

Work accidents and their impact on the health of the employees

Ioan Hurjui^{1,*}, Cristina Marcela Hurjui²

Abstract: One of the major and challenging European social policy objectives is security and health at workplace.

Under its responsibilities, the employer has the obligation to take the necessary measures in order to ensure the safety and health protection of workers, to prevent occupational hazards, to inform and train workers, to ensure the organisational framework and the means necessary for safety and health at workplace.

The supervision of health of the workers is ensured by specialists in occupational health service and by this exclusive prerogative assigned to those with the necessary expertise in this field it involves all the medical services that provide prevention, detection, dispensing of occupational diseases and associated and related diseases but also the maintenance of workers' health and work capacity.

Key Words: work accident, health, work capacity, employer, health and safety at work.

MATERIALS AND METHODS

Irrespective of the field of activity, the employers in both the public and private sectors and, implicitly, self-employed activities, are required to have an effective assessment of the health risk of workers, regularly updated, conditioned by the needs and realities that require effective realization of this rhythmicity, as well as to provide the money funds, as well as the conditions of carrying out all prophylactic medical services necessary to supervise the health of workers.

The employers are responsible for organizing health and safety at workplace and are required to provide all employees with the risk of accidents at work and occupational diseases under the law, as well as a work and safety committee, in order to ensure the employee involvement in the development and implementation of labor protection decisions.

There is an explicit obligation for the employees to be informed by a physician or other person with the required specialist qualification in relation to the result that is of personal concern to him/her, providing him/

her with information as well as recommendations on any action to monitor and control the state which must be applied after termination of the exposure if, following the health surveillance, it is found that a worker is suffering from an identifiable disease or from a negative health effect which a specialist in occupational medicine considers it the result of exposure.

Insurance against accidents at work and occupational diseases has the following objectives:

- a) preventing accidents at work and occupational diseases;
- b) medical and socio-professional rehabilitation of insured persons, victims of work accidents and occupational diseases, as well as recovery of their work capacity;
- c) the provision of long-term and short-term benefits in the form of allowances and other benefits, in accordance with the law [6].

RESULTS AND DISCUSSIONS

The employment and repartition of workers on

1) "Stefan cel Mare" University, Suceava, Romania

* Corresponding author: Doctoral School of Economics, E-mail: hurjui_ioan@yahoo.com

2) "Stefan cel Mare" University, School of Economics, Suceava, Romania

jobs, functions and workstations is permissible only to the employer's health and physical and psychological skills of workers seeking employment, but also to the risks of occupational safety and health, with the retention of the type of work to be carried out by the worker and the actual working conditions existing in the future job.

For a fair and complete legal assessment, Council Directive 89/391/EEC of 12 June 1989 [8], on the introduction of measures to encourage improvements in the safety and health of workers at workplace should also be taken into account. The Member States undertook, under the Treaty, to promote the improvement of the existing conditions in this field and to harmonize these conditions, while maintaining the improvements already made since it is known that workers, throughout their professional life, may be exposed to the effects of dangerous environmental factors at the workplace. The Directive contains general principles on the prevention of occupational risks, health and safety protection, the elimination of risk or unforeseen factors, information, consultation, balanced participation in accordance with national legislation and / or practice and the professional training of workers and their representatives and general directions on the application of those principles.

Starting from this Directive, in our country was adopted the Law no. 319 / 14 July 2006 (*updated*) on health and safety at work, a normative act which, at art. 3, provides that "this law applies to all sectors of activity, both public and private, and applies to employers, workers and workers' representatives".

The law provides, first of all, that the employer has the obligation to keep track of accidents at workplace that have an incapacity to work longer than 3 working days, as a result of minor accidents, occupational diseases and dangerous incidents.

Work accidents, according to the legislation in force, are grouped into four categories:

- a) accidents causing temporary incapacity for work of at least 3 calendar days;
- b) accidents causing disability;
- c) fatal accidents;
- d) collective accidents when at least 3 people are injured at the same time and for the same cause.

In order to ensure safety and health at work and to prevent accidents at work and occupational diseases, the employers have a number of obligations contained in the legislation.

At the same time, the employer has the obligation to communicate the events as soon as he has learned from them to the territorial labor inspectorate, to the insurer, as well as to the criminal prosecution bodies, as appropriate.

The employees must carry out their work, so as not to expose themselves to the risk of accidents or occupational disease. At the same time, the employees have the obligation to carry out their activity without exposing other people to accidents.

The applicable law also provides the employees with a set of obligations that they must observe in order to avoid the occurrence of accidents at work.

If the employer does not take the legal labor protection measures and expose the staff to a real risk of accidents or occupational disease, he is liable to contravention or criminal sanctions.

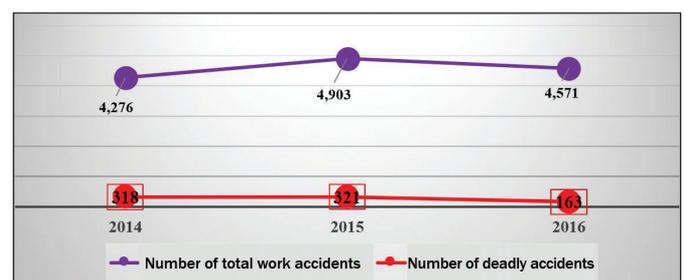
The event investigation is mandatory and is conducted as follows:

- a) by the employer, in case of events that have caused temporary incapacity to work;
- b) by the territorial labor inspectorates, in the case of events that have produced obvious or confirmed disability, death, collective accidents, dangerous incidents, in case of events that caused temporary incapacity for workers to the employers of natural persons, as well as in situations with persons missing data
- c) by the Labor Inspectorate, in case of collective accidents, generated by some special events, such as breakdowns or explosions;
- d) by the territorial public health authorities, respectively of the municipality of Bucharest, in the case of suspicions of occupational disease and diseases related to the profession.

The result of the investigation will be recorded in a report. In case of death of a person injured as a consequence of an event, the competent forensic medicine institution is obliged to submit a copy of the forensic report to the territorial labor inspectorate within 7 days from the date of death.

Once the accident is found, the employer has the obligation to report the event to the National House of Public Pensions (NHPP), which will check the situation. The communication can also be made by the insured or his/her family, if the accident has resulted in the death of the insured. The law mentions that in order to establish the professional character of the accident followed by temporary incapacity to work, the NHPP can directly coordinate the investigation of the accident, carry out an own investigation or evaluate the research file prepared by the employer's committee, as appropriate.

The data on accidents at work and fatal accidents at work in the period 2014-2016 published by the Labor Inspectorate, the institution that has statutory powers to monitor the employers' compliance with health and safety at work legislation, is presented graphically as follows:



Source: Report activity of Labor Inspectorate 2014-2016

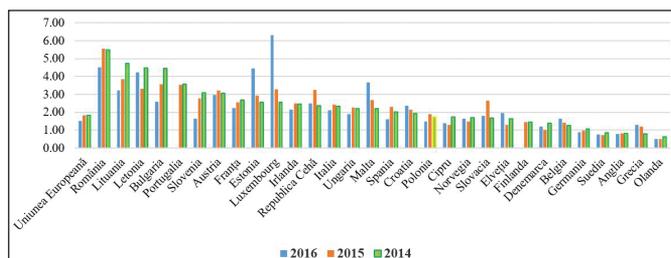
From the graph presented above, the number of work accidents has increased in 2015 (4.903) compared to 2014 (4.276) and decreased in 2016 (4.571) as compared to 2015. A similar development was registered in the case of fatal accidents that have recorded a slight increase in 2015 (321) as compared to 2014 (318) and decreased significantly in 2016 (163) as compared to 2015.

From the reporting of the total number of fatal accidents to the total number of work accidents results that, in the period 2014-2016, the share of fatal accidents in the total number of accidents registered a successive decrease from one year to another, from 7.4% in 2014, to 6.5% in 2015 and declined significantly in 2016 to 3.6%, or half compared to 2014.

These accidents have a direct impact on the health of the population, given that, annually, a large number of people either temporarily or permanently lose their work capacity, and the families of these injured workers are deprived both by the presence of injured persons and the lack of resources which the injured workers earned when they had the total work capacity.

On the occasion of the World Work Health and Safety Day on 28 April, Eurostat published the report on the incidence rate of fatal accidents at work per 100,000 workers day dedicated to an annual international campaign to promote safe, healthy and decent work.

At European Union level, the incidence rate of fatal accidents at work per 100,000 workers is as follows:



Source: EUROSTAT.

If between 2014 and 2015 Romania ranked first in the EU, with about 5.5 fatal accidents per 100,000 workers, in 2016 our country was overtaken by Luxembourg, which registered 6.3 fatal accidents per 100,000 workers, while the Netherlands occupied the last place with the lowest incidence rate, about 0.5 fatal accidents, according to Eurostat.

In the Member States, between 2014-2015, the lowest incidence rates were recorded in the Netherlands (0.8 per 100.000 workers), Sweden (1.2), Germany (1.3), Denmark (1, 4), Cyprus (1.5) and the United Kingdom (1.6), while the opposite is Romania with the highest incidence rates (7.5), followed by Portugal (4.6), Luxembourg (4.4), Bulgaria and Lithuania (4.3).

At EU level, the issue of safety and health at work has been and is a very important area with a particular socio-economic impact, which has been the subject of

several strategies.

The existence of a strategic framework at European level in the field has led the Member States to identify coherent strategies and practical measures to promote safety and health at work.

Thus, the "Community Strategy 2007-2012 on health and safety at work" aimed the "continuous, sustainable and homogenous reduction of work accidents and occupational diseases".

The evaluation of the Strategy for 2007-2012 highlighted the need to address more effectively the impact of certain preventive actions on economic operators (especially small and medium-sized enterprises), the interaction of health and safety at work with the environment and with chemicals, and also the effective prevention of occupational diseases.

Despite significant reductions in work-related accidents and improved prevention, safety and health at work in the European Union, additional action is still needed, with the following reasons:

- each year approximately 4,000 employees lose their lives in work accidents and over three million of workers fall victim to serious workplace accidents involving an absence of more than three days of work;

- 24.2% of employees consider that their work and safety are threatened and 25% say their work has a negative effect on health;

- in addition to affecting the lives of workers, the direct and indirect costs of sick leave are estimated at 3.2% of the EU's gross domestic product (28 Member States);

- social security costs attributable to occupational diseases or work-related accidents are also unacceptably high.

In this respect, in 2018, the Romanian Government adopted the National Strategy on Health and Safety at Work for the period 2018-2020 by Government Decision no. 191/2018 [9].

The National Strategy on safety and health at work for the period 2018-2020 represents an opportunity to achieve a safe and healthy work environment and a framework instrument that ensures the correlation with the strategic directions of the European Union regarding the safety and health at work.

The goal of the National Strategy on health and safety at work for the period 2018-2020 is to continue the specific actions set at national level, taking into account the key challenges set at the level of the European Union and the strategic objectives set out in the European Strategic Framework 2014 -2020 on safety and health at work.

It should also be borne in mind that as of January 1, 2005, according to the provisions of the Law no. 346/2002 on insurance against accidents at work and occupational diseases, as amended and supplemented [6], the insurance system for accidents at work and occupational diseases is functioning.

Certainly, the occupational disease and accidents at work are a person's insurance, part of the social security system, being guaranteed by the state and encompassing specific and concrete rules, procedures, skills and relationships, through which it is guaranteeing and ensuring the social protection of the employees against the diminishing or loss of work capacity and their death, due to accidents at work and occupational diseases.

Under these circumstances, services and benefits are provided and guaranteed to the benefit of persons strictly insured for work accidents and occupational diseases, all of these in order to promote health and safety at work and to prevent accidents at work and occupational diseases, but also reducing as well as compensating for the consequences of accidents at work and occupational diseases.

This law provides that the insurance against accidents at work and occupational diseases is part of the social security system, it is guaranteed by the state and contains specific terms that ensure the social protection of employees against diminishing or losing their work capacity and their death due to accidents at work and occupational diseases. This insurance is mandatory for all those using workforce employed on an individual labor contract.

The law also stipulates that Romanian employees who work abroad from the disposition of Romanian employers have the quality of insured, as well as foreign citizens or stateless persons who work for Romanian employers while they are domiciled or residing in Romania.

If the employee is the victim of an accident at work, he is entitled to:

- a) medical rehabilitation and recovery of work capacity;
- b) rehabilitation and professional reconversion;
- c) indemnity for temporary incapacity for work;
- d) allowance for temporary shift to another job and allowance for reduction of working time;
- e) compensation for touching integrity;
- f) damages in case of death;
- g) reimbursement of expenses.
- h) invalidity pension due to an accident at work or occupational disease;

i) survivor's pension, in the event of death as a result of an accident at work or occupational disease. [6]
Among the free services for an employee who has suffered an accident at work are:

- emergency medical assistance at the scene of the accident, in specialized means of transport and in hospital units;
- outpatient medical treatment, medical examinations and medications prescribed by the physician;
- medical services in hospitals or specialized clinics for occupational diseases;

- recovery of work capacity in specialized units;
- correcting surgery;
- balneo-climatic cures;
- specialized investigations and laboratory analyzes necessary to establish the professional character of the diseases;
- medical devices for the correction and recovery of organic, functional or physical deficiencies;
- individual recovery programs, including balneal treatment, if the specialist doctor of the National House of Public Pensions (NHPP) considers these treatments appropriate;
- medical treatment during the individual recovery program, as well as accommodation and meals in medical establishments.

These services are provided by the National House of Public Pensions until the state of health is restored or the health deficiencies are improved.

At the request of the employee who has suffered an accident at work, NHPP may provide rehabilitation and retraining services. During the qualification and reconversion courses, NHPP grants a monthly allowance of 70% of the gross basic salary of the insured person at the time of the occurrence of the work accident or occupational disease.

The allowance is granted only if the person participates in the courses and if during the qualification or reconversion courses he/she does not receive the indemnity for temporary work or disability pension of third degree, granted according to the law.

The insured ones receive an indemnity during the period when they are temporarily incapacitated due to a work accident or a professional illness, on the basis of a mandatory medical certificate sighted, by the employer's care, by the county public health authorities and by the Bucharest Municipality, respectively the territorial pension house where the employer's headquarters or the domicile of the insured person is.

The funds are allocated from the insurance contribution for accidents at work and occupational diseases due monthly by employers.

In the case of medical and surgical emergencies, the amount of the temporary incapacity allowance is 100% of the average monthly income insured during the last 6 months preceding the risk.

The allowance is granted 180 days in one-year period, calculated from the first day of sick leave. The sick leave can be extended for up to 90 days depending on the case and the results of the recovery actions. The doctor is the one who decides to resume work in the same job or in another job or may even propose invalidity retirement.

In the case of an accident at work, NHPP will reimburse the costs of emergency transport, in duly justified cases, when rescuing the victim requires the use of other means than usual ones.

Those who, due to work-related accidents or

occupational diseases, remain with permanent injuries that produce deficiencies and reduce work capacity between 20-50%, are entitled to compensation for integrity. This right is granted at the request of the entitled person and only on the basis of the physician's decision. The compensation for touching the integrity is a fixed amount of money and is granted in full once, without affecting the other rights or indemnities to which the insured person is entitled, and is not taken into account in the calculation of these entitlements. The amount of compensation for touching integrity is determined by the severity of the lesion, within a maximum ceiling of 12 gross average salaries.

The compensation in case of death is also covered by accident insurance. In the event of the death of the insured person following an accident at work or occupational disease, a single person may be entitled to compensation, which may be: the surviving spouse, the child, the parent, the guardian, the curator, the heir, under the conditions of the common law, or, in the absence thereof, the person who proves that he has incurred the costs of death. The amount of compensation in case of death is 4 average gross salaries.

The public funds allocated for this purpose in the period 2014-2016 through the budget of the NHPP from the fund for accidents at work and occupational diseases, according to the data reported by the budget execution account, were relatively constant, amounting to 29,173 thousands RON in in the year 2014, in the amount of 28,261 thousands RON in 2015 and reached the amount of 27,933 thousands RON in the year 2016.

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CONCLUSIONS

The ultimate aim of occupational safety and health activity is to protect the lives, integrity and health of workers against the risks of occupational accidents and illness that may occur at work and create working conditions designed to provide them with physical, mental and social comfort.

In order to operate and develop economically, sustainable, secure and healthy jobs, the main medium and long-term concern for Romania's health and safety structures must be to maintain and improve the health of workers, as well as reaching and sustaining the goal of well-being at the workplace.

Today there are significant fast changes in the labor market, such as high levels of unemployment, the aging of the workforce, the diversification of forms of employment that increase job insecurity and income and increase the level of stress of workers.

In conclusion, given that Romania ranks first in the EU Member States to the number of fatal accidents at work per 100,000 workers, it is imperative that employers pay due attention to the working conditions of employees and, at the same time, to fully respect the legal framework on occupational safety and health at work, with direct effects on reducing the number of accidents at work, including fatalities.

Conflict of interest. The authors declare that there is no conflict of interest.