



SAFETY AND HEALTH AT WORK IN THE ROMANIAN MILITARY

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Occupational safety and health is one of the most important areas of interest in contemporary society, a concept that has undergone an impressive evolution at national level, especially as accidents at work and occupational diseases are increasingly present in modern society, generating real human and economic problems. Creating more jobs, improving the conditions in which employees work, but, especially, maintaining their health are the main objectives of social policy today. A safe and healthy work environment is an essential element of the quality of work. In this article we aimed to highlight some common aspects of occupational safety and health and the national legal framework in the civilian and military environment, but also the specifics due to the military organization. As the level of education of the population increases, so do the requirements related to ensuring the quality of work, life, safety and health at work. In this respect, one can see the impressive progress that occupational protection has made, starting from the interest of preventing and minimizing work-related accidents and reaching the development of national strategies in the field of occupational safety and health.

Keywords: occupational safety and health; accident at work; occupational diseases; occupational hazards; authorized institutions.

In Romania, labor protection was initially regulated by the "Sanitary Law" (03.04.1885) which established a national regulation on occupational safety and health. However, the first express reference to the prevention of occupational accidents and diseases was made in the "Regulation for unhealthy industries" (24.09.1894). The regulation clearly specifies some preventive measures – "In any industrial establishment with more than 10 workers, the workshops will have a space of no more than 5 m³ of each worker, and the ceiling will have a height of at least 3 m"¹.

Towards the end of the 19th century and the beginning of the 20th century, the foundations of distinct branches were laid, such as work psychology, work sociology, ergonomics.

Occupational safety and health is a system of institutionalized rules aimed at preventing and reducing accidents, but also ensuring the best conditions in performing work tasks, to protect the life, physical and mental integrity and health of employees.

We are all already familiar with the protection rules in force in all areas, and we recall here some of the minimum requirements when it comes to occupational safety and health, such as²: emergency routes and exits must remain permanently free in order to ensure possible evacuation quickly and in the safest possible conditions in case of danger; during working hours the temperature in the rooms in which employees work must be appropriate to the human body and hazardous areas must be clearly marked.

Common elements of the military and civilian system in the field of occupational safety

There will be presented some common aspects of employee security found both in regulations governing the civilian environment and in regulations governing the military system. For example: the duties of the employer; staff skills in the field of occupational safety and health; the responsibilities of employees for carrying out occupational safety and health measures.

*Duties of the employer*³

Whether we are referring to the military system or the civilian environment in terms of the employer's responsibilities, they are the same. These are very clearly established according to the legislation in force. Of course, we mention only a

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few of them here, and we would like to start with obtaining the operating permit in the field of safety and health, prior to any activity. In addition, the employer has the obligation to develop a protection and prevention plan specific to the organization, to implement the necessary measures to ensure security, by preventing and training employees. Then, the provision with equipment and means necessary to carry out the activity in appropriate conditions must be done, thus avoiding injuries of any kind.

It is also the task of the employer to provide free food and hygiene to employees who work under special conditions, which are usually set out in the employment contract.

Staff competencies in the field of occupational safety and health⁴

Also in this case the requirements are identical, whatever the scope of activities. Of course, we refer to the minimum requirements in this area. It should be noted that the designated staff may be graduates with secondary or higher education. The graduate with a secondary education with a real or technological profile must hold a certificate of completion of the course in the field of occupational safety and health with a duration of at least 80 hours. Designated staff with higher education, graduate in engineering, agricultural and forestry sciences must have a certificate of completion of the course in the field of occupational safety and health with a duration of at least 180 hours or a master's or doctoral degree in safety and occupational health.

Employees' responsibilities for carrying out occupational safety and health measures

Undoubtedly, employees have their share of responsibility, but only after they have been properly trained. We must specify that the training of employees is performed in three stages⁵:

- on employment – it is called *general-introductory training*, the objective being to inform employees about risks and prevention measures;
- at work – it is called *on-the-job training*, the purpose is training on the activities and risks for the job;
- *regular training* – its purpose is to update knowledge and it is done at 6 months or as appropriate at 12 months.

All these trainings are recorded in the individual training sheet.

Now, of course, we can pay particular attention to some of the obligations that employees have and that are not negligible at all, such as: mastering the law, the correct use of personal protective equipment, proper use of machines, equipment or tools, and the fact that the employer is notified of the occurrence of a hazard or the communication of information requested by labor inspectors.

Elements specific to the military system in the field of occupational safety

Therefore, this time we will refer to the particularities of the military environment in terms of safety at work, more precisely to: authorities and institutions with responsibilities in the field of security; organization of prevention and protection activities.

Authorities and institutions with responsibilities in the field of security

In the civilian field, the Ministry of Labor and Social Protection is the competent authority in the field of occupational safety and health. It has as its subordinate the Labor Inspectorate, which is the competent authority for monitoring the application of legislation on safety and health at work.

The Labor Inspectorate controls the way in which the national legislation in the field of occupational safety and health is applied in all sectors, both public and private, except for those provided in art. 50 para. (1) and (2), of Law 319/2006, which the Ministry of National Defence is part of. The Labor Inspectorate is a public institution that fulfills the function of state authority, and stipulates that the State General Inspector subordinates⁶:

- *The Deputy General State Inspector* who coordinates the activity in the field of labor relations, under whose subordination the *Labor Relations Control Directorate* operates;
- *The Deputy General State Inspector* who coordinates the activity in the field of occupational safety and health, an activity that is carried out through the *Occupational Safety and Health Control Directorate*.

Compared to the civil environment, the management of activities in the field of occupational safety and health in the Ministry of National Defence is provided by the *Control and Inspection Corps*, through the Prevention and Protection Service. The control and inspection corps represents the

competent authority in the field of occupational safety and health, similar to the Labor Inspection of the Ministry of Labor and Social Protection for the respective field. *The General Directorate of Human Resources Management* represents the competent authority in the field of labor relations at the level of the Ministry of National Defence, with the exception of the General Directorate of Defence Intelligence.

The Prevention and Protection Support Office, a structure directly subordinated to the Control and Inspection Corps, ensures the organization and conduct of work in the field of occupational safety and health for central structures, with the exception of the Defence Staff, the Department of Armaments, the General Directorate of Defence Intelligence and Domains and Infrastructures Department⁷. Also, for the structures directly subordinated to the Minister of National Defence, which do not have distinct functions in the organizing states, a person is appointed to ensure the connection with the Prevention and Protection Support Office.

The authorities in the military system similar to the Territorial Labor Inspectorates are: the Prevention and Protection Support Office, the exempted central structures, the staffs of the army force categories, the arms / forces / support commands and divisions⁸.

Organizing prevention and protection activities

Clear differences can be observed between the civilian and military environment when it comes to how to organize prevention and protection processes. In this sense, we can highlight the following areas, such as:

- Prevention and protection activities in the civil environment represent the obligation of the employer and can be performed according to the needs of the organization, as follows⁹:

- "by the employer, if the field of activity involves activities without particular risks, and, if he has the necessary quality in the field of safety and health at work;

- by appointing one or more employees, as the case may be, to carry out those activities;

- by setting up one or more internal services for prevention and protection activities;

- by using accredited external services in the field of occupational safety and health".

- In the Romanian Military, the commanders of the military units have the competence to

organize the activity of safety and health at work, as follows¹⁰:

- "through internal prevention and protection services;

- the person responsible for occupational safety and health".

In the event that a battalion-level military unit, which is part of a brigade, does not have adequately trained personnel in the field of occupational safety and health, it may request specialized advice and support at the higher hierarchical level. At the same time, if there are structures without distinct functions in the field of occupational safety and health, they may use the external prevention and protection service, according to the procedures provided in a provision of the head of the Control and Inspection Corps.

Occupational health surveillance in the Romanian Military

The totality of medical services for the prevention and identification of occupational diseases, but also the maintenance of the health condition performed by the occupational medicine doctors is called *the supervision of the health condition*.

The protection of the worker against accidents at work and occupational diseases has emerged from all practices and research aimed at improving working conditions.

Within the Law 319/2006 on safety and health at work several distinct elements are defined and they can be met and identified at work. Next, reference will be made to occupational health, in particular to accidents at work and occupational diseases¹¹:

- "work accident – personal injury, as well as acute occupational intoxication, which occur during the work process and which cause temporary incapacity for work for at least 3 days. Accidents at work are classified as follows: accidents that cause temporary incapacity for work for at least 3 calendar days; accidents that cause disability; fatal accident;

- occupational disease – the condition which occurs as a result of the exercise of a trade or profession, caused by harmful physical, chemical or biological agents characteristic of the workplace, as well as by overloading various organs or systems of the body in the work process.



Accidents related to work are present in all areas and include a multitude of injuries to the body ranging from poisoning, slipping, collisions with objects, falls, burns, traffic accidents, etc. However, many of these problems can be prevented through proper management.

Common aspects regarding the supervision of occupational health in the military and civilian environment

Employers are compelled to ensure the surveillance of employees' health in all work-related contexts. The management of the military institution must implement measures to reduce the levels of illness and absenteeism, the rate of accidents or staff turnover because all these aspects are reflected in the inability to achieve the proposed objectives.

Among the common elements related to occupational health surveillance there are the following: occupational medicine service and occupational diseases¹².

Occupational medicine service

The only service that monitors the health of military or civilian employees is the occupational medicine service. The employer has a contract with the respective services so that all employees benefit from the periodic medical evaluation, or whenever it is needed, according to the legislation in force. Also, the whole occupational medicine service reports at the end of the year the conclusions of the evaluation of the employees' health condition, but also recommends the optimization of the working conditions for maintaining the health condition at the workplace.

Occupational diseases

Occupational diseases are not declared, they are medically dispensed and reported to the employer without being nominated, in order to improve working conditions and minimize occupational risks. The table with diseases related to the profession can be found in annex no. 23 of the Methodological Norm of Law 319/2006.

Peculiarities in occupational health surveillance in the Romanian Military

Among the peculiarities encountered in the military organization in the field of occupational health surveillance can be highlighted¹³:

- competent authorities;
- event research.

Competent authorities

The activity in the field of public health care, in civil life, is the responsibility of the central authority, more precisely, the Ministry of Public Health, as a specialized *body* of the central public administration. Whereas, in the military environment, the competent authority in the field of occupational medicine and personnel health supervision is held by the Medical Directorate, through the Center for Preventive Medicine of the Ministry of National Defence, which cooperates with the Control and Inspection Corps.

Event research

The event research, no matter where the event takes place, in civilian or military circles, is mandatory. This will take place immediately after the event is reported, and the result will be recorded in a report. Depending on its type, the research is done as follows:

- When the event occurs in the civilian environment¹⁴:

- by the employer – for events that have caused temporary incapacity for work;

- by the territorial labor inspectorates – for events that have caused obvious or confirmed disability, death, collective accidents, dangerous incidents, missing persons, but also in the case of events that have caused temporary incapacity for work to employees who provide natural persons to employers;

- by the Labor Inspectorate, in the event of collective accidents, caused by special events, such as damage or explosions;

- by the territorial public health authorities, respectively of the municipality of Bucharest, in case of suspicions of occupational disease and diseases related to the profession.

- When the event takes place in the military system¹⁵:

- the military unit, in the situation of events that generated temporary incapacity for work and minor accidents;

- the exempted central structures, the staffs of the military force categories, the structures exercising control over the participating personnel and the structures participating in missions and operations

outside the Romanian state, the military/forces/ support and division commands, in case of events, including those that take place during missions and operations outside the territory of the Romanian state, which have generated obvious or confirmed disability, death, collective accidents, dangerous incidents and situations with missing persons;

- The Prevention and Protection Support Office for events that led to temporary incapacity for work, minor accident, obvious or confirmed disability, death, collective accidents, dangerous incidents and situations with missing persons for the structures provided in art. 18 of the Instructions regarding the organization and development of the work safety and health activity in the Ministry of National Defence, from 27.09.2019;

- The control and inspection body, in case of collective accidents, generated by some special events, such as damages or explosions;

- The medical department, in case of reporting a case of occupational disease, through the Center for Preventive Medicine;

- economic agents from outside the Ministry of National Defence in case of events in which their employees were involved, during the development of activities based on contract, command or other legal forms concluded with military units.

These peculiarities emphasize the military specificity, but especially the concern of specialists in the field, the health of military and civilian personnel in the Romanian Military, and the desire to offer suggestions for assessing the working environment and analyzing work factors that affect the health of military and civilian personnel from the Romanian Military.

Conclusions

The objective of occupational safety and health is to remove all obstacles that arise in the work process, which may be likely to cause accidents at work or occupational diseases. The primary role of occupational safety and health is prevention. Properly taken preventive measures are simple measures, but with a colossal effect when it comes to occupational safety and health. Therefore, there are a number of rules whose observance by all employees ensures a better working environment. Creating a friendly work environment, rules for everyone to follow, as well as ensuring protective equipment ensure success in productivity, but

especially healthy employees, given that human resources are the main resource for the existence and progress of society.

The efficiency of occupational safety and health measures is determined both by the correct implementation of the theoretical and legal premises, but also by the concrete way in which these measures are observed at work.

Managing employee safety and health is one of the increasingly important issues for both employees and employers. Therefore, safety and health at work are integrated into all activities that ensure social protection in any state, as an essential component for ensuring a certain level of quality of life.

Occupational safety and health in the Romanian Military is characterized by measures and rules specific to the military environment designed so that the military's missions can be fulfilled, taking into account the collaboration agreements with the international military structures.

The specific features of the military environment are due to the fact that the activities of organization, coordination, including those of control and authorization are carried out by their own bodies with competences for the respective structures.

NOTES:

1 <https://sanatatesisecuritateinmunca.webgarden.ro/menu/s-s-m-scurt-istoric>, accessed on 10.06.2020.

2 *Hotărârea nr. 1091/2006 privind cerințele minime de securitate și sănătate pentru locul de muncă.*

3 *Legea securității și sănătății în muncă no. 319/2006.*

4 *Norma metodologică de aplicare a prevederilor Legii securității și sănătății în muncă no. 319/2006*, from 11.10.2006, art. 47-50, pp. 15-16.

5 *Ibidem*, art. 77, pp. 21-22.

6 *Annexa no. 1 to Ordinul ministrului muncii și justiției sociale no.1095/2018.*

7 *Instrucțiunile privind organizarea și desfășurarea activității de securitate și sănătate în muncă în Ministerul Apărării Naționale*, from 27.09.2019, art 15-20, p. 2.

8 *Instrucțiunile privind organizarea și desfășurarea activității de securitate și sănătate în muncă în Ministerul Apărării Naționale*, from 27.09.2019, art 15-20, p. 2.

9 *Norma metodologică de aplicare a prevederilor Legii securității și sănătății în muncă no. 319/2006* from 11.10.2006, art. 14, p. 5.

10 *Instrucțiunile privind organizarea și desfășurarea activității de securitate și sănătate în muncă în Ministerul Apărării Naționale*, from 27.09.2019.

11 *Legea nr. 319/2006 a securității și sănătății în muncă*, art. 5, p. 2.



12 Instrucțiunile privind organizarea și desfășurarea activității de securitate și sănătate în muncă în Ministerul Apărării Naționale, from 27.09.2019 and Legea nr. 319/2006 a securității și sănătății în muncă.

13 Ibidem.

14 Legea nr. 319/2006 a securității și sănătății în muncă, art. 29, p. 10.

15 Instrucțiunile privind organizarea și desfășurarea activității de securitate și sănătate în muncă în Ministerul Apărării Naționale, from 27.09.2019, art. 81, pp 14-15.

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*** Legea nr. 346/2002 privind asigurarea pentru accidente de muncă și boli profesionale.

*** Hotărârea nr. 191/2018 pentru aprobarea Strategiei naționale în domeniul securității și sănătății în muncă pentru perioada 2018-2020.

*** Hotărârea nr. 355/2007 privind supravegherea sănătății lucrătorilor.

*** Hotărârea de Guvern nr. 1425/2006 privind aprobarea Normelor Metodologice pentru aplicarea Legii nr. 319/2006.

*** Hotărârea nr. 1048/2006 privind cerințele minime de securitate și sănătate pentru utilizarea

de către lucrători a echipamentelor individuale de protecție la locul de muncă.

*** Hotărârea nr. 1091/2006 privind cerințele minime de securitate și sănătate pentru locul de muncă.

*** Codul muncii, 2003.

*** Ordinul nr. 191/2019 pentru aprobarea Instrucțiunilor privind organizarea și desfășurarea activității de securitate și sănătate în muncă în Ministerul Apărării Naționale, Monitorul Oficial no. 900, from 07.11.2019, Part I.

*** Ordinul ministrului apărării nr. M. 113/2008 privind supravegherea stării de sănătate a personalului din Ministerul Apărării Naționale, cu modificările ulterioare.

*** Annex no. 1 to Ordinul ministrului muncii și justiției sociale no.1095/2018.

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