

COMPARATIVE ANALYSIS OF OCCUPATIONAL SAFETY AND HEALTH LEGISLATIVE FRAMEWORKS IN THE SLOVAK REPUBLIC AND ROMANIA

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Abstract. Occupational Safety and Health (OSH) plays a crucial role in ensuring worker protection, reducing occupational risks and promoting sustainable working environments. Within the European Union, the legal framework governing occupational safety is based on Council Directive 89/391/EEC, which establishes common principles regarding risk prevention, employer responsibility, worker participation and continuous improvement of workplace conditions. Although these principles have been transposed into the national legislation of all Member States, differences remain in the structure, implementation and practical application of occupational safety regulations. The aim of this study was to analyse and compare the legislative frameworks regulating occupational safety and health in Romania and the Slovak Republic, identifying both common elements derived from European legislation and national particularities influencing implementation. The research focused on Romanian Law No. 319/2006 on Occupational Safety and Health and Slovak Act No. 124/2006 Coll., examining the legal provisions related to prevention principles, employer obligations, risk assessment, worker training, institutional responsibilities and compliance mechanisms. A comparative legal analysis was conducted using official legislative documents, European regulations and institutional guidelines relevant to both countries. The results revealed a high degree of convergence regarding the fundamental principles of occupational safety, including prevention, risk assessment, employee consultation and employer accountability. However, important differences were identified in legislative organization and practical implementation. The Romanian system is characterized by a detailed and procedural approach, with extensive documentation requirements, whereas the Slovak framework is more concise and integrated, facilitating the incorporation of preventive measures into organizational management. The study concludes that both countries successfully implement the core objectives of European occupational safety legislation, although through different administrative and regulatory approaches. Combining the clarity and coherence of the Slovak model with the technical detail of the Romanian framework could contribute to improving compliance, strengthening prevention strategies and enhancing occupational safety performance in contemporary workplaces.

Key words: Occupational Safety and Health (OSH), Slovakia (Act No. 124/2006 Z. z.), Romania (Law No. 319/2006), Risk Prevention, OSH Committees, Safety Training, European Directive 89/391/EEC

INTRODUCTION

Occupational safety and health is a fundamental area of labour law and public policy, as it aims to protect the life, physical integrity and mental health of people who work. In the modern sense, OSH is not limited to the prevention of visible accidents, but includes the identification of occupational risks, their assessment, the training of workers, the organisation of preventive management and the institutional supervision of compliance with the rules (EU-OSHA, National legislation on safety and health at work).

The importance of the field increased with industrialization, when occupational accidents, exposure to hazardous substances, and the use of mechanical equipment demonstrated that economic freedom cannot function without minimum guarantees for workers. Currently, OSH legislation is an interdisciplinary field, at the intersection of labour law, administrative law, occupational medicine, ergonomics and organisational management (Council of the European Communities, Directive 89/391/EEC, 1989). At the level of the European Union, the main normative benchmark is Directive 89/391/EEC, known as the framework directive. It has introduced a preventive model, in which the employer not only has the obligation to react after an accident has occurred, but must identify risks in advance and adopt appropriate measures.

The Directive lays down principles such as the avoidance of risks, combating them at source, adapting work to humans, prioritising collective protection over individual protection and informing workers (Council of the European Communities, Directive 89/391/EEC, 1989).

Romania and Slovakia, as member states of the European Union, have transposed these principles into domestic legislation. Romania has adopted Law no. 319/2006 on safety and health at work, supplemented by the Methodological Norms approved by GD no. 1425/2006. Slovakia has established the field by Act No. 124/2006 Coll. on Occupational Safety and Health, supplemented by the Slovak Labour Code and special technical regulations. Although the starting point is common, the two systems differ in terms of legislative technique, degree of fragmentation, level of bureaucratisation and practical compliance culture (Council of the European Communities, Directive 89/391/EEC, 1989) (Romanian Parliament, Law no. 319/2006 on occupational safety and health).

The legislative framework in Romania

In Romania, the central act is Law no. 319/2006 on occupational health and safety. Art. 1 para. (1) provides that the law aims to establish measures to promote the improvement of the occupational safety and health of workers. Art. 1 para. (2) establishes the general principles relating to the prevention of occupational risks, the protection of workers' health and safety, the elimination of risk factors, the information, consultation, participation and training of workers (Romanian Parliament, Law no. 319/2006 on occupational safety and health). Art. 7 of Law no. 319/2006 is of central importance.

According to it, the employer has the obligation to take the necessary measures to ensure the safety and health protection of workers, the prevention of occupational risks, the information and training of workers, as well as the provision of the organizational framework and the means necessary for occupational safety and health. The norm enshrines the employer's responsibility as a fundamental principle (Romanian Parliament, Law no. 319/2006 on occupational safety and health). The law is supplemented by GD no. 1425/2006, which approves the Methodological Norms for application. These rules detail the way of organising prevention and protection activities, the tasks of internal and

external services, the procedure for training workers, the mandatory documents and the functioning of the occupational health and safety committees.

Therefore, the Romanian system is dense and procedural (Romanian Government, Decision no. 1425/2006 for the approval of the Methodological Norms). The Labour Code also contains relevant provisions on the employer's obligation to ensure the safety and health of employees. However, the special regulation is found in the OSH legislation.

The advantage of the Romanian system is the high level of detail, which can guide employers and specialists. The disadvantage is fragmentation: for the correct application of the norms, several normative acts, decisions, instructions and technical regulations must be consulted (Romanian Parliament, Law no. 53/2003 - Labor Code).

In practice, this fragmentation can generate formalism. Employers sometimes focus on the existence of the OSH file, training sheets and documentation, without prevention being effectively integrated into the managerial decision. This observation does not deny the importance of the documents, but underlines the risk of their transformation into an end in itself (Romanian Parliament, Law no. 319/2006 on occupational safety and health).

Legislative framework in Slovakia

In Slovakia, the fundamental act is Act No. 124/2006 Coll. on Occupational Safety and Health. It sets out the general principles of prevention, the obligations of employers, the rights and obligations of workers, the requirements for training and the organisation of prevention services. Section 2 regulates the scope, showing that the act applies to employers and employees in the manufacturing and non-production sectors, which confirms its general vocation (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health) (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

Section 3 is defining as it introduces key concepts such as prevention and risk. Defining prevention as a system of planned measures is important from a legal and managerial point of view. It suggests that occupational safety is not just a one-off obligation, but a process integrated into the employer's activity as a whole (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health). Section 5 of Act No. 124/2006 Coll. enshrines the general principles of prevention. They correspond to the logic of Directive 89/391/EEC: risk avoidance, assessment of risks that cannot be avoided, combating risks at source, adapting work to the worker's abilities, replacing hazards and prioritising collective measures. In this respect, Slovak legislation is harmonised with European law (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health).

Section 6 is one of the most important provisions, as it sets out the general obligations of the employer. The employer must ensure safety and health in all aspects of work, identify hazards, assess risks, take preventive measures and provide information to workers. Section 6 para. (1) letter c is relevant for risk assessment, as it requires their identification and documentation (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health).

Compared to the Romanian system, Slovak legislation seems more concentrated and accessible. A large part of the fundamental rules are found in the main act, which reduces the normative dispersion. This feature can facilitate compliance, especially for small and medium-sized

enterprises, which do not have complex legal departments (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health).

MATERIAL AND METHODS

The comparison of the two systems must be made on the basis of the premise of European harmonisation. European directives set minimum standards and Member States can maintain or adopt rules that are more favourable to the protection of workers. This rule explains why Romania and Slovakia have similar concepts, but different institutional solutions. The similarities are generated by the obligation to transpose European law, and the differences are determined by national legal and administrative traditions (COUNCIL OF THE EUROPEAN COMMUNITIES, DIRECTIVE 89/391/EEC, 1989).

The method used is a legal-comparative one. The analysis pursues, on the one hand, the fundamental rules: scope, principles of prevention, employer's obligations, risk assessment, information and training of workers. On the other hand, the functional differences are analyzed: the structure of the normative acts, the degree of clarity, the level of formalism, the role of the control authorities and the impact on organizational practice (EU-OSHA, National legislation on safety and health at work). An important element is the distinction between formal similarity and practical efficiency. Two states may have almost identical rules, but different results depending on the quality of application, the resources of the control institutions and the maturity of the organizational culture. In the field of OSH, the mere existence of documentation does not guarantee real prevention. The efficiency of the system depends on the integration of safety into the day-to-day management of economic activity (EU-OSHA, National legislation on safety and health at work).

From this perspective, Romania and Slovakia offer a relevant case for the study of comparative labor law. Both states come from the Central and Eastern European space and have gone through post-communist economic transformations. However, the way of constructing OSH legislation is different. Romania has developed a very detailed but dispersed regulatory framework.

Slovakia has opted for a more compact framework law, in which the essential principles and obligations are concentrated in a main act (EU-OSHA, National legislation on safety and health at work).

This paper aims to demonstrate that the differences between the two systems are not primarily conceptual but are related to the normative organization and implementation. Where Romania emphasizes procedures, registers and documentary compliance, Slovakia seems to privilege the coherence of the norm and the integration of prevention into the managerial process (EU-OSHA, OSH system at national level - Slovakia, OSHwiki) (EU-OSHA, Romania National Focal Point).

RESULTS AND DISCUSSIONS

Fundamental similarities between Romania and Slovakia

The first major similarity lies in the common European origin. Romanian Law no. 319/2006 and Act No. 124/2006 Coll. transpose the principles of Directive 89/391/EEC. For this reason, both laws enshrine prevention as a central principle, employer responsibility as the main legal axis, and worker participation as an element of democratisation of labour relations (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health).

The second similarity concerns the general obligation of the employer. In both Romania and Slovakia, the employer is primarily responsible for the safety and health of workers. This responsibility cannot be transferred entirely to workers or external services. Even if the employer can call on specialists, its legal liability remains decisive (Council of the European Communities, Directive 89/391/EEC, 1989).

The third similarity is the assessment of occupational risks. Both systems oblige the employer to identify hazards and establish preventive measures. Risk assessment is not an isolated formality, but the basis of the entire OSH system. It determines the training of workers, the choice of protective equipment, signalling, working procedures and control measures (Council of the European Communities, Directive 89/391/EEC, 1989).

The fourth similarity is the importance of training. Workers must be informed about workplace-specific risks, preventive measures, emergency procedures and their obligations. The training aims to transform the worker from a mere beneficiary of protection into an active participant in risk prevention (Council of the European Communities, Directive 89/391/EEC, 1989).

The fifth similarity is the participation of workers and the consultation of their representatives. Both legislations recognise that prevention cannot be effective without the involvement of people at risk. Workers have direct knowledge of the reality of the workplace and can point out deficiencies that management does not always notice (Council of the European Communities, Directive 89/391/EEC, 1989).

The sixth similarity is the multidimensional character of protection. OSH does not only concern occupational accidents, but also occupational diseases, exposure to harmful agents, occupational stress, ergonomics and work organization. This approach corresponds to the European evolution towards the concept of integrated occupational health (Council of the European Communities, Directive 89/391/EEC, 1989).

Differences regarding the normative structure and legislative technique

The most visible difference is the normative structure. Romania has a fragmented system, in which Law no. 319/2006 is supplemented by GD no. 1425/2006 and numerous sectoral regulations. This structure allows the procedures to be detailed, but can create difficulties in orientation. For an enterprise, the identification of all applicable obligations can become a complex process (Romanian Parliament, Law no. 319/2006 on occupational safety and health) (Government of Romania, Decision no. 1425/2006 for the approval of the Methodological Norms).

Slovakia uses a more unified model. Act No. 124/2006 Coll. concentrates in a single act many of the fundamental rules: scope, definitions, general principles, obligations of the employer and prevention requirements. This legislative technique facilitates the understanding of obligations and reduces the risk of employers omitting relevant provisions in secondary acts (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health) (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

The second difference concerns the level of detail. Romania regulates many procedurally and administratively aspects. The Romanian system insists on documents, training sheets, records and standardized procedures. Slovakia formulates the rules in a more concise way and leaves more space for concrete preventive management (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

This difference has practical effects. A very detailed system can help employers who need clear instructions, but it can produce rigidity and formalism. A more concise system may favor adaptability, but it requires a higher level of organizational and professional maturity. In both cases, efficiency depends on the competence of those who apply the rules (Romanian Parliament, Law no. 319/2006 on occupational safety and health) (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health).

The third difference concerns the way prevention is formulated. In Slovakia, prevention is expressly defined as an integrated system of measures. In Romania, the same idea exists through the obligations of art. 7 and through the methodological norms, but it is more dispersed. From a doctrinal point of view, the Slovak model has the advantage of conceptual clarity, and the Romanian model has the advantage of technical detail (Romanian Parliament, Law no. 319/2006 on occupational safety and health) (Romanian Government, Decision no. 1425/2006 for the approval of the Methodological Norms).

Differences regarding practical implementation and organizational culture

In the field of OSH, practical implementation is as important as the text of the law. Romania and Slovakia start from the same European principles, but the way they are applied may differ significantly. In Romania, the practice has often been characterized by a focus on documentary compliance. The existence of OSH documents, training sheets and written procedures becomes the main criterion in relation to administrative control (EU-OSHA, OSH system at national level - Slovakia, OSHwiki) (EU-OSHA, Romania National Focal Point).

This approach has an advantage: it creates traceability. In the event of an accident, it can be verified that the worker has been trained, that the risks have been assessed and that the measures have been communicated. However, it also has a disadvantage: it can turn prevention into a bureaucratic activity, separate from the reality of the workplace. A signed form does not always mean that the worker has understood the risk or that the preventive measure is applied (EU-OSHA, Romania National Focal Point) (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

In Slovakia, the focus seems to be more oriented towards integrating prevention into the management of the activity. The obligations are formulated in such a way that the employer includes security in the organization of work, in the choice of technologies, in training and in the control of processes. This approach brings OSH closer to risk management, not just administrative compliance (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

The differences can be explained by institutional culture. In systems where control is excessively focused on documents, employers will produce documents. In systems where the control verifies both the documents and the actual application in the field, employers are incentivized to invest in real prevention. That is why reforming OSH does not only mean changing laws, but also changing the practices of inspectors, employers and workers (EU-OSHA, Romania National Focal Point) (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

From a comparative perspective, Romania could capitalize on the Slovak experience by simplifying the regulatory framework and orienting the inspection towards the quality of prevention. Slovakia, in turn, can benefit from the advantages of Romanian detail in areas where specific risks require clear procedures (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

Detailed analysis on institutions, sanctions and worker participation

In Romania, the control of compliance with OSH rules is mainly carried out by the Labour Inspectorate, through the territorial labour inspectorates. These institutions have powers of control, finding contraventions, applying sanctions and ordering remedial measures. The sanctioning system has a preventive and repressive role: it discourages the violation of the rules and obliges employers to correct deficiencies (Romanian Labour Inspectorate, materials and guides on occupational safety and health).

In Slovakia, the corresponding authority is the labour inspectorate, with similar tasks in verifying compliance with occupational safety and health legislation. The difference lies mainly in the way in which compliance is related. The Slovak model is often described as being more prevention- and advisory-oriented, without excluding sanctions when necessary (National Labour Inspectorate of the Slovak Republic, occupational safety and labour inspection materials) (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

In both states, sanctions should not be understood as the ultimate goal of OSH policy. The real purpose is to reduce occupational accidents and diseases. For this reason, the sanction must be combined with education, training, practical guides and support for employers, in particular for small and medium-sized enterprises (Eurostat, Accidents at work statistics, European Commission) (EU-OSHA, National legislation on safety and health at work).

Worker participation is an important common component. In Romania, occupational safety and health committees and workers' representatives have a role to play in consulting on prevention measures. In Slovakia, legislation also recognises the participation and information of workers. This participation is essential because it is the workers who directly encounter the risks, and their experience can improve the risk assessment (Romanian Labour Inspectorate, occupational safety and labour inspection materials).

However, formal participation is not enough. To have an effect, workers must be encouraged to report dangerous situations without fear of sanctions or retaliation. A real preventive culture requires open communication, applied training and the involvement of top management (Romanian Labour Inspectorate, occupational safety and labour inspection materials).

Extensive Comparative Study: Similarities and Differences

Summarizing the analysis, it can be said that the similarities between Romania and Slovakia are strong at the level of principles. Both systems are based on prevention, risk assessment, employer responsibility, worker training, consultation and administrative control. These elements show the decisive influence of European law and the existence of a common standard of protection (Council of the European Communities, Directive 89/391/EEC, 1989).

The first similarity is prevention as a foundation. In Romania, art. 7 of Law no. 319/2006 imposes on the employer the obligation to prevent occupational risks. In Slovakia, Section 5 of Act No. 124/2006 Coll. enshrines the general principles of prevention. In both cases, prevention takes precedence over the reaction after the accident occurs (Romanian Parliament, Law No. 319/2006 on Occupational Safety and Health) (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health).

The second similarity is the risk assessment obligation. In Romania, it results from general obligations and methodological norms. In Slovakia, it is expressly formulated in Section 6 para. (1) lit. c. Risk assessment is the instrument through which the law is transformed into concrete measures in the workplace (Government of Romania, Decision no. 1425/2006 for the approval of the Methodological Norms) (Slovak Republic, Act No. 124/2006 Coll. on Occupational Safety and Health).

The main difference is the legislative technique. Romania offers a broad and detailed, but fragmented system. Slovakia offers a more compact and easy-to-follow system. That difference influences the accessibility of the legal rule. Clear and concentrated text is easier to apply by employers, especially those without advanced legal expertise (Council of the European Communities, Directive 89/391/EEC, 1989) (EU-OSHA, National legislation on safety and health at work).

The second difference is the relationship between the document and reality. In Romania, compliance is often associated with the existence of documents. In Slovakia, the focus is more on integrated prevention. It cannot be said that one of the systems is perfect, but the Slovak model seems more suitable for a modern managerial approach to risks (Council of the European Communities, Directive 89/391/EEC, 1989) (EU-OSHA, National legislation on safety and health at work).

The third difference concerns flexibility. The Romanian system is useful for standardization, but it can be rigid. The Slovak system is more flexible, but requires managerial responsibility and professional competence. The comparative conclusion is that Romania should simplify without reducing protection, and Slovakia should maintain clarity without neglecting the technical details needed in high-risk sectors (Council of the European Communities, Directive 89/391/EEC, 1989) (EU-OSHA, National legislation on safety and health at work).

CONCLUSIONS

The comparative analysis of the OSH legislation in Romania and Slovakia highlights a relevant legal paradox: although the two states have taken over the same European principles, the normative and practical result is not identical. European harmonisation produces conceptual convergence, but does not guarantee administrative uniformity or practical efficiency (EU-OSHA, Romania National Focal Point).

Romania has a detailed regulatory system, which is an advantage for establishing concrete obligations. However, legislative fragmentation and excessive focus on documentation can reduce preventive effectiveness. The reform of the Romanian system should aim at simplifying regulations, clarifying obligations and directing inspection towards verifying the actual application of measures (Council of the European Communities, Directive 89/391/EEC, 1989).

Slovakia has a more coherent and concentrated system, with a more integrated formulation of prevention. Its advantage lies in accessibility and managerial orientation. However, a more flexible system must be supported by competent specialists, effective controls and applied training. Flexibility should not be confused with a reduction in the protection requirement (COUNCIL OF THE EUROPEAN COMMUNITIES, DIRECTIVE 89/391/EEC, 1989).

In conclusion, the differences between the two systems are mostly differences in organization and implementation. Romania offers a detailed but bureaucratic model; Slovakia offers a coherent model, but dependent on the quality of the application. An optimal solution would combine

Slovak clarity and Romanian detail, in an accessible regulatory framework, oriented towards effective prevention and adapted to modern risks, including psychosocial risks, digitalization and new forms of work (EU-OSHA, OSH system at national level - Slovakia, OSHwiki).

BIBLIOGRAPHY

- COUNCIL OF THE EUROPEAN COMMUNITIES, COUNCIL DIRECTIVE 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.
- EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK, National legislation on safety and health at work, EU-OSHA.
- EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK, OSH SYSTEM AT NATIONAL LEVEL - Slovakia, OSHwiki.
- EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK, ROMANIA NATIONAL FOCAL POINT, EU-OSHA.
- EUROSTAT, Accidents at work statistics, European Commission.
- INTERNATIONAL LABOUR ORGANIZATION, Convention No. 155 concerning Occupational Safety and Health and the Working Environment, 1981.
- INTERNATIONAL LABOUR ORGANIZATION, Convention No. 187 concerning the Promotional Framework for Occupational Safety and Health, 2006.
- INTERNATIONAL LABOUR ORGANIZATION, NATLEX database, Slovakia: Occupational Safety and Health Protection Act.
- NATIONAL LABOUR INSPECTORATE OF THE SLOVAK REPUBLIC, occupational safety and labour inspection materials.
- ROMANIAN LABOUR INSPECTORATE, materials and guidelines on occupational safety and health.
- SLOVAK REPUBLIC, ACT NO. 124/2006 Coll. on Occupational Safety and Health and on Amendments to Certain Acts.
- SLOVAK REPUBLIC, LABOUR CODE - ACT NO. 311/2001 COLL., as amended.
- THE GOVERNMENT OF ROMANIA, DECISION NO. 1425/2006 for the approval of the Methodological NORMS FOR THE APPLICATION OF LAW NO. 319/2006.
- THE ROMANIAN PARLIAMENT, LAW NO. 319/2006 on occupational safety and health, Official Gazette of Romania.
- THE ROMANIAN PARLIAMENT, LAW NO. 53/2003 - Labor Code, republished, with subsequent amendments and completions.