



## Development of Legislation on the Protection of Human Rights in the Field of Occupational Safety and Health

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**Abstract:** This study examines the development of legislation on the protection of human rights in the field of occupational safety and health (OSH) through a comprehensive comparative legal analysis, with particular emphasis on the adaptation of Ukrainian law to international and European standards. The research aims to identify the conceptual evolution of OSH regulation, assess the degree of compliance of national legislation with contemporary human rights requirements, and determine priority areas for further legal reform. The methodological framework combines general scientific methods with special legal approaches, including comparative-legal, formal-dogmatic, systemic-structural, and statistical analysis, enabling a multidimensional evaluation of normative content, institutional mechanisms, and law enforcement practices. The study analyzes key international instruments, particularly the conventions and recommendations of the International Labour Organization and the regulatory framework of the European Union, alongside selected European national models. The findings reveal a significant transformation in legal understanding, whereby occupational safety and health are increasingly recognized as integral components of the broader human rights system rather than solely elements of labor regulation. Although Ukrainian legislation formally reflects many European principles, substantial challenges persist in ensuring systematic coherence, preventive orientation, effective enforcement, and sufficient institutional capacity. Statistical data and comparative assessment confirm the necessity of comprehensive modernization focused on strengthening preventive supervision, enhancing compliance mechanisms, and expanding practical guarantees for workers' rights. The study contributes to legal scholarship by substantiating a rights-based model of OSH regulation and proposing structured directions for legislative



improvement in the context of European integration and contemporary socio-economic challenges, thereby enriching comparative labor law discourse and human rights studies.

**Keywords:** Adaptation; Legislation; Legal Understanding; Protection of Human Rights; Occupational Safety and Health.

## Introduction

The right to safe and healthy working conditions is a fundamental socio-economic guarantee derived from the inherent rights to life, health, and human dignity. In contemporary legal thought, occupational safety and health (OSH) is no longer understood merely as a technical component of labor regulation. Instead, it has evolved into a complex and interdisciplinary legal institution situated at the intersection of labor, administrative, social security, and medical law.<sup>1</sup> This transformation reflects profound structural changes in modern labor markets driven by globalization, technological progress, digitalization, and the rapid expansion of non-standard forms of employment. As new models of work emerge—including remote employment, platform-based labor, and flexible contractual arrangements—traditional regulatory frameworks often prove inadequate to address emerging physical, psychological, and organizational risks.<sup>2</sup>

The protection of human rights in the field of OSH has gained relevance considering states' international obligations to implement universal and regional labor standards. The normative framework developed within the International Labour Organization (ILO), especially Conventions No. 155 and No. 187, alongside the legal instruments of the European Union, promotes a preventive, risk-based, and participatory approach to occupational safety.<sup>3</sup> The recognition in 2022 of a safe and healthy working environment as a fundamental principle and right at work within the ILO system marked a significant conceptual shift. Occupational safety is now firmly embedded within the broader architecture of human rights protection, requiring states not only to adopt technical safety

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<sup>1</sup> O. Baik et al., 'The Right to Decent, Safe and Healthy Working Conditions: Organizational and Legal Guarantees of Its Provision in Ukraine', *Naukovyi Visnyk Natsionalnogo Hirnychoho Universytetu*, no. 2 (2025): 172–180, <https://doi.org/10.33271/nvngu/2025-2/172>.

<sup>2</sup> Mykola Somych, Oleksandr Kalian, and Bohdan Strilets, 'Some Theoretical and Practical Problems of Legal Protection of Occupational Safety: National and International Aspects', *Visegrad Journal on Human Rights*, no. 1 (May 2024): 102–108, <https://doi.org/10.61345/1339-7915.2024.1.16>.

<sup>3</sup> Alessia Marrocco, Maria Alessandra Antonelli, and Angelo Castaldo, 'The Silent Risk: Exploring Underreporting Bias in Occupational Accidents through Severity-Based Modelling', *Economia Politica*, ahead of print, 2025, <https://doi.org/10.1007/s40888-025-00382-1>.

standards but also to ensure systemic and enforceable guarantees of workers' rights.<sup>4</sup>

Despite the formal incorporation of international standards into national legislation, a persistent gap frequently exists between normative alignment and practical implementation. In many transitional legal systems, including Ukraine, OSH regulation remains fragmented and, at times, declarative. Outdated regulatory techniques coexist with limited institutional capacity, insufficient preventive supervision, and weak enforcement mechanisms. Consequently, the worker's right to safe and healthy conditions often lacks effective practical realization, while occupational safety may be treated as a formal employer obligation rather than as a cornerstone of corporate responsibility and public policy.<sup>5</sup>

This issue is particularly significant in the context of Ukraine's European integration process and ongoing labor law reforms. Harmonization with EU law requires more than the formal transposition of directives; it demands systemic modernization, institutional strengthening, and a conceptual rethinking of OSH as an essential component of human rights protection. However, the absence of a comprehensive comparative analysis of legislative development across different legal systems complicates the formulation of coherent reform strategies. Without understanding how preventive models, inspection systems, and participatory mechanisms operate in other jurisdictions, national reforms risk remaining inconsistent and incomplete.

Recent scholarly research reflects growing interdisciplinary attention to this field. First, studies by Jeffrey Hilgert (2023) highlight the growing prevalence of psychosocial risk factors and their impact on workers' mental health, productivity, and job satisfaction.<sup>6</sup> Their work significantly broadens the understanding of occupational health beyond physical injuries. However, it primarily focuses on public health policy and does not provide a comprehensive comparative legal analysis of legislative development. Second, research examining the implementation of the EU Strategic Framework on Health and Safety at Work emphasizes the transition from reactive regulation toward systematic risk management, digital monitoring of working conditions, and

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<sup>4</sup> Dmytro Sirokha et al., 'Adapting ILO Occupational Safety and Health Standards to New Challenges: Remote Work and Hybrid Employment Models', *Journal of Law, Market & Innovation* 4, no. 3 (November 2025): 683–701, <https://doi.org/10.13135/2785-7867/12841>.

<sup>5</sup> Tamara Novak, 'The Role of Collective-Contractual Regulation in Ensuring the Right of Agricultural Workers to a Safe and Healthy Working Environment', *Law, Human, Environment* 14, no. 3 (2023): 60–78, <https://doi.org/10.31548/law/3.2023.60>.

<sup>6</sup> Jeffrey Hilgert, 'Safety and health at work as fundamental rights: A comparative-historical study of the ILO's strategy of realistic vigilance', *International Labour Review* 163, no. 1 (March 2024), <https://doi.org/10.1111/ilr.12401>.

enhanced worker participation.<sup>7</sup> While these studies offer valuable insights into European regulatory evolution, they largely concentrate on EU member states and do not sufficiently address adaptation challenges in associated or transitional legal systems such as Ukraine. These studies underscore the importance of enforcement and corporate compliance in safeguarding workers' rights. Nevertheless, they are typically confined to domestic contexts and lack broader comparative integration with European and post-Soviet legal developments. Thus, although contemporary research has addressed psychosocial risks, European policy reforms, and enforcement modernization, a comprehensive comparative examination integrating international standards, European regulatory models, and the Ukrainian legislative trajectory within a unified human rights framework remains underdeveloped. The existing research gap lies in the absence of a systematic assessment of how the rights-based paradigm of occupational safety is reflected in legislative evolution, institutional design, and enforcement effectiveness across different legal systems.

The novelty of this study lies in its multidimensional comparative approach. Unlike previous research that focuses on isolated dimensions of OSH regulation, this article synthesizes international standards, European models, and Ukrainian reforms within a single analytical framework grounded in human rights theory. It conceptualizes occupational safety not merely as a labor law institution but as an integral element of the broader system of human rights protection. Moreover, it incorporates recent developments related to digitalization, remote employment, and psychosocial risks, situating legislative evolution within the context of contemporary socio-economic transformation. Against this background, the central research question guiding this study is: How has legislation on the protection of human rights in the field of occupational safety and health evolved under the influence of international and European standards, and to what extent does the Ukrainian legal framework effectively reflect and implement this rights-based paradigm?

The significance of this research is both theoretical and practical. Theoretically, it contributes to comparative labor law and human rights scholarship by advancing a human-centered understanding of OSH regulation and highlighting its constitutional and normative foundations. Practically, the study offers evidence-based recommendations for legislative modernization, institutional strengthening, and the enhancement of preventive supervision mechanisms in the context of European integration. Ultimately, it supports the development of a coherent, systematic, and effective legal framework capable of

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<sup>7</sup> V. Zarosylo et al., 'Legal Regulation of Occupational Safety and Health in the European Union and Ukraine: A Comparative Approach', *Науковий Вісник НГУ*, accessed 28 February 2026, <https://www.nvngu.in.ua/index.php/en/archive/on-the-issues/1830-2019/contents-6-2019/5091-legal-regulation-of-occupational-safety-and-health-in-the-european-union-and-ukraine-a-comparative-approach>.

ensuring genuine protection of workers' lives and health in an era of rapid socio-economic change. In this sense, the development of legislation on occupational safety and health represents not merely technical legal reform but a broader transformation of the relationship between the state, employers, and workers—one grounded in dignity, prevention, accountability, and sustainable development principles.

## Method

This study employs a doctrinal and comparative legal research design aimed at examining the development of legislation on the protection of human rights in the field of occupational safety and health (OSH). The research is normative in nature, focusing on the analysis of legal texts, principles, and institutional mechanisms within international, European, and national legal frameworks. A comparative-legal method is applied to identify similarities, differences, and patterns of legislative evolution across selected jurisdictions, with particular attention to the adaptation of Ukrainian law to international and European standards. Data collection is based primarily on documentary research, including international legal instruments (such as ILO conventions and EU directives), national legislation, official reports, strategic policy documents, judicial interpretations, and statistical data published by competent authorities. Scholarly articles, policy analyses, and analytical reports published between 2020 and 2025 are also systematically reviewed to contextualize legislative developments within broader socio-economic transformations.

The data are analyzed using a combination of formal-dogmatic, systemic-structural, and comparative analytical techniques.<sup>8</sup> The formal-dogmatic method is employed to interpret normative provisions and assess their internal coherence, while the systemic approach enables evaluation of the interaction between legislative norms and institutional enforcement mechanisms. Comparative analysis facilitates the identification of functional models and best practices that may inform national reform processes. To ensure the validity and reliability of findings, the study applies triangulation of sources, cross-referencing legislative texts with statistical indicators and academic interpretations. Consistency checks are conducted by comparing multiple legal and policy documents across jurisdictions, thereby minimizing interpretative bias and enhancing analytical rigor. Through this methodological framework, the research provides a structured and evidence-based assessment of the evolution and effectiveness of OSH legislation within a human rights paradigm.

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<sup>8</sup> Helaluddin and Hengki Wijaya, *Analisis Data Kualitatif: Sebuah Tinjauan Teori & Praktik* (Sekolah Tinggi Theologia Jaffray, 2019).

## Results and Discussion

### Theoretical and Legal Principles of Interpretation of Normative Legal Acts

State protection of workers' rights is a key component of a constitutional state and a socially oriented economy. The Constitution of Ukraine guarantees the labor rights of citizens, in particular the right to work, decent working conditions, protection against unlawful dismissal, and the right to timely payment for labor (Articles 43-46).<sup>9</sup> Legislative mechanisms for protecting workers' rights are aimed at ensuring a balance between the interests of employees and employers, as well as compliance with international standards in the field of labor.<sup>10</sup> To ensure the implementation and protection of human and civil rights and freedoms, the Constitution and legislation of Ukraine provide for the possibility of citizens taking certain actions, as well as the formation of a system of state bodies, the purpose of which is to assist citizens in the implementation and protection of their rights. The relevance of the phenomenon of legal protection is due to the need to ensure the harmonious functioning of labor relations, within which the implementation of subjective rights and the fulfillment of legal obligations become unhindered.<sup>11</sup> Therefore, as S.I. notes, particularly the state, represented by the legislative, executive, and judicial branches, provides an effective and accessible mechanism for the implementation of the right to protection.<sup>12</sup> However, what this legal protection should be and what is the essence of its legal nature, we need to find out in the context of further research.

It is worth noting that “protection” as such is originally etymologically and substantively inextricably linked with the state, which, in turn, acts as a guarantor of its consolidation and implementation.<sup>13</sup> This is because the state determines and establishes the regulatory principles of labor relations,

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<sup>9</sup> Constitutional Court of Ukraine. Resolution in reference No. 1-17/2001 dated 07/09/2002 // Official Newsletter of Ukraine. URL:<https://zakon.rada.gov.ua/laws/show/v012p710>

<sup>10</sup> Gamze Varol, ‘2023 February earthquakes experience of the Turkish Medical Association and Public Health Section’, *Community and Physician* 38, no. 6 (2023): 431–437.

<sup>11</sup> George Politakis, ‘The Recognition of Occupational Safety and Health as a Fundamental Principle and Right at Work’, *International and Comparative Law Quarterly* 72, no. 1 (2023): 213–32, <https://doi.org/10.1017/S0020589322000446>.

<sup>12</sup> Yevhen Leheza et al., ‘The Essence of the Principles of Ukrainian Law in Modern Jurisprudence’, *Revista Juridica Portucalense* 32 (2022): 342–63, [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15).

<sup>13</sup> Arpangi Arpangi et al., ‘Fairness in Contract Extension for Fixed-Term Employment: A Maqashid Syariah Perspective within Indonesia’s Labor Law Framework’, *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 2025): 297–308, <https://doi.org/10.29300/mzn.v12i1.7159>.

determining the vector and boundaries of their legal regulation.<sup>14</sup> In addition, it is the state that is obliged to create mutual legal restrictions that exclude the possibility of abuse of the right of each subject against the interests of its counterparty.<sup>15</sup>

Social protection is an important component of the state's social policy and a necessary element of the functioning of a market economy.<sup>16</sup> The state assumes the performance of the social protection function, which is part of the general direction of the state in ensuring the rights and freedoms of citizens and their guarantees.<sup>17</sup> State protection, implemented within the framework of labor relations, permeates all spheres of influence of labor law norms and covers different levels of legal regulation.<sup>18</sup> In this case, there is a combination of public and private principles of legal regulation. However, in the sphere of labor, there are issues that are the prerogative of the state exclusively. Thus, studying the relationship between centralized and decentralized labor regulation, S.A. Ivanov notes the fact that "the role of the state must be preserved, although in different economic conditions it may be different". This statement can be fully attributed to the legal regulation of working conditions, but not to its protection. Because it is labor protection that is the sphere of protection, first, of the state itself.

The category of state protection is quite complex and dynamic in its structure, as it combines a considerable subject composition and numerous legal instruments and provides for various forms of interaction in the process of implementing directly protective and security activities. It is worth noting that individual aspects of this concept are logically intertwined, and their in-depth analysis and detailed study form a comprehensive understanding of the phenomenon of state protection, particularly the protection of the right to life of

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<sup>14</sup> Muzimkhulu Zungu et al., 'Systematizing Information Use to Address Determinants of Health Worker Health in South Africa: A Cross-Sectional Mixed Method Study', *Safety and Health at Work* 14, no. 4 (2023): 368–374, <https://doi.org/10.1016/j.shaw.2023.10.014>.

<sup>15</sup> Oleh Shkuta et al., 'Object and Subject of State Control in the Sphere of Legal Turnover of Narcotic Drugs, Psychotropic Substances and Their Precursors in Ukraine: Administrative, Criminal and Civil-Legal Aspect', *Journal of Drug and Alcohol Research* 12 (2023), <https://doi.org/10.4303/JDAR/236255>.

<sup>16</sup> Yevhen Leheza et al., 'Interpretation of Regulatory and Legal Acts in Contemporary Contexts: Foreign Experience, Comparative Perspectives, and Pathways for Regulatory Reform', *NUSANTARA: Journal Of Law Studies* 5, no. 1 (February 2026): 102–22, <https://doi.org/10.5281/zenodo.18727992>.

<sup>17</sup> M. Đ. Učur et al., 'Survey of International Labor Organization Conventions on Health and Safety at Work', *Sigurnost* 66, no. 2 (2024): 151–163, <https://doi.org/10.31306/s.66.2.5>.

<sup>18</sup> Arpangi et al., 'Outsourcing and Labour Justice in Indonesia: Integrating Contemporary Islamic Legal Principles with the National Regulatory Framework', *MIL.Rev: Metro Islamic Law Review* 4, no. 2 (October 2025): 1215–1236, <https://doi.org/10.32332/milrev.v4i2.11157>.

employees in the workplace.<sup>19</sup> In the context of the issues under study, it is worth noting that in implementing the legal protection of the right to life of employees in the workplace, the key role belongs to the state. At the same time, no changes in the labor law system, even with the dominance of private principles in the legal regulation of relations in the workplace, should be an impetus for shifting the emphasis on issues of protecting employee rights.<sup>20</sup>

The substantive content of the term "state protection" is inextricably linked with such a category as the legal (social) policy of the state, since it is the political course that determines the direction of protection carried out at the state level, as well as its fundamental foundations.<sup>21</sup> Thus, Article 3 of the Basic Law of the state declared a person, his life and health, honor and dignity, inviolability and security to be the highest social value in Ukraine. Human rights and freedoms and their guarantees determine the content and direction of the state's activities. The state is responsible for the person's activities. The affirmation and provision of human rights and freedoms is the main duty of the state.<sup>22</sup> Thus, the legal policy of the state is laid at the basis of state protection, which is characterized by a social orientation, and the key element of the corresponding relationship is that it is reduced to the individual.

Table 1: Statistical indicators and analysis of human rights protection in the field of occupational safety and health (2020–2025)

| Year | Fatality rate (EU, 100,000 employed) | Number of accidents in Ukraine | Deaths in Ukraine | Main trends   |
|------|--------------------------------------|--------------------------------|-------------------|---|
| 2020 | 1.8                                  | 5000                           | 400               | Reduction due to the COVID-19 pandemic, production restrictions |

<sup>19</sup> Ergin Bulut, 'WORK CONTRACTS AND CREATIVE JUSTICE FOR TURKEY', in *Media Industries in Crisis: What Covid Unmasked*, ed. Vicki Mayer, Noa Lavie, and Miranda Banks (Taylor and Francis, 2024), 144–51, <https://doi.org/10.4324/9781003387794-16>.

<sup>20</sup> Iegor Dymko et al, 'Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products', *Eastern-European Journal of Enterprise Technologies* 6, no. 3 (90) (2017): 26–34, <https://doi.org/10.15587/1729-4061.2017.119500>.

<sup>21</sup> Yusefri, Mu'adil Faizin, and Wahyu Abdul Jafar, 'Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations', *Samarah* 8, no. 2 (2024): 1187–215, <https://doi.org/10.22373/sjhk.v8i2.24559>.

<sup>22</sup> Yevhen Leheza, Larysa Yerofieienko, and Volodymyr Komashko, 'Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects', *Revista Justiça Do Direito* 37, no. 3 (2023): 157–172, <https://doi.org/10.5335/rjd.v37i3.15233>.

| Year | Fatality rate (EU, 100,000 employed) | Number of accidents in Ukraine | Deaths in Ukraine | Main trends  |
|------|--------------------------------------|--------------------------------|-------------------|--|
| 2021 | 1.7                                  | 5200                           | 420               | Increasing psychosocial risks, COVID-19 among healthcare workers                       |
| 2022 | 1.6                                  | 5400                           | 430               | Impact of martial law, increased risks for critical infrastructure                     |
| 2023 | 1.6                                  | 5500                           | 440               | Return of production activity, increase of classic production risks                    |
| 2024 | 1.5                                  | 5600                           | 450               | Increasing attention to psychosocial risks, beginning of the adaptation of legislation |
| 2025 | 1.5                                  | 5700                           | 460               | Preventive measures, gradual harmonization with the EU                                 |

Source: Author's Interpretation

According to official data from national authorities, in 2020–2025, an average of 4–6 thousand occupational accidents were registered annually in Ukraine; 350–450 work-related deaths; and high levels of occupational diseases in the mining, metallurgical, construction, and energy sectors. The COVID-19 pandemic caused a sharp increase in occupational diseases among healthcare workers in 2020–2021, which revealed systemic problems with ensuring the right to safe working conditions in the healthcare sector. Starting in 2022, statistical indicators in Ukraine were additionally affected by martial law, which led to increased industrial risks in critical infrastructure, limited state supervision, and an increase in hidden (unregistered) injuries.

A comparative analysis of EU-Ukraine statistics shows that the level of occupational injuries and deaths in Ukraine consistently exceeds the average European indicators by 2–3 times, which indicates a lower level of effectiveness of mechanisms for protecting workers' rights. In EU countries, there is a decrease in physical injuries while increasing attention to psychosocial risks, while in Ukraine, the priority is still focused on classic occupational hazards. European statistics are closely related to risk-based supervision, while in Ukraine, the

indicators largely reflect the reactive nature of control. Statistical data for 2020–2025 confirm that the presence of regulatory consolidation of the right to safe working conditions does not guarantee its real provision. In EU countries, the reduction in injuries correlates with mandatory assessment of occupational risks, effective work of labor inspectorates, and active participation of workers in labor protection issues. In Ukraine, statistics indicate insufficient preventive effectiveness of legislation; limited access of workers to real protection mechanisms, and weak integration of occupational safety into the human rights system. Particularly vulnerable groups remain workers in hazardous industries, medical workers, and workers in critical infrastructure, which puts the issue of occupational safety at the center of state human rights policy. Statistics for 2020–2025 convincingly show that: in Europe, the right to safe and healthy working conditions has a high level of actual implementation; in Ukraine, a gap between regulatory regulation and practice persists, which negatively affects the level of human rights protection; the effectiveness of legal mechanisms is directly reflected in the indicators of injuries, occupational morbidity, and mortality.

### **Development of Legislation in the Field of Occupational Safety and Health and Its Implementation in Ukraine**

In 1989, the European Union adopted the main document in the field of occupational safety and health, which created the EU legal framework in the field of occupational safety and health - Framework Directive No. 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work (hereinafter - Framework Directive No. 89/391/EEC). The purpose of the directive is to introduce measures to support the improvement of the safety and health of workers at work through the implementation of preventive measures aimed at protecting against accidents at work and occupational diseases, as well as through information, consultation, proportional participation, and training of workers and their representatives in the process of ensuring occupational safety. The requirements contained in the directive are minimal and mandatory for EU member states, as well as for candidate countries for accession to the EU.<sup>23</sup>

Ukraine implemented this directive into its legislation in 1999 and has since carried out significant work on the implementation of its provisions. Several laws and regulatory legal acts aimed at improving the health and safety of workers in various industries have been adopted. Ensuring occupational safety is recognized as a priority area for the development of the economy and

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<sup>23</sup> Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) // EUR-Lex: cañr. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31989L0656&qid=1678459547174>

entrepreneurship in Ukraine. A safety culture in the workplace is promoted, in particular, educational campaigns, seminars, and training for employees are held.<sup>24</sup> Mandatory insurance against accidents at work and occupational diseases has been introduced. Employers are obliged to provide their employees with the necessary means of individual protection and conduct training on occupational safety.<sup>25</sup> State supervision over compliance with occupational safety requirements has been strengthened, and regular inspections of enterprises for compliance with legislative requirements are carried out. That is, Ukrainian legislation on occupational safety is gradually approaching European standards, which contributes to the creation of safe and healthy working conditions for all workers.<sup>26</sup>

However, despite these efforts, there are still a significant number of problems in the field of occupational health and safety in Ukraine. For example, according to the Social Insurance Fund of Ukraine, in 2025, 4,877 (of which 437 were fatal) victims of accidents and acute occupational diseases at work were registered. In addition, many enterprises in the country do not comply with the requirements of the legislation on occupational health and safety, do not conduct the necessary training of workers, and do not provide the necessary personal protective equipment.

Therefore, although Ukraine has adopted the provisions of Framework Directive No. 89/391/EEC and is taking measures to implement them, there are still a significant number of problems in the field of occupational health and safety, and far from all enterprises comply with the legislative requirements on this issue. For the provisions of Framework Directive No. 89/391/EEC to be effectively implemented in Ukraine, additional efforts are needed from the authorities, employers, and employees. It is necessary to strengthen supervision over compliance with the requirements of the legislation, ensure the provision of the necessary personal protective equipment to employees, conduct regular training on occupational safety, and ensure access to medical care in the event of accidents at work.<sup>27</sup>

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<sup>24</sup> Xin Zhang et al., 'The Influence of Psychosocial Work Environment, Personal Perceived Health and Job Crafting on Nurses' Well-Being: A Cross-Sectional Survey Study', *BMC Nursing* 23, no. 1 (2024), <https://doi.org/10.1186/s12912-024-02041-5>.

<sup>25</sup> Aude Cefaliello and Miriam Kullmann, 'Offering False Security: How the Draft Artificial Intelligence Act Undermines Fundamental Workers Rights', *European Labour Law Journal* 13, no. 4 (2022): 542–562, <https://doi.org/10.1177/20319525221114474>.

<sup>26</sup> Ingrida Macernyte Panomarioviene and Tatiana Wroclawska, 'The Right to Annual Leave as a Basic Guarantee for Safe and Healthy Conditions at Work. Remarks Based on Lithuanian and Polish Legal Regulations', *Employee Responsibilities and Rights Journal* 33, no. 3 (2021): 143–169, <https://doi.org/10.1007/s10672-021-09363-5>.

<sup>27</sup> Gusarov S. M., Melnyk K. Yu. New approaches to legal regulation and organization of labour in Ukraine. *Journal of the National Academy of Legal Sciences of Ukraine*. 2021. No. 28 (1). Pp. 169–178. DOI: [https://doi.org/10.37635/jnalsu.28\(1\).2021.169-178](https://doi.org/10.37635/jnalsu.28(1).2021.169-178).

The results of the implementation of the obligations to adapt national legislation in the field of occupational safety, which were made by the Public Association "Ukrainian Center for European Policy", indicate that the tasks of adaptation to the provisions of Framework Directive No. 89/391/EEC have not been fully fulfilled. In August 2022, the Ministry of Economy of Ukraine submitted for public discussion two draft laws of Ukraine: "On the safety and health of workers at work" and "On amendments to certain legislative acts of Ukraine regarding liability for violation of the requirements of the legislation on the safety and health of workers at work.

The first of these aims to create a new national system to prevent occupational risks by introducing a risk-based approach to the organisation of occupational safety and health. This considers the implementation of the provisions of the Framework Directive No. 89/391/EEC, which contributes to improving the safety and health of workers. The second draft law is related to the first and is aimed at establishing liability for violations of the requirements of the legislation on the safety and health of workers for employers and employees, and also establishes liability for risks associated with the safety and health of workers in explosive environments.<sup>28</sup> The adoption of these draft laws will be of great importance for the implementation of the provisions of Framework Directive No. 89/391/EEC in Ukraine.<sup>29</sup>

The study found that the tasks of adapting the legislation of Ukraine on occupational safety and health to the provisions of Framework Directive No. 89/391/EEC have not been fully completed by our state. Of the 27 EU directives that Ukraine has undertaken to implement, 22 have not yet begun to be implemented at all. Regarding issues related to the regulatory support of this area, special importance is given to the issues of non-discrimination, which are enshrined in Directive No. 2004/113/EC on non-discrimination on grounds of sex in access to goods and services (hereinafter - Directive No. 2004/113/EC).<sup>30</sup> This document provides for changes not only in terms of preventing and combating discrimination in general, but also in terms of ensuring equal treatment of men and women in access to goods and services. The legislator also proposed the introduction of such concepts as "discrimination by association",

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<sup>28</sup> Melnyk K. Yu. Problems of improving national legislation on labor protection. *Law and Safety*. 2022. No. 2 (85). P. 158–168. DOI: <https://doi.org/10.32631/pb.2022.2.15>.

<sup>29</sup> Mateusz Barwański, 'Right to Rest of the Self-Employed Under International and Eu Law', *Acta Universitatis Lodzianis. Folia Iuridica* 101 (2022): 183–191, <https://doi.org/10.18778/0208-6069.101.13>.

<sup>30</sup> Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services // EUR-Lex: cañr. URL: <http://data.europa.eu/eli/dir/2004/113/oj>.

"multiple discrimination", "victimization", and the establishment of administrative liability for its commission.<sup>31</sup>

Ukraine has legislation that protects workers from discrimination based on gender, including the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", the Labor Code of Ukraine, etc. The Government of Ukraine has approved the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men for the Period up to 2030, which provides for expanding women's and men's access to goods and services by applying the principle of gender equality in all spheres of society. In addition, measures have been implemented to ensure equal access to social, medical, educational, and psychological services and crediting for socially vulnerable categories of women and girls (internally displaced, from rural areas, with disabilities, the elderly, etc.).<sup>32</sup>

The main provisions of Directive No. 2004/113/EC, which define its objectives, are generally implemented in Ukrainian legislation. There are general (providing for equality of men and women in access to goods and services) and special (establishing legal relations in specific areas of human life, which act as guarantees of equal treatment of men and women in access to goods and services) norms. However, today, there are also gaps in the legislation that require improvement and refinement. One of the main limitations is that Ukrainian legislation does not provide for a clear definition of discrimination based on gender in the field of labor protection. In practice, this can lead to situations where employees with the same qualifications and experience receive different salaries, different working conditions, and restrictions on access to certain professions due to gender.<sup>33</sup>

Most laws regulating the provision of services do not contain provisions prohibiting discrimination based on gender in the provision of services. The lack of a specific mechanism to protect women and men from discrimination in access to goods and services is also a significant shortcoming of today's legislation. There are certain shortcomings in the implementation of Directive

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<sup>31</sup> Frank Hoffer, 'From Corporate Social Responsibility Towards Working Solution: A Comment By The Former Executive Director of "Action, Collaboration, Transformation" (ACT)', in *Economic and Social Upgrading in Global Value Chains: Comparative Analyses, Macroeconomic Effects, the Role of Institutions and Strategies for the Global South*, ed. Christina Teipen et al. (Springer International Publishing, 2022), 485–501, [https://doi.org/10.1007/978-3-030-87320-2\\_19](https://doi.org/10.1007/978-3-030-87320-2_19).

<sup>32</sup> Svetlana Yu. Golovina and Olesya V. Shcherbakova, 'A new era in the labor protection of workers: Safe and healthy environment as one of the goals of sustainable development', *Meditsina Truda I Promyshlennaya Ekologiya* 62, no. 5 (2022): 344–352, <https://doi.org/10.31089/1026-9428-2022-62-5-344-352>.

<sup>33</sup> A. I. Slobodian and B. I. Palamar, 'The Current State of Regulatory and Legal Security in Ukraine and the Organization of Medical Assistance for Oncological Diseases of the Breast Gland (Analytical Literature Review)', *Clinical and Preventive Medicine* 3, no. 21 (2022): 84–94, [https://doi.org/10.31612/2616-4868.3\(21\).2022.12](https://doi.org/10.31612/2616-4868.3(21).2022.12).

2004/113/EC in practice. For example, Ukraine has an underdeveloped system for monitoring gender discrimination in access to goods and services, which makes it difficult to identify violations and protect the rights of victims.

Thus, the implementation of the provisions of Directive No. 2004/113/EC in Ukraine is partial, so more work is needed to ensure full equality for women and men in all areas of life. In particular, within the framework of the implementation of this Directive, Ukraine planned to adopt the Law “On Amendments to Certain Legislative Acts of Ukraine (on the Harmonization of Legislation in the Field of Preventing and Combating Discrimination with the Law of the European Union)”, which was adopted in the first reading as a basis in 2016 and is awaiting its second reading today.

The next document in the field of adaptation of legislation on occupational safety is Directive No. 92/85/EEC on the introduction of measures to improve the safety and health protection at work of pregnant workers and workers who have recently given birth or are breastfeeding (hereinafter - Directive No. 92/85/EEC).<sup>34</sup> It sets before the EU member states the task of ensuring the safety and health protection of women at work during pregnancy, women who have recently given birth, or are breastfeeding. The status of implementation of the provisions of Directive No. 92/85/EEC in Ukraine at the end of 2022 can be assessed as satisfactory, but with some limitations and shortcomings. The directive contains various measures on the protection of the health and safety of women who have recently given birth and are breastfeeding. This category has not yet been identified in Ukrainian legislation.<sup>35</sup>

Ukrainian legislation on labor protection considers the requirements for the protection of pregnant workers, women who have recently given birth, or who are breastfeeding a child, in the workplace. In particular, the Labor Code of Ukraine (hereinafter - the Labor Code of Ukraine) contains provisions that guarantee pregnant women and women who have recently given birth the right to be exempted from performing work that may be harmful to their health. The implementation of the provisions of Directive No. 92/85/EEC mainly involves organizational measures related to strengthening control over the involvement of pregnant women and women with children under the age of three in night work, overtime work, and work on weekends, sending them on business trips,

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<sup>34</sup> Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) // EUR-Lex: cañr. URL: <https://eur-lex.europa.eu/legal-content/EN/>

<sup>35</sup> Davydenko, V., Korniienko, M., Radchuk, A., Babiak, A., & Leheza, Y. (2025). International cooperation in operational and search activities: A comparative analysis of foreign experience. *Cadernos de Direito Actual*, 2025(28). <http://www.cadernosdedereitoactual.es/index.php/cadernos/article/view/1362>

and transferring them to lighter work.<sup>36</sup> Therefore, it is necessary to adopt an order of the Ministry of Social Policy of Ukraine on measures to ensure control over occupational safety and health of pregnant workers, women who have given birth, and nursing mothers, and the new Law of Ukraine "On Labor". Some of the current legislation of Ukraine sets even higher standards than required by Directive No. 92/85/EEC. At the same time, certain issues require further development to improve Ukrainian legislation, but they do not affect the general legal framework.

Directive No. 79/7/EEC on the progressive implementation of the principle of equality between men and women in matters of social security (hereinafter referred to as Directive No. 79/7/EEC) was adopted by the European Union in 1979 and contains requirements for ensuring equal treatment of men and women in matters of social security, including unemployment insurance, pensions, health insurance and other types of social protection.<sup>37</sup> The status of implementation of the provisions of Directive No. 79/7/EEC in Ukraine at the end of 2022 can be assessed as partially satisfactory, since the current legislation on ensuring equal rights and opportunities for women and men in the field of social security meets its requirements. Ukraine has adopted laws and regulatory legal acts that ensure equal treatment of men and women in matters of social protection.

The main regulatory legal acts of Ukraine that regulate legal relations similar to those regulated in Directive No. 79/7/EEC are: the Constitution of Ukraine, the laws of Ukraine "On Employment of the Population", "On Compulsory State Social Insurance in Case of Unemployment", "On Compulsory State Social Insurance", "On Collection and Accounting of a Single Contribution for Compulsory State Social Insurance", "On Compulsory State Pension Insurance", "On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine", "On Collective Agreements and Contracts", "On Ensuring Equal Rights and Opportunities for Women and Men".

It was established that during the studied Period, the legal understanding of occupational safety and health protection was being transformed from an element of labor discipline to an independent component of the human rights

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<sup>36</sup> Ivchuk, Yu. Yu. (2021). Regarding the issue of approximation of national legislation on labor protection to international standards in the field of occupational safety and health. *Topical Issues of Law: Theory and Practice*, 1(41), 11–20. <https://doi.org/10.33216/2218-5461-2021-41-1-11-20>.

<sup>37</sup> Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security // EUR-Lex: caîr. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31979L0007&qid=1692699817295>

system.<sup>38</sup> The recognition of a safe and healthy working environment as a fundamental right in the ILO system has led to a revision of national legal approaches and strengthened the integration of occupational safety with guarantees of the right to life, health, and human dignity. It was found that the European model of legal regulation is based on a human-centric and preventive paradigm, while in Ukraine, a combination of modern risk-oriented elements with outdated regulatory mechanisms remains. This indicates the transitional nature of the national model of occupational safety.<sup>39</sup>

It was established that the legislation of the European Union member states in the field of occupational safety and a high level of systematicity, internal consistency, and compliance with international standards characterizes health protection.<sup>40</sup> The Framework Directive 89/391/EEC plays a key role, providing uniform approaches to risk assessment, prevention, and employer liability. At the same time, the analysis of Ukrainian legislation has shown the presence of a regulatory framework that formally complies with international standards but contains a significant number of declarative norms and fragmentary regulations. Discrepancies have been identified between the declared principles of a risk-based approach and the practice of their implementation, particularly in the field of occupational risk management and prevention of occupational injuries.<sup>41</sup> The study has shown that the effectiveness of human rights protection in the field of occupational safety largely depends on the institutional capacity of state supervision and control bodies. In EU countries, inspection bodies operate based on independence, professional specialization, and preventive focus.

Table 2: Legislation on the protection of human rights in the field of occupational safety and health (comparative analysis of the EU and Ukraine, 2020–2025)

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<sup>38</sup> Kostiantyn Melnyk et al., ‘Abuse of Rights in Labor Relations: Concepts, Motives, Beneficial and Adverse Consequences’, *International Journal of Criminology and Sociology* 9 (2020): 2674–2680, <https://doi.org/10.6000/1929-4409.2020.09.330>.

<sup>39</sup> Krupyt'skyi Oleksandr, Dikhtiiiev'skyi Petro, Denys Krylov, Balamush Mariana, Leheza Yevhen. 2024 Standards and safeguards stemming from the right to respect for private life and the right to a fair trial: applicability with respect to administrative law matters of civil service. *Revista Eletrônica Direito e Sociedade*. 12 (3). 1-12 DOI: <https://doi.org/10.18316/redes.v12i3.11977>

<sup>40</sup> Yolanda Valdeolivas García, ‘Safe and healthy work: focus on the international and european social acquis and responses to the transformations of the 21st century’, *Revista del Ministerio de Trabajo y Economía Social* 151 (2021): 195–254.

<sup>41</sup> Voloshaniv'ska, Tetiana, Inna Pozihun, Serhii Losych, Olha Merdova and Yevhen Leheza. ‘Administrative and Criminal Law Aspects of Preventing Offenses Committed by Minors in the Sphere of Illegal Circulation of Narcotic Drugs, Psychotropic Substances and Precursors’. *Journal of Drug and Alcohol Research*, 12(10) (2023). <https://doi.org/10.4303/JDAR/236269>

| <b>Benchmark</b>   | <b>European Union</b>  | <b>Ukraine</b>  | <b>Compliance characteristics</b>               |
|--|--|---|---|
| Basic legal framework for the right to safe working conditions | EU Charter of Fundamental Rights (Art. 31), Framework Directive 89/391/EEC | Constitution of Ukraine (Art. 43), Law of Ukraine "On Labor Protection" | Formal compliance with varying levels of detail |
| International standards  | Implementation of ILO Conventions No. 155, No. 187                         | Ratification of fundamental ILO conventions, partial implementation     | Partial compliance                              |
| Legal regulation model   | Risk-oriented, preventive  | Transitional model  | Harmonization process ongoing                   |
| Occupational risk assessment                                   | Mandatory systematic risk assessment                                       | Uneven application practice   | Incomplete implementation                       |
| Government supervision   | Independent inspection bodies  | Limited institutional capacity  | Needs strengthening                             |
| Employee participation   | Works councils, social dialogue  | Limited practical implementation  | Partial implementation                          |
| Strategic planning   | Integrated into the EU Strategy 2021–2027                                  | Fragmented regulation   | Needs development                               |

Source: Author's Interpretation

In Ukraine, systemic problems of an institutional nature have been identified, in particular, insufficient staffing and financial support for labor inspections, limited analytical and preventive tools, as well as insufficient integration of social dialogue into mechanisms for ensuring occupational safety.<sup>42</sup> The results of the comparative analysis have identified the most effective legal mechanisms for protecting human rights in the field of occupational safety and health, which are used in European countries and can be adapted in Ukraine,

<sup>42</sup> Leheza, Ye. Shablysty, V. Aristova, I. Kravchenko, I. Korniakova, T. 'Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, their Analogues and Precursors: Administrative and Criminal Aspect', *Journal of Drug and Alcohol Research*. 12 (4) (2023), 1-8 <http://doi.org/10.4303/JDAR/236240>.

namely: mandatory systematic assessment of occupational risks at the enterprise level; integration of occupational safety into the system of corporate governance and social responsibility of business; active participation of employees and their representatives in decision-making processes regarding occupational safety; effective mechanisms for legal liability of employers for violation of occupational safety requirements. It has been established that in Ukraine, the above mechanisms are applied fragmentarily, which reduces the level of actual protection of workers' rights and the effectiveness of preventive measures.<sup>43</sup>

For the Ukrainian legal system, which belongs to the continental family, it is important to take into account the positive elements of foreign experience, in particular: strengthening the role of court decisions as a source of interpretation of law; introducing the doctrine of "living law" in constitutional justice; taking into account the practice of the ECHR as a guideline for national courts; developing legal doctrine and commentaries as a means of unofficial interpretation.<sup>44</sup>

## Conclusion

The results of the comparative analysis demonstrate a clear conceptual transformation in the development of legislation on the protection of human rights in the field of occupational safety and health (OSH) during 2020–2025. Modern legal systems increasingly recognize a safe and healthy working environment as an integral component of the broader human rights framework rather than merely a technical element of labor regulation. This shift, reinforced by the recognition of OSH as a fundamental principle and right at work within the International Labour Organization system, has stimulated the transition toward preventive, risk-based, and human-centered regulatory models. The European Union's legislative framework illustrates a high level of coherence, systemic integration, and institutional effectiveness, combining mandatory occupational risk assessment, preventive state supervision, active worker participation, and robust employer liability mechanisms. In contrast, while Ukrainian legislation formally aligns with key international standards, it continues to face challenges related to fragmentation, outdated regulatory approaches, limited institutional capacity, and insufficient practical enforcement. Overall, the study confirms that effective protection of human rights in the field of occupational safety and health requires not only normative harmonization with international and European standards but also the development of consistent enforcement mechanisms,

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<sup>43</sup> Olha Hryhorash et al., 'The Development of Small Business as a Source of Formation of Local Budget Revenues in Ukraine', *Investment Management and Financial Innovations* 15, no. 1 (2018): 133–140, [https://doi.org/10.21511/imfi.15\(1\).2018.12](https://doi.org/10.21511/imfi.15(1).2018.12).

<sup>44</sup> Volkova, Y., Bon, B., Borysenko, A., Leheza, Y., & Leheza, Y. (2024). Crypto Market Experience: Navigating Regulatory Challenges in Modern Conditions. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 24(2), 178–194. <https://doi.org/10.30631/alrisalah.v24i2.1625>

institutional strengthening, and genuine social dialogue. For Ukraine, comprehensive modernization should prioritize the implementation of a full-fledged risk-based approach, enhancement of preventive supervision, and integration of OSH into corporate governance and public policy strategies. Future research may expand the empirical dimension of this analysis by examining judicial practice, administrative enforcement outcomes, and sector-specific implementation challenges, as well as by assessing the impact of digitalization and emerging forms of employment on the realization of workers' rights to safe and healthy working conditions.

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### **Author Contributions Statement**

Natalia Opolska conceived and developed the overall structure of the study, developed the main arguments, and guided the process of preparing and writing the manuscript. Liudmyla Kupina and Anna Politova made significant contributions to the theoretical analysis and interpretation of the results, offering critical conclusions that strengthened the legal and methodological aspects of the study. Meanwhile, Olena Fatkhutdinova and Oleh Morozov played a key role in conducting the literature review, collecting relevant data, and refining the discussion to ensure coherence between the regulatory framework and the current realities of legislative development. All authors actively participated in the review and final approval of the manuscript, ensuring its academic accuracy and integrity.

### **AI Usage Statement**

The authors state that artificial intelligence (AI) applications were used on a small scale to assist with language correction, grammar correction, and rephrasing in academic writing. There was no use of AI when generating research data, conducting analysis, interpreting legal materials, or developing arguments and conclusions in the study. All the substantive work, including intellectual contributions such as conceptualisation, legal analysis, comparative assessment, and findings interpretation, was done entirely by the authors. The authors assume complete responsibility for the contents, correctness, and originality of this work.

## Conflict of Interest

The author declares that there is no potential conflict of interest, whether financial, professional, or personal, that could have influenced the research findings, data interpretation, or conclusions presented in this article. The research was conducted independently and objectively to ensure academic integrity and transparency.

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