

General Considerations Regarding the Classification, Record and Prevention of Occupational Diseases

Dumitru VIERIU, PhD.

Bucharest Bar, Str. Dr. Răureanu No. 3, Bucharest, Romania
eufemia_vieriu@yahoo.com

Abstract:

The occupational disease is an affection whose specific etiological agents (physical, chemical or biological adverse factors) exist at the work place and are associated with certain industrial operations or with exercising certain professions or crafts. The prevention of the occurrence of occupational diseases is made by applying some technical, organizational and sanitary methods that ensure the avoidance or diminution of the action of the risk factors on the human body. This material treats the notion of occupational disease, its judicial framing, classification and record; also there will be approached aspects regarding the activity and methods of avoiding occupational diseases.

Keywords: *occupational disease, the classification of professional diseases, attributions of the labor medicine services, protection through medical services, measures of preventing occupational diseases.*

Occupational diseases, according to the appropriate legislation, [1, art. 5, let. h] are affections that occur after exercising a profession or craft, caused by physical, chemical, biological or psycho-social adverse factors specific to the work place as well as by overstraining different mechanisms and systems of the organism during the labor process, regardless of the type of labor agreement between the employer and the employee.

There are also marked as being occupational diseases the affections occurred in the previous conditions, affections suffered by pupils, apprentices, students, while performing practice.

Sometimes overlooked, occupational diseases are more frequent than we might imagine and the physical examinations performed periodically or every time a health problem occurs prevents the development of the disease. An important aspect is fast diagnosing the affection due to the fact that the main therapeutically method is leaving the adverse environment.

According to the opinion of Dr. Constantin Cernat, it is indicated to change the work place when the conditions require it knowing that health is the most important thing in the world. Diseases or imbalances the consequences of our activities will change our lives. There are many categories of occupational diseases some known, some

anticipated and some undiscovered, emerging along with new professions and disappearing with others. They are the consequence of the adverse factors that repetitively occur, deteriorating in time certain functions of the human body. Any aggression of the exterior environment, if repeated, can become a risk factor for the occupational illness so as this chapter is a dynamic one that must be constantly adapted to the social realities. [2, 313]

Occupational diseases can be chronically intoxications, allergic, infectious, parasite, rheumatic, tumor diseases, according to the causative agent and the duration of the exposure.

Fortunately, as science allows detecting these effects, methods of protection are created with appropriate equipment and treatment.

In general, the skin and the respiratory tract are the most frequently affected because they are in direct contact with the exterior environment therefore with the toxic agents.

However, sometimes the toxic effects manifest from a distance, in time, as it happens with renal impairment or tumor formation. [2, 314]

Occupational diseases are tracked by the Ministry of health through the Institute for public health in Bucharest, that manages the National Operative Register of occupational diseases constituted by the Order of the Ministry of Health no. 188.

According to the Government Decision no. 955 art. 166 there is established the constitution at a national level of the National Center of monitoring the risks within the MS-ISP Bucharest of the National Computerized Operative Register of occupational diseases that is monthly updated by the dated of the files of declarations of occupational diseases.

The main causes of occupational diseases are in most cases found in the existence of a toxic environment, over the allowed limits, at the work place, where workers have performed their activities until retirement.

Unfortunately, after retirement, the evolution of the health state of pensioners, according to the environment where they have performed their activities, cannot be found in the official statistics.

Occupational diseases are affections whose specific etiological agents exist at the work place, associated with certain industrial operations or exercising a profession (definition given by the World Association of Health).

In Romania, according to the Explanatory Dictionary of the Romanian Language [3,210] „occupational disease” is defined as „the affection occurred after exercising a craft or profession, caused by adverse factors, chemical or biological, characteristic to the work place as well as overstraining different organs or systems of the body during the labor process.”

So that an affection of the body to be qualified as an occupational disease there must be met three conditions:

- to be caused by exercising a craft or profession,
- to be caused by adverse factors, physical, chemical or biological characteristic to the work place or by overstraining,
- the action of the adverse factors over the body must be of long term. [4, 280-281]

The pathological process is slow and affects either the general state of the body or certain systems or organs. In many cases the action is reversible: by removing the diseased from the adverse environment and applying an appropriate treatment the consequences of the disease are attenuated or disappear completely.

For the damage of the work place to be recognized as etiological factor of an occupational disease there must be proof of a quantitative relation between the dose of the certain damage absorbed by the body and the effect it had on the body. The dose - effect relation was established by a number of adverse factors and there have been imposed the maximum admitted limits.

The Classification of Occupational Diseases

According to the nature of the risk factor that has generated the occupational diseases, the author Constantin Buga makes the following classification : [5, 143]

- Intoxications provoked by inhaling, ingesting or the contact between the skin and the toxic substance;
- Pneumoconiosis, caused by inhaling toxic powders;
- Diseases caused by exposure to radiating energy;
- Diseases caused by exposure to high or low temperatures;

- Diseases cause by exposure to noise and vibrations;
- Diseases caused by exposure to low or high atmospheric pressure;
- Occupational allergies;
- Occupational dermatosis;
- Occupational cáncer;
- Infectious and parasite diseases;
- Diseases caused by overstraining;
- Other diseases (that are not part of the previous categories)

According to the period of exposure to the action of the risk factor [6] there are:

- Acute intoxications (they are analyzed both as an occupational disease and as a labor accident), generated by a short exposure to the action of the risk factor but to high doses of it.
- Chronic intoxications (they are analyzed as occupational diseases), usually caused by relatively small doses but have prolonged action over the human body.

Declaration and Record of Occupational Diseases.

In the paper of the author Cosmin Cernat there are mentioned the following aspects. Therefore, „the attributions of the county public health institutions who complete the forms forwarding them to the Institute of Hygiene, Public Health, Leading and Health Services of Bucharest. The record of the confirmed occupational diseases are kept in a special record. Also, this record is also held by the labor medicine cabinets. The pneumoconiosis and occupational cancer cases are registered at the last unit where the diseased has worked and where there exist the factors that could cause the certain diseases.”[2,319]

The record of occupational and multifunctional diseases are the basic documentation for evaluating the health state of employees in relation to the risk factors to establish prevention methods.

By order no. 615/2012 of the Ministry of Health there have been completed the attributions of the labor medicine services within the units:

- organization and participation to the evaluation of professional risks;

- monitoring the health state of the employees through: physical examinations before employment, physical examination of adaptation, periodical physical examination, physical examination when resuming work;
- professional rehabilitation, reinsertion, reorientation, in the case of labor accident, occupational disease, disease caused by profession or chronic affections;
- communicating the professional risk to all the factors implied in the labor process;
- counseling the employer regarding labor adaptation to the psycho-physical characteristics of the employees;
- giving emergency medical assistance in case of labor accidents or acute diseases during professional activity;
- counseling the employer regarding the substantiation of the health and security strategy at the workplace;
- participating to the national informational system regarding labor accidents and occupational diseases;

Art. 62 of the methodological norms institute the obligation for the doctor of the unit and the cabinets of labor medicine to analyze occupational and multifunctional diseases specifying the causes and prevention measures.

Occupational diseases newly discovered are monthly reported during the month when the disease has occurred by the county public health authority or the one of Bucharest to the profile institutions on a national level and to the territorial structures of the insurer.

The Protection of Employees Through Medical Services.

According to the legal provisions the employers have the obligation to ensure the access of the employees to the medical services of labor medicine. [7, Art. 182]

The Ministry of Health issues obligatory norms regarding labor hygiene and approves standards and normative acts that regard the employees' health at the work place. Just as the employer has the obligation to ensure the employees' security at the work place he also has the obligation to ensure their access to medical services of labor medicine.

The general labor protection norms state that employers from the public, private or cooperative sector, including foreign capital, are obliged to ensure the supervision of the health state of all employees through medical services of labor medicine.

The Labor Code provides that the medical services of labor medicine can be an independent service organized by the employer or a service ensured by a employers association. The duration of the labor is calculated according to the number of the employees, according to law. [7, art.183]

The medical structures of labor medicine, according to art. 34 of the General Labor Protection Norms are:

- cabinets of labor medicine within units;
- labor medicine cabinets of medical centers, public or private;
- sections of labor medicine from public health institutions;
- clinical or compartmented sections of labor medicine and occupational diseases;
- Compartments of labor medicine from territorial public health institutions.

The appropriate legal provisions state that the doctor of labor medicine is an employee, licensed in his profession or according to law, holder of a labor contract closed with an employer or with a employers association. However, the doctor of labor medicine is independent in exercising his profession. [7, Art. 184, align. 1]

Art. 10 of the Convention no. 161/1985 of the International Labor Organization provides that the personnel that provides labor health services must benefit from complete professional independence towards the employer, the employees and their representatives in relation that concern the attributions of this category of personnel. Although the doctor of labor medicine can be an employee of the employer, his subordination (characteristic to the individual labor agreement) does not concern the exercise of the profession, domain in which he is independent. [8, 275-276]

For example, the employer cannot give orders to the doctor of labor medicine regarding the medicine that must be administrated to a sick employee or the duration of the medical leave.

The main tasks of the authors according to art. 185 align. 1 of the Labor Code are:

- prevention of labor accidents and occupational diseases;

- the actual supervision of the hygiene and health conditions in labor;
- Ensuring the physical examination of the employees both when employed and during the execution of the individual labor agreement.

Measures of Prevention of Occupational Diseases

The measures of prevention are technical, organizational, hygienic methods through which labor security is realized; with the help of these prevention and protection services there are eliminated, avoided or diminished the actions of the risk factors over the human body. [9, 39-40]

The main organizational measures for preventing labor accidents and occupational diseases can be classified in the following order:

- medical examination;
- psychological examination;
- training the personnel;
- propaganda in the domain of labor security and health;
- organizing the activity and the work place;
- Technical measures especially referring to the means of production and the work environment.

The technical measures of preventing labor accidents and occupational diseases can also be divided into three categories, therefore we can speak about different methods of protection:

- individual protection;
- collective protection;
- intrinsic protection. [10, 625]

Physical and Psychological Examination

In his treaty, professor Alexandru Țiclea considers that the medical analysis is an important measure of prevention contributing to the elimination of the causes of labor accidents or occupational diseases that have as a substrate the lack, insufficiency or deficiency of some physical or psychological skills of the executants or the abnormal state of his health. In the industrial labor conditions the physical exam has an important prophylactic purpose. [11,236]

Equally, the psychological examination has the purpose to create an optimum efficiency and a maximum security of the employee, this is why the psychological examination must have an important purpose.

Together with the physical one, the psychological one has two essential objectives [11,236] :

1. ensuring a total congruence between the objective tasks and requests of the profession, in general and of the work place, specifically and the real capacities of the individual;
2. detecting and preventing the psychological causes of the dysfunctions and accidents within the human labor task production methods labor environment system.

Instructing The Personnel

Instructing the personnel in labor security and health represents the total of organized activities that aims knowledge retention and gaining labor security skills.

Considered one of the most important measures of preemption, instruction has the purpose to eliminate or diminish the number of human errors that occur from the lack or insufficiency of labor protection knowledge. It is practically realized through the instruction process – process of transmitting information in the labor health and security domain. [12, 5-6]

The content of the instruction process is the total of the information afferent to the labor protection sphere that, through assimilation and repetition, lead to the formation of the normal, optimum behavior in labor, develops the correct orientation towards risks and stimulates the mobilization capacity regarding these.

Instruction in the domain of labor security and health is part of the professional training and it is realized either at the work place or in educational institutions (college, after college and/or superior).

Propaganda in the Labor Health and Security Domain

The author Sanda Ghimpu defines propaganda in the labor security and health domain as a total of actions, methods and means of influencing the human behavior. [13, 213]

In relation to the health and security demands of the objective work of the propaganda activity in the domain of labor health and security can be formulated thusly:

- modifying the individual and collective behavior in relation with the demands of labor security;
- influencing and correcting the personal and collective features that can lead to labor accidents;
- cultivating the collective and individual security instinct (self defense) during the labor process;
- promoting an appropriate attitude towards risks;
- Creating and maintaining an individual and collective receptivity disposition for the concrete activity of preventing labor accidents and occupational diseases.

Technical Measures Referring to the Methods of Production and The Labor Environment

Within the technical measures of preventing accidents and occupational diseases there are three main directions for action: individual protection, collective protection and integral protection.

Individual protection means equipping employees with protection measures (helmet, mask, costume, boots).

The totality of the individual methods of protection that is attributed to the worker during the exercise of the activity are his individual protection equipment. By this method of protection the risk factors are not removed; the individual protection equipment interposes as a shield between the damaging factor and the body, diminishing or eliminating the action of the risk factor over the employee. [14, 150]

According to the legislation in force collective protection is the total of the technical methods and means that diminishes or eliminates the action of the risk factors over two or more employees. In practice, collective protection is materialized, mainly, by endowing the installations and machines with devices specially conceived to protect workers during the exercise of the labor process. Collective protection is realized by endowing technical installations with additional devices for labor protection, conceived independently from the tasks of the technological process and that have the sole purpose to protect workers during the exercise of the labor process. By this method of prevention the deficiencies of the machines as well as the parameters of the labor environment are corrected, bringing them into security limits.

Intrinsic protection is a method of preventing labor accidents and occupational diseases through technical means of prevention and through the action over the form, place, manner of assembling, functioning or construction principle of an installation, equipment, device or machine without adding elements specially conceived to realize labor security and health. Also, it is an optimum method of eliminating risk factors of accidents and occupational diseases characteristic to the means of labor and consists of integrating security principles with the productivity and reliability ones from the conception of the technical systems.

In conclusion, we state the fact that every element of these measures must be thought so as to ensure the simultaneous meeting of the production function and the security criteria during the life of the product, regardless of the exploitation conditions.

Bibliography:

Law no. 53/2003, Labor Code

Law no. 319/2006, The law of labor security and health

BUGA Constantin, Judicial regulation of labor protection, Editura Jus-R.B.A., București, 2010

CERNAT Cosmin, Labor Law, University Course, Editura Universul Juridic, București, 2010

GHIMPU Sanda, MOHANU Gheorghe., Labor law, Treaty, Vol III, Editura Științifică și Enciclopedică, București, 2010

ȘTEFANESCU Ion Traian, Theoretical and practical treaty of labor law, Editura Universul Juridic, București, 2010

ȚICLEA Alexandru, Labor Law, University Course, Third edition revised, Editura Universul Juridic, București, 2009

VIERIU Eufemia, VIERIU Dumitru, Labor Law, Editura Lucman, București, 2004, ISBN 973-8465-89-3

VIERIU Eufemia, VIERIU Dumitru, Labor Law, Editura Pro Universitaria, București, 2010, ISBN 978-973-129-492-6

VIERIU Eufemia, Labor security and health, Revista administrarea publică, nr.4/2010, Chișinău, ISSN 1813-8489;

VIERIU Eufemia, International Regulations Regarding Social Care, Buletinul Universității Petrol-Gaze din Ploiești, Seria Științe Socio-Umane și Juridice, volumul LVII, nr. 1/2011, ISSN 1841-6594

VIERIU Eufemia, Regulating labor health and security both in the national and international law, Revista metodico-științifică trimestrială, nr. 1/2013, Chișinău, ISSN 1813-8489

VIERIU Eufemia, The Right of Social Security and Protection, Editura Universității de Studii Europene, Chișinău, 2012, ISBN 978-9975-9970-9-6

The explanatory dictionary of the Romanian language, The Romanian Academy, The "Iorgu Iorgan" linguistics institute, Second edition, Editura Univers Enciclopedic, București, 1998

References:

[1] *Law no. 319/2006, The law of labor security and health*

[2] *Cernat, C., Labor law, University Course Editura Universul Juridic, Bucuresti, 2010*

[3] *The explanatory dictionary of the Romanian language, The Romanian Academy, linguistics institute, Second edition, Editura Univers Enciclopedic , București, 1998*

[4] *Vieriu, E., Vieriu, D., Labor Law, Editura Lucman, București, 2004*

[5] *Buga, C., Judicial regulation of labor protection, Editura Jus-Rba, Bucuresti, 2010;*

[6] *Vieriu, E, International Regulations Regarding Social Care, Buletinul Universității Petrol-Gaze din Ploiești, Seria Științe Socio-Umane și Juridice, volumul LVII, nr. 1/2011, ISSN 1841-6594;*

[7] *Legea nr. 53/2003, Codul Muncii*

[8] *Vieriu, E., Vieriu, D., Labor Law, Editura Pro Universitaria, București, 2010*

- [9] Vieriu, E., *Regulating labor health and security both in the national and international law*, *Revista metodică-științifică trimestrială*, nr. 1/2013, Chișinău, ISSN 1813-8489
- [10] Ștefanescu, I.T., *Theoretical and practical treaty of labor law*, Editura Universul Juridic, București 2010
- [11] Țiclea, A., *Labor Law, University Course, Third edition revised*, Editura Universul Juridic, București 2009
- [12] Vieriu, E., *Labor security and health*, *Revista administrarea publică*, nr.4/2010, Chișinău, ISSN 1813-8489;
- [13] Sanda Ghimpu, S., Mohanu, Gh., *Labor Law, Treaty, Vol III*, Editura Științifică și Enciclopedică, București, 2010
- [14] Vieriu, E., *The Right of Social Security and Protection*, Editura Universității de Studii Europene, Chișinău, 2012