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ISSUES OF IMPLEMENTATION OF EU NORMS CONCERNING EMPLOYEE LABOR PROTECTION

Анотація. У статті розглянуто питання щодо необхідності імплементації ряду правових норм Європейського союзу в українське законодавство щодо охорони праці. Автор визначає, що дуже важливим аспектом, реформи яка пов'язана з діяльністю державних органів влади та управління у спрямуванні охорони праці є об'єднання цих органів в один, що дає можливість побороти зайві витрати на ті чи інші чинники при обслуговуванні. У той же час, автор зважає на проблему відсутності чіткого механізму реалізації деяких правових норм, а також нестабільність, суперечність, безсистемність прийняття тих чи інших норм стосовно охорони праці, що в тому числі тих які містить в собі відсутність забезпечення фінансовим підґрунтям. У даному дослідженні зазначається ціла низка питань до яких долучається міжнародна спільнота на міжнародному, регіональному, національному і місцевому рівнях задля заохочення підприємців дотримання ними безпеки та гігієни праці на своїх підприємствах, а також запобігання у будь-який спосіб настанню нещасних випадків, пов'язаних з роботою.

Ключові слова: охорона праці, імплементація, директива, роботодавець, працівник, травматизм.

Annotation. The article examines the issue of the need to implement a number of legal norms of the European Union into Ukrainian legislation on labor protection. The author determines that a very important aspect of the reform, which is related to the activities of state authorities and management in the direction of labor protection, is the unification of these authorities into one, which makes it possible to overcome unnecessary costs for certain factors during service. At the same time, the author takes into account the problem of the lack of a clear mechanism for the implementation of some legal norms, as well as the instability, contradiction, unsystematic adoption of certain norms regarding labor protection, including those that include the lack of financial support. In this study, a number of issues are noted in which the international community is involved at the international, regional, national and local levels in order to encourage entrepreneurs to observe occupational safety and hygiene at their enterprises, as well as to prevent in any way the occurrence of accidents related to work

The author notes that the regulatory framework of the European Union in the field of occupational health and safety was built mainly by transferring to the national regulatory framework of the member states of the European Union the provisions, goals, principles and norms laid down in the directives of the European Union on the minimum requirements of OSH (safety and occupational hygiene).

In addition, it is noted that in order to ensure a high level of functioning of the labor protection management system, it is necessary to create appropriate services and appoint officials who provide solutions to specific labor protection issues, approves the instruction on their duties, rights and responsibilities for the performance of the functions assigned to them. An important aspect, as the author notes, is Control over their compliance.

This article notes, among other things, that in Ukraine, before the beginning of the full-scale invasion of the Russian Federation into Ukraine, a reduced level of general injuries was observed, but compared to the developed countries of the world, it remained too high.

Through a careful study of many directives of the European Union, the author came to the conclusion that the real improvement of conditions and increase of labor safety is achieved through the development of social partnership mechanisms at all levels from the European to the local level. Only with the active participation of all labor protection subjects: the state, the employer, and the employee, is it possible to establish a truly effective labor protection system.

Key words: labor protection, implementation, directive, employer, employee, injury.

Statement of the problem. In Ukraine today, the fact remains indisputable that the national legislation on labor protection, despite the high dynamics of changes, additions to legal norms, the adoption of numerous new normative legal acts, including the reform related to the activities of state authorities and management in the direction of labor protection is characterized not only by the lack of a mechanism for the implementation of some norms, but also by instability, contradictory norms, unsystematic adoption of them, lack of financial foundations.

The consequences of work-related accidents and occupational diseases have prompted policymakers around the world to take measures to encourage improvements in the safety and health of workers and to prevent the occurrence of such cases and diseases. As a result, the international community has joined efforts at the international, regional, national and local levels to promote occupational safety and health and thereby prevent work-related accidents. The main directions are work within the framework of international organizations (such as the United Nations (UN), the International Labor Organization (ILO), the World Health Organization (WHO), the Organization for Economic Cooperation and Development (OECD) and the European Union (EU), as well as through bilateral, multilateral and tripartite negotiations and consultations between various stakeholders (in particular, between governments, representative associations of employers and workers and representatives of civil society [1]).

Analysis of the latest research. Studies of the economic and social aspects of labor protection were conducted by such scientists as: M.P. Handzyuk, E.O. Hevryk, G.G. Gogitashvili, V. Ts. Zhidetskyi, P. O. Izuita, L. P. Kerb, Z. M. Yaremko. The study of the world experience of determining the economic and social effectiveness of measures to improve conditions and labor protection is relevant and important for the improvement of current methods, since, despite the large number of works devoted to this topic, some of its aspects are not sufficiently developed and highlighted.

The purpose of the study is to determine the need for further implementation of the norms of the European Union into Ukrainian legislation, as well as to conduct a comparative analysis of the norms of domestic and EU legislation.

Presentation of the main material. One of the main basic constitutional rights that our state proclaimed and guaranteed in the Basic Law is the right of everyone to work, which includes the opportunity to earn a living by work that he freely chooses or freely agrees to, the right to proper, safe and healthy working conditions [2]. The main provisions regarding the realization of everyone's constitutional right to work, to proper, safe and healthy working conditions in the process of work are contained in the Code of Labor Laws of Ukraine, the Law of Ukraine "On Labor Protection"[3]. The legislation on labor protection regulates the relations between the owner of the enterprise, institution, organization or the body authorized by him and the worker on safety issues.

But for the practical implementation of the mentioned constitutional rights, it is not enough just to enshrine them in the legislation, it is necessary to predict, and then clearly determine whether their implementation is possible in modern conditions in the way that it is reflected in the current or those legal norms that are adopted.

The regulatory framework of the EU in the field of occupational safety and health (hereinafter referred to as occupational health and safety) is built mainly by transposing the provisions, goals, principles and norms laid down in the EU directives on the minimum requirements of occupational health and safety into the national regulatory framework of the EU member states. EU directives in

the field of health and safety are aimed, first of all, at the harmonization of occupational safety and health conditions at the EU level in order to ensure proper compatibility of economic and social progress by introducing minimum requirements for occupational safety and health, while avoiding the negative impact of competition in the EU on safety and health of workers.

In the European regulatory framework on health and safety, a special place belongs to Directive 89/391/EEC of the Council of the European Communities "On the introduction of measures to improve the safety and health of workers at work" dated June 12, 1989 on the introduction of measures to encourage improvements in the field safety and health protection of workers during work. [1]. The World Society recognizes the right of every person to fair and favorable working conditions, including working conditions that meet the conditions of safety and hygiene [4]. This provision was consolidated and developed in national legislation. The right of every person to proper, safe and healthy working conditions is enshrined in the Constitution of Ukraine, the Code of Labor Laws of Ukraine, the Law of Ukraine "On Labor Protection", the Fundamentals of Ukrainian Legislation on Health Protection and others.

Yes, according to Art. 1 of the Law of Ukraine "On Labor Protection" labor protection means a system of legal, socio-economic, organizational-technical, sanitary-hygienic and medical-prophylactic measures and means aimed at preserving life, health and working capacity of a person in the process of labor activity [3]. According to Art. 153 of the Labor Code of Ukraine, safe and harmless working conditions are created at all enterprises, institutions, and organizations. The obligation to create such working conditions, as well as to comply with the requirements of the legislation regarding the rights of workers in the field of labor protection, rests with the owner or his authorized body [2].

For this purpose, the employer ensures the functioning of the occupational health and safety management system, namely: creates appropriate services and appoints officials who ensure the resolution of specific occupational health and safety issues, approves instructions on their duties, rights and responsibilities for the fulfillment of the tasks assigned to them functions, and also controls their compliance; develops a collective agreement with the participation of the parties and implements comprehensive measures to achieve the established standards and increase the existing level of labor protection; ensures the implementation of the necessary preventive measures in accordance with the changing circumstances; implements progressive technologies, achievements of science and technology, means of mechanization and automation of production, requirements of ergonomics, positive experience in labor protection; ensures proper maintenance of buildings, structures, production equipment and equipment, monitoring of their technical condition; ensures the elimination of the causes leading to accidents, occupational diseases and the implementation of preventive measures determined by the commissions based on the results of the investigation of these causes; organizes the conduct of labor safety audits, laboratory studies of working conditions, assessment of the technical condition of production equipment and equipment, certification of workplaces for compliance with regulatory and legal acts on labor protection in the order and terms determined by legislation, and according to based on their results, takes measures to eliminate dangerous and harmful to health production factors; develops and approves regulations, instructions, other acts on labor protection that are in effect within the enterprise, establish rules for the performance of work and the behavior of employees on the territory of the enterprise, in production premises, on construction sites.

State policy on occupational safety and health in Ukraine is regulated by legislative and regulatory acts, in particular the Law of Ukraine "On Occupational Safety" dated October 14, 1992. This Law defines the main provisions on the implementation of the constitutional right of citizens to protect their life and health in the process labor activity, regulates with the participation of relevant state bodies the relations between the owner of the enterprise, institution and organization or the body authorized by him and the employee in matters of safety, occupational hygiene and the production environment and establishes a unified procedure for the organization of labor protection in Ukraine. The Law of Ukraine "On Labor Protection" declares the main principles of state policy in the field of

labor protection, the use of economic methods of labor protection management, the implementation of a policy of preferential taxation, the comprehensive solution of labor protection tasks on the basis of national programs on these issues, achievements in the field of science and technology and environmental protection, etc. The transition of society to the widespread use of market relations, the emergence of various forms of ownership require the development of new approaches to the construction of a modern model of occupational health and safety management at the national, regional, and industrial levels. In a society with a socially oriented economy, labor protection should be one of the most important tasks of the socio-economic policy of both the state and every enterprise and organization.

In Ukraine, before the beginning of the full-scale invasion of the Russian Federation into Ukraine, a reduced level of general injuries was observed, but compared to the developed countries of the world, it remains too high. As a result of accidents, injuries, occupational diseases, the economy of Ukraine loses more than 1 billion hryvnias every year, and what is most unfortunate, at the same time more than 23-25 thousand people are injured at work, including 1200-1300 fatally; more than 7,000 workers receive occupational diseases; losses of working time in connection with temporary loss of working capacity associated with industrial injuries reach millions of man-days. A high level of injuries with fatal consequences is observed in the agro-industrial complex, coal industry, construction and transport. It should be noted the high level of injuries with fatal consequences in the socio-cultural sphere and trade, which reaches the level of injuries in construction and transport. Of particular concern is the state of labor protection at small enterprises, where the level of injuries is much higher than at enterprises in other sectors of the economy.

The organization of work, in which the conditions of safety and occupational hygiene are ignored, undermines the economic efficiency of enterprises, institutions, organizations, their competitiveness and cannot be the basis for a sustainable development strategy [5]. Occupational health and safety management in the conditions of a market economy must solve social and economic tasks both at the state level and within the boundaries of a separate economic entity. The social importance of occupational health and safety consists in promoting the growth of the efficiency of social production through continuous improvement and improvement of working conditions, increasing its safety, reducing industrial injuries and morbidity [6]. In this regard, the social importance of labor protection is manifested in three main indicators: the growth of labor productivity as a result of the increase in the working time fund due to the reduction of intra-shift downtime; reduction of all-day losses of working time; preserving labor resources and increasing the professional activity of employees due to the improvement of their health; raising the professional level; an increase in the gross national product due to the improvement of the above-mentioned indicators and their components [6]. Thus, researching the essence of labor protection, P.O. Izuita draws attention to the fact that the social significance of labor protection lies in the preservation of the labor resources of the state, the working capacity and working longevity of a person, protecting him from industrial hazards and occupational diseases [5]. Occupational health and safety plays an important role as a social factor, because no matter how important production results are, they cannot compensate a person for lost health, let alone life. Both are given only once.

It is necessary to remember that due to accidents and accidents, it is not just workers and employees, on whose training the state has spent significant resources, that die in the workplace, but first of all people - the breadwinners of families, fathers and mothers of children. In addition to the social aspect, occupational health and safety has, of course, an important economic significance - this includes high labor productivity, a reduction in the cost of sick leave, compensation for difficult and harmful working conditions, and the like. According to the calculations of the German Council of Entrepreneurs, the consequences of accidents cost 10 times more than the costs of measures and means for their prevention. In Ukraine, taking into account the meager expenses for labor protection measures, this difference is even greater. International Labor Organization experts estimate that the economic costs associated with accidents amount to 1% of the world's gross national product. With these means, approximately 75 million people can be fed for a year [7].

As emphasized by Lviv scientists G. G. Hogitashvili and Z. M. Yaremko, the economic value of labor protection is determined by the effectiveness of measures to improve conditions and increase labor safety and is an economic expression of the social significance of labor protection. In this regard, the economic value of labor protection is evaluated by the results obtained when social indicators change due to the implementation of measures to improve working conditions. The economic significance of labor protection P. AT. Izuita considers through the prism of increasing labor productivity, increasing the working time fund, reducing costs for compensation for damage caused to the life and health of an employee by an accident at work or an occupational disease [5].

European Council Directive 89/391/EEC defines the following principles:

- prevention of professional risks;
- safety and health care;
- elimination of risk factors and accidents;
- practices of informing, training, consulting and ensuring employee participation;
- responsibilities of employers and employees regarding the implementation of these principles.

The main goal of the labor protection policy is to minimize the indicators of industrial injuries and occupational diseases. Moreover, in recent years, this goal has acquired a new meaning, extending to the promotion of "well-being at work". Such well-being means favorable moral and psychological working conditions, and not only indicators of the reduction or absence of accidents or occupational diseases.

In addition to the main objective of the EU labor protection policy, the following auxiliary objectives are distinguished:

- prevention of social risks (stress, harassment at the workplace, depression, irritation, risks associated with alcohol, drug, drug addiction);
- analysis of new or emerging risks with a focus on risks associated with work with chemical, physical and biological agents, as well as risks associated with the general production environment (ergonomic, psychological, social risks);
- consideration of changes in forms of employment, organization of work and working hours (the most vulnerable group includes workers with non-standard or temporary employment);
- taking into account the size of enterprises (specific measures to inform, increase the level of awareness, risk prevention programs should also be aimed at small and medium-sized enterprises, private entrepreneurs, domestic workers, etc.);
- intensive prevention of occupational diseases (special attention is paid within the EU to solving problems related to hearing loss, problems of the musculoskeletal system, and diseases caused by work with toxic materials and substances);
- consideration of demographic changes;
- taking into account the tender dimension when performing a risk assessment, conducting preventive measures and compensatory payments.

In order to achieve these goals, standards in the field of labor protection were gradually harmonized at the enterprises of the EU member states. It began to be actively implemented from the end of the 1980s, simultaneously with the final measures regarding the implementation of the internal market. During this period, directives were adopted regarding personal protective equipment for workers, safety signs at the workplace, the maximum weight of cargo that is allowed to be carried by hand, etc.

In 1989, the main document in the field of labor protection was adopted - the Framework Directive 89/391/EEC "On the implementation of measures to improve the safety and health of workers during work". The directive contains general principles of prevention of industrial risks, ensuring safety, health protection, avoidance of risk factors and accidents, information, consultations, balanced participation in accordance with national legislation, practice, and education of employees. The Framework Directive provided for the right of workers not to perform work in case of serious danger, possibility of accident or illness.

The Framework Directive established the basic principles of occupational health and safety of workers, to which all documents adopted within the EU or by member states at the national level must comply:

- the employer's duty to guarantee health and safety in the process of working, in particular, by properly and timely informing employees with the help of instructions, special courses on the correct use of equipment, etc.;
- the duty of each employee to contribute to the protection of his own health and safety, the safety of other employees through compliance with safety instructions, correct use of technical means;
- absence and/or limitation of the employer's liability for damage caused to the employee's health as a result of force majeure.

The framework nature of Directive 89/391/EEC is that its provisions are formulated in a general form, and several dozen other normative acts were adopted for their implementation. However, all EU legislation on labor protection, which was adopted on the basis of Directive 89/391/EEC, can be divided into the following groups according to the subject of regulation:

1. General principles of prevention and basics of labor protection (Council Directive 89/391/EEC);
2. Occupational health and safety requirements for the workplace (Directive 89/654/EEC on requirements for the workplace, Directive 92/57/EEC on temporary or mobile construction sites, Directive 92/91/EEC on occupational health and safety at enterprises where mineral extraction is carried out raw materials through wells, Directive 92/104/EEC on occupational safety at underground and open-pit mining enterprises, Directive 93/103/EC on occupational safety on board fishing vessels, Directive 1999/92/EC on the protection of workers exposed to potential hazards in explosive environments);
3. Occupational health and safety requirements during the use of equipment (Directive 89/655/EEC on the use of protective equipment by workers, Directive 89/656/EEC on the use of personal protective equipment at the workplace, Directive 90/269/EEC on manual handling of goods when the risk of back injury to the employee, Directive 90/270/EEC on working with screens, Directive 92/58/EEC on minimum requirements for signs in the enterprise concerning the threat to the safety and health of workers);
4. Occupational health and safety requirements when working with chemical, physical and biological substances (Directive 2004/37/EC on the protection of workers from the risks associated with the use of carcinogens and mutagens at the enterprise, Directive 2000/54/EC on minimum safety and protection requirements workers' health from the risks associated with the use of biological agents at work, Directive 98/24/EC on the protection of the health and safety of workers from the harmful effects of chemical reagents at work, Directive 2002/44/EC on the protection of workers from risks , related to physical agents (vibration), Directive 2003/10/EC on the protection of workers from the dangers associated with the action of physical agents (noise), Directive 2004/40/EC on minimum requirements for the safety and health of workers from risks associated with physical agents (in the electromagnetic field), Directive 2006/25/EU on minimum requirements for health and safety of workers from risks associated with physical agents (artificial optical radiation);
5. Protection of certain groups of workers at the workplace (Directive 92/85/EEC on the promotion of the safety and health protection of pregnant workers and those who have recently given birth, nursing mothers at the workplace, Directive 94/33/EC on the protection of young people at work work, Directive 91/383/EEC on workers who are in temporary employment);
6. Requirements regarding working time (Directive 2003/88/EC on certain aspects of the organization of working time).

The first directive adopted on the basis of the Framework Directive was Directive 89/654/EEC on the establishment of minimum requirements for safety and hygiene at work. The workplace was understood as a place provided for the installation of work equipment, which is located on the territory of the enterprise and/or institution and to which the employee has access in the course of his work.

A separate directive is devoted to the work of minors. Directive 94/33/EU on the protection of the rights of young workers at the workplace obliges member states to implement special rules for regulating working time and rest time, to establish increased standards of occupational safety for workers under the age of 18. The Directive defines the term "young person" (any person under the age of 18), the term "child" (any young person who has not reached the age of 15 and who is subject to compulsory schooling, according to national law); "adolescent" (any young person between the ages of 15 and 18 who is no longer subject to compulsory schooling under national law).

The directive also established the minimum age for admission to work - at least 15 years and after completing general education. Although there may be certain exceptions related to the specifics of the work, in particular, the advertising field, the film industry, sports. In such cases, children may be allowed to work only after obtaining the consent of the relevant authorities. The Annex to the Directive defines the types of work that are generally prohibited for minors.

Important safeguards for female workers were provided by Directive 92/85/EEC on the promotion of improvements in the safety and health of pregnant women, women who have recently given birth and nursing mothers. The directive establishes a 14-week minimum leave in connection with pregnancy and childbirth and the minimum amount of the corresponding benefit at a level not less than the benefit in connection with temporary incapacity. It is forbidden to dismiss pregnant women before the end of their leave due to pregnancy and childbirth, and to use night work for certain categories of women.

In addition to EU directives and regulations in the field of labor protection, programs and strategies are actively developed and adopted. In 2000 the European Social Plan was adopted, which established strategic directions for ensuring healthy and safe working conditions at the European level and established the main goals of the EU policy in the field of labor protection, in particular: consolidation, promotion and development of legislation for small and medium-sized enterprises, simplification (where possible) existing standards, exchange of experience and development of cooperation between labor inspectorates. The modern strategy of the EU for 2007-2012. focuses on preventive measures and prevention of various risks at work. And the main goal of the strategy is to achieve a permanent, sustainable reduction in the number of workplace injuries and occupational diseases. The program should be implemented through the implementation of the national strategies of the member states through the improvement and simplification of the current legislation, while drawing special attention to the problems of its implementation in practice. Legally non-binding tools are also used (exchange of positive experiences, raising the level of awareness of the importance of occupational health and safety by employees and employers, improving awareness). Until 2012 the number of accidents should be reduced by 25%.

EU Council Regulation 2062/94, which established the European Agency for Safety and Health at Work, was adopted in order to disseminate information on occupational health and safety and promote the development of a culture of risk prevention at work. The agency began operating in Spain (Bilbao) in 1996. One of the achievements of the Agency was the establishment and holding of the annual European weeks for safe and healthy working conditions. With the support of member states, the Parliament, the European Commission, trade unions, employers' organizations, the topics of the weeks are devoted to that concern European society in the field of labor protection. In 2008, the campaign was aimed at protecting a healthy workplace with the slogan: "What's good for you is good for business", in 2006 - the "Protect the Start" campaign was about protecting young workers and their confidence in the future, in 2005 "No noise".

EU policy in the field of labor protection has gone through a complex and long path of formation. In the first treaties on the creation of the European Community, social issues, including problems of labor protection, were not given due attention. After the entry into force of the Treaty on the European Economic Community (Treaty of Rome, 1957), the harmonization of labor legislation regarding the status of migrant workers began, which put on the agenda the issue of harmonizing the relevant social legislation of the EU member states. A number of European institutions and trade unions took the initiative to specify the powers of the Community and member states in the field of social policy. As a result, the European Commission implemented complex scientific studies on the possibility of harmonizing the mechanisms of legal regulation in the field of social insurance, on the

basis of which relevant proposals of a recommendatory nature were prepared and presented to the member states for consideration. However, it should be emphasized that these proposals did not immediately find support among the governments of European countries, and they returned to consideration of social policy problems in the EU only after the resolution of the crisis of 1964–1966

The need to harmonize the legislation of EU member states in the field of labor protection as one of the important factors in the formation of a common economic policy. are associated with the growing role of transnational corporations and the problems of social security and protection of the population arising against this background; as well as with the mutual influence of social and labor legislation on the production of goods and services, on the competitiveness of products. In the 1970s, attention was drawn to these problems in connection with mass dismissals in Germany and neighboring EU member states, where there were different legal regulations for the relevant measures. The consequence of these events was the harmonization of the mass redundancies procedure through the approval at the Community level of Directive 75/129 on the protection of workers in the event of mass redundancies.

Despite the specifics of each national legislative system, a number of general features can be identified, inherent in legislative acts on occupational health and safety in almost all EU member states. The national legal system of EU countries defines the duties of employees and employers. Thus, the tasks of employers include risk management at the enterprise: systematic prevention of risks and their assessment, elimination of the root causes of risks, implementation of measures to adapt the workplace to the needs of employees, planning and organization of preventive measures, conducting regular briefings on labor safety issues, etc. The employer's responsibilities also include informing, consulting and training staff. Preliminary and periodic medical examinations of employees are voluntary, except for the cases provided by the legislation for certain industries and professional activities related to the use of specific equipment or dangerous substances. In order to implement professional risk management activities at the enterprise, the employer appoints responsible employees or engages third-party experts in the relevant field.

In a significant part of the relevant legislative acts of the EU countries, the right of employees to elect representatives on labor protection issues is provided for. The number of representatives is determined depending on the number of employees of the company. The issues assigned to their competence include cooperation on occupational health and safety issues, consultations with company management, inspections of workplaces together with labor inspectors during relevant inspections, etc. Employees have the right to participate in the work of the Council or the Labor Safety Committee. The relevant committee is formed from representatives and labor safety specialists appointed by employers at all enterprises and companies with more than 50 employees. Among the main issues within the competence of these bodies, participation in the development of occupational health and safety plans, promotion of initiatives in the field of occupational safety, provision of official information on these issues, etc. In addition, employees have a number of responsibilities. Among them: initiation and participation in preventive measures, compliance with rules and safety techniques, taking care of one's own safety, proper use of tools, equipment and personal protective equipment. Employees must inform the employer about any dangerous situation, cooperate with the administration and the employer, etc. In the event that employees fail to fulfill their duties, various sanctions may be imposed on them.

Creating an effective occupational health and safety system requires coordinated actions at all levels. The organization of occupational health and safety at the national level can only be effective when all parties involved in the relevant process are open to cooperation and overcoming bureaucratic obstacles. In most European countries, workers and their organizations have a significant influence on the process of occupational health and safety, starting with the development of legislation and ending with the practical implementation of its provisions at workplaces. Therefore, it is cooperation between the employer and employees that is the basis for creating favorable working conditions. The pan-European labor protection policy is formed through the approval of relevant normative legal acts (EU directives), which are of a recommendatory nature and define the basic principles to which the legislation of the EU member states must comply. At the same time, the forms, methods and terms of practical implementation of the relevant provisions are left to the discretion of the states themselves. Such a "soft" approach allows for the creation of a pan-European legal space, preserving the peculiarities and traditions of each national legal system.

Conclusions. Therefore, determining the conclusions of our research, it should be noted that the current national Ukrainian legislation on labor protection needs improvement. This is necessary not only so that every person can exercise his right to work, but also so that Ukraine can improve its own economy and freely enter not only the European, but also the world market. Undoubtedly, labor protection problems at the European level cannot be solved by simply transferring of European directives to the provisions of national legislation. Real improvement of conditions and improvement of labor safety is achieved through the development of social partnership mechanisms at all levels, from pan-European to local. Only with the active participation of all labor protection subjects: the state, the employer, and the employee, is it possible to establish a truly effective labor protection system.

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