

## SECTION 11

### TECHNICAL SCIENCES, PRODUCTION AND TECHNOLOGY

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#### **HISTORICAL AND LEGAL EVOLUTION OF OCCUPATIONAL SAFETY LEGISLATION**

After the signing of the Association Agreement with the EU, Ukraine began harmonizing its occupational health and safety legislation with European directives. In 2018, the Cabinet of Ministers approved the Concept for Reforming the Occupational Safety Management System [1] and planned to implement it through a new law. Based on this concept, a draft law “On the Safety and Health of Workers at Work” (Reg. No. 10147 of 13.10.2023, currently passed its first reading) was developed. It is based on the principles of EU Directive 89/391/EEC (the Framework Directive on Occupational Safety and Health), which sets out a model of occupational safety management built on the assessment and control of occupational risks [2].

The current Law “On Occupational Safety” (adopted in 1992) has significant shortcomings.

The existing legislation prescribes numerous mandatory rules, which are mostly applied at a formal compliance level. Such a formalistic approach does not align with global trends in building a proactive safety system and has become outdated compared to best practices (see EU Directive 89/391/EEC).

Unlike European standards, Ukrainian legislation does not require a systematic assessment (identification) of hazards and their control at the source. Instead, employers are formally obliged only to provide instructions and protective equipment.

Under current legislation, with its contradictory allocation of responsibility between the state, the employer, and the employee, the maximum fines remain relatively low and fail to incentivize employers to invest in workplace safety.

In addition, state occupational safety legislation does not adequately meet EU requirements.

Modern realities shape new demands for occupational safety [3].

Rapid automation, production robotics, and the introduction of artificial intelligence generate unexpected risks. At the same time, AI systems can supplement traditional safety systems and predict accidents through big data analysis, but they require new flexible legislative norms and standardization.

Industrial development (mining, construction, transport) has traditionally been associated with high risks. This has been further aggravated by new factors: military actions in eastern Ukraine, industrial infrastructure reconstruction, and the large-scale shift to “green” energy, all of which demand stricter occupational safety standards.

There is also a growing share of remote and mobile work, project-based and gig employment, which requires consideration of cyber and psychosocial risks (see the general principles of Directive 89/391/EEC and ILO Convention No. 187 on Occupational Safety and Health Management).

Let us consider the main arguments in favor of adopting the new Law “On the Safety and Health of Workers at Work.”

The draft law introduces the European model – shifting the focus from formal rules to risk assessment and management [4]. It envisions the creation of a “national system for the prevention of occupational risks” based on the principles of hazard identification, assessment, control, and elimination. Thus, formal inspections will be gradually replaced by a continuous cycle of “identification – analysis – elimination” of risks, in line with best global practices (see Directive 89/391/EEC).

The draft law directly implements provisions of the EU “Framework Directive”: it incorporates the main principles and rights/obligations set forth in the directive [1]. In particular, it establishes minimum requirements for safe working conditions and employee training (as required in the EU), as well as mechanisms of oversight and feedback. In this way, the new law will substantially eliminate discrepancies between Ukrainian and European occupational safety legislation.

Unlike the “old” law, the new model clearly defines employee rights. Every worker is guaranteed safe working conditions (including free provision of collective and personal protective equipment) [2]. The right to information about occupational risks and adequate training tailored to specific job functions is also introduced. The law formally enshrines the right to refuse dangerous work (if there is a real threat to life and health), the right to participate in consultations and preventive measures, and the right to medical safety checks and protection against retaliation for reporting violations. This significantly strengthens employees’ positions, as the old law provided them with few leverage tools other than strikes or collective demands.

The new law also outlines a modern model of liability for violations, introducing new mechanisms of penalties (fines, sanctions), as well as independent auditors and supervisory bodies to verify safety system implementation in enterprises. This will enhance transparency: employers will be obliged to conduct internal audits, and public and trade union inspectors will have access to relevant information, significantly reducing “blind spots” in reporting.

The draft law introduces the concept of an occupational safety management system, provides for regular audits, work instructions aligned with modern standards (ISO 45001:2018, Ukrainian DSTU), and promotes a culture of safety. The advantage of this model lies in proactive prevention. As experts note, the new law (unlike the outdated system) is based on principles of risk assessment and minimization at the source [3], gradually aligning Ukrainian enterprises with international safety management standards.

Thus, the adoption of the new Law “On the Safety and Health of Workers at Work” is important both legally and practically. The law brings national legislation closer to global standards—and in particular, to European directives (89/391/EEC and related documents). For businesses, this will mean a transition to a modern risk management system which, while initially requiring investments in equipment and training, will ultimately increase enterprise efficiency and competitiveness. The state will acquire more effective tools for oversight and promoting a culture of safety (e.g., through national programs and audits). In the end, the new law establishes the foundation of a comprehensive national occupational safety system that is more responsive to today’s challenges – from digitalization to the demands of international partners – and has the potential to significantly reduce workplace injuries in Ukraine.

### References

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