carried on under high-risk conditions will have to pay more. The insurance organisation will be responsible for the employment of work doctors and for carrying out periodic checks on workplaces, fixing discounts or supplementary payments depending on the company's labour safety record, i. e. its efforts to improve work conditions, or its failure in doing so.

4. THE LEGAL BASIS OF RISK ASSESSMENT

Risk assessments made on the basis of guidelines issued by authorities may provide a secure foundation for assigning companies to the different risk categories.

The concepts of "risk" and "risk assessment" have been taken over into the Hungarian regulation of the protection of labour from the most fundamental legal source of the European Union, Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work.

Down to date employers have been obliged:

- to assess risks, check whether workplace conditions meet the detailed rules, and assess the possible risks that may threaten employees, the severity of risks, and the number of employees involved,
- to assess what measures can be taken to avert or minimize risks, and to take such measures as were deemed appropriate in this respect,
- to establish priorities among the measures to be taken, and check and document the effectiveness of the measures taken.

With respect to risk assessment, the Labour Safety Act provides the following:

- The employer is obliged to carry out qualitative, and if necessary, quantitative assessments of the risks threatening the employees.
- Health and safety must be protected, with special regard to tools, implements, dangerous substances and preparations used at work, the degree of exposure, and the layout of workplaces. On the basis of risk assessment the employer is obliged to take preventive measures to ensure the improvement of workplace conditions and to incorporate these measures into the operation of the firm on all levels of management.
- Employers are obliged to carry out the first risk assessment and the related preventive measures within one year of the beginning of operation, and subsequently whenever it appears necessary. Risk assessment shall be reviewed annually. Repeated risk assessment is justified especially in cases where levels of risk (i. e. risks involved in work conditions, technology used, hazardous substances, preparations, tools or work processes) have changed substantially or new technologies (substances, tools or work organisation procedures) have been implemented. Unscheduled risk assessment must be carried out or risk assessment measures must be revised if accidents, increased exposure or occupational disease can be related to a substantial change in risks.

The Labour Safety Act set the deadline of at 31 December 2002 for preparing risk assessment, and provided that, in order to make work safe and free of health risks, employers must meet the following general requirements:

- risks shall be avoided,
- unavoidable risks shall be analysed,
- risks should be dealt with at the spot,
- human factors shall be taken into consideration in designing workplaces, selecting tools and work processes, with special regard to reducing the duration of monotonous work or work carried on at a fixed rhythm, in order to ease the harmful effects of such work and to set working hours,
- advances in engineering technology shall be adopted,
- high-risk technologies shall be replaced with low-risk ones,
- a uniform and comprehensive strategy of prevention shall be developed, covering work process, technology used, work organisation, working conditions, social relations, and the effect of environmental factors on work,
- collective protection shall have priority over individual protection,
- workers shall be given appropriate guidelines.

As a matter of fact, these regulations were in force already before the change of regime more than a decade ago, when in Hungarian agriculture large-scale farms were dominant in which qualified personnel employed by the company/cooperative were responsible for labour safety, the preparation of safety regulations, and the identification of risk factors and methods of prevention.

5. LACK IN STATISTIC EXPERIENCE ON FAMILY FARMS AND FARMS EMPLOYING HIRED LABOUR

After the change of regime most large-scale (state-owned and cooperative) farms have disappeared, and a great number of petty farms have replaced them. However, except for a short period after the Second World War, small-scale

farming has never been dominant in Hungary, and there is no relevant experience on labour safety in that context.

According to statistical data, since 1989 the number of work accidents has dropped to one third of the previous level. However, according to a survey carried out by the National Labour and Labour Safety Inspectorate, at present as much as a quarter of the accidents are not reported. As a result, many people do not receive adequate treatment, with employers wishing to cover up work accidents and denying that their employees work under conditions harmful to health. Similarly, there is no reliable information on diseases caused by unhealthy work conditions. Workers are dependent to a high degree. Consequently they dare not provide information on their workplaces. The occupational health services, paid directly by the employers, cannot be expected to supply objective reports of the conditions either.

Family farms do not employ hired labour. Therefore in such farms the authorities do not check the labour safety conditions. These farms are not obliged to report accidents. As a result, there are no statistics concerning accidents on such farms.

Unfortunately, accidents often are unreported even on large-scale farms, since workers involved fear to lose their jobs. In this way, the investigation of accidents occurring in this sector cannot provide a basis for the determination of the focal points of accident prevention for agriculture, including small farms.

In western countries, data on accidents in family farms are available and can be used as a starting point for prevention, but such information is unavailable for Hungarian farmers, or it is very scanty. Therefore it has become imperative for Hungarian small farmers to prepare risk assessments in the future.

To make up for the lack of experience some of the organisations mentioned above (OMMF, ÁNTSZ) and several professional organisations concerned in labour safety issues have provided guidelines (in printed and electronic form) for risk assessment. Most of these lay down the following guiding principles.

6. CONCEPTIONS FOR RISK ASSESSMENT

Risk assessment in Hungary, like other countries, is not an academic issue. Its duty is not to establish mathematical relationships or theoretical tenets, but to analyse specific situations on workplaces and to identify the specific measures that may be necessary. Of course, this may necessitate, in a given case, the carrying out of quantitative analyses (measurements), especially if a given situation must be compared with a norm expressed in numerical terms. Therefore, risk assessment has the following major objectives:

- to prevent risks or to minimize them, and
- to identify measures to be taken, and to prioritise them.

After risk assessment has been carried out, farmers must be able to recognise the potential risk situations, to assess the risk in question, and to prevent or minimise it.

In Hungary risk assessment as such is not considered a profession, and there is no regulation laying down the kind of labour safety qualifications people involved in such activities must have. (Of course, a part of individual activities playing a role in risk assessment, such as: the testing of a high-risk piece of equipment before commissioning it, or its examination after an accident, the de-

termination of the provision of protective equipment to individual workers, and the carrying out of an investigation of severe work accidents are such activities may require labour safety qualifications.) Thus, many organisations and participants have conducted risk assessment, which however does not provide sufficient guarantee for its professional adequacy.

The authorities mentioned above supervise the submission of risk assessments by the deadlines set, and the implementation of the measures envisaged. Labour safety fines are imposed if the deadlines laid down in the plan of action are not met.

A substantial improvement in the level of prevention and labour safety in small farms in Hungary is expected from the introduction of an independent accident insurance system, the extension of the Labour Safety Act to small farms, the assessment of risk factors in the latter, the dissemination of Western European experience, the analyses of data on accidents (cause, place, injuries caused and consequences), and the measures to be taken on the basis of all this.

ADDRESS:

Dr. Hajós László
egyetemi tanár, intézetigazgató
Szent István Egyetem
Gazdaság- és Társadalomtudományi Kar
Munkatudományi Intézet
2103 Gödöllő, Páter K. u. 1.
Tel.: 28/522-903, Fax: 28/522-913
E-mail: hajos@gikk.gau.hu

A MUNKABALESETEK ÉS FOGLALKOZÁSI MEGBETEGEDÉSEK KOCKÁZATFELMÉRÉSEN ALAPULÓ MEGELŐZÉSÉNEK KILÁTÁSAI MAGYARORSZÁGON

Dr. HAJÓS LÁSZLÓ

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Magyarország 2004 tavaszától EU-tagország lesz. Ennek megfelelően természetesen a munkavédelemre, a prevencióra vonatkozó EU-előírások – 89/391/EGK – teljes mértékben érvényesek lesznek, illetve már most is érvényesek a nemzetgazdaság minden ágazatára, így a mezőgazdaságra vonatkozóan is.

A Magyar Köztársaság Alkotmánya rögzíti, hogy honpolgárainak joguk van a lehető legmagasabb szintű testi és lelki egészséghez. Ezt a jogot a Magyar Köztársaság a munkavédelem, az egészségügyi intézmények és az orvosi ellátás megszervezésével valósítja meg.

Az önálló balesetbiztosítástól, a munkavédelmi törvény mezőgazdasági kisüzemekre való kiterjesztésétől, a kisüzemek kockázati tényezőinek felmérésétől, a nyugat-európai tapasztalatok elterjesztésétől, a bekövetkezett balesetek okai, helye, az okozott sérülések és azok következményei adatainak elemzésétől, és a mindezeken alapuló intézkedésektől a családi farmgazdaságok munkabiztonsági helyzetének, a prevenciónak lényeges javulását reméljük Magyarországon.