

Zoltán RÁCZ\*  
Disaster management and occupational safety\*\*

*Abstract*

*Today, people have become increasingly interested in various natural disasters starting from massive floods through epidemics to devastating fires across the continent. Disasters are caused not only by forces of nature but also by human activities. The history of both disaster management and occupational safety can be traced back centuries. There are many similarities between disaster management and occupational safety, which may be surprising at first. Two fundamental rights are key issues in both disaster management and occupational safety, which are as follows: the right to life and the right to health. An obligation of closely coordinated cooperation between the state, public bodies and other entities is a flagship task in both areas.*

**Keywords:** disaster management, occupational safety, disaster, occupational health

## 1. Introduction

Every single day, news about some kind of disaster is posted through the printed and electronic media as well as social networks and receives tremendous media coverage. News about all sorts of tragic events occurring around the world, starting from floods, through emergence of epidemics, to fire, from Brazil to Australia<sup>1</sup> can be read about. Different forces of nature or in many cases some kind of human behaviour may lay in the background of tragic events. There are serious debates about climate change. A lot of people consider it to be a political issue and underestimate both the challenges posed by this unprecedented climate change and the importance of this issue (even such high-powered people like Donald Trump, the President of the USA). Environmental disasters that occur all over the world are very often caused by human activities. The countries which realise what disastrous effects the changes in the environment may result in, take measures to protect the environment. According to the latest news, there are countries where the usage of plastic packaging is completely banned. One of the major barriers to enhance joint actions on climate change mitigation policies is economic lobbyists who have accumulated tremendous wealth by conducting their lobbying activities. Using every tool available, they attempt to brainwash their consumers and make them spend massive sums of money.

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The phenomenon accompanying disasters is disaster tourism, which evolved as a result of the darkest shroud of the human soul. There are distorted personalities who see fun in capturing other people's suffering and visit disaster locations specifically for this purpose.

News about occupational accidents are also frequently released both in the national and international media. Occupational accidents affect one or several employees and can result in injuries or even deaths.<sup>2</sup> While these cases are not comparable to the damage caused by disasters, they can cause hundreds of millions of damage to the national economy a year, let alone individual tragedies.

This study addresses two very important human activities: disaster management and occupational safety. It may be surprising to look for a relationship between the two concepts, but this study will confirm the assumption that disaster management and occupational safety have several similarities. In order to establish the relationship, first, it is necessary to clarify the nature and the concept of the two human activities, and the relevant Hungarian and international legal regulations. After this, analyses can be conducted and links can be established.

## 2. Disaster management

There is no need to turn on a TV or a computer with Internet access to hear disaster news or see disaster footage since Hungary has experienced several disaster cases over the past few years. Perhaps, one of the worst industrial disasters was the toxic red mud flood that happened almost 10 years ago.<sup>3</sup> Another major disaster was the Sajó river flood in the area of Felsőzsolca.<sup>4</sup> Also, a snowstorm on M1 motorway trapped thousands of people in their cars overnight on 15 March 2013, whereas the rest of the country did not experience any natural disasters. These cases happened in different disaster situations (red mud, river water and snowstorm). Thus, the concept of disaster needs clarifying.

In the international context, the Article 4 of the Decision No1313/2013/EU of the European Parliament and of the Council<sup>5</sup> provides the following definition: 'disaster' means any situation which has or may have a severe impact on people, the environment, or property, including cultural heritage.

Governed by the Fundamental Law, the Act CXXVIII of 2011 on Disaster Management and on the amendment of individual related acts (Dis. Man. Act) entered into force. The Article 3 (5) of this Act defines disaster as a state or situation suitable for declaring an emergency or a condition or situation which, to the extent that is not declared, endangers or damages the life, health, material values, essential supply of the population, the natural environment, its natural assets in such a way or to such an extent that the prevention, elimination of the damage exceeds the possibilities of

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<sup>2</sup> And the property and non-property damage that can occur in the event of a disaster cannot be neglected. Compensation for these damages see Tóth 2017, 509–511. See furthermore: Jakab 2016; Mélypataki 2017; Mádi 2016; Jakab & Mélypataki 2013; Kocsis & Szilágyi 2017, 311–324; Szilágyi 2016, 283–301; Jakab 2013, 93–135.

<sup>3</sup> A vörösiszap katasztrófa 2020.

<sup>4</sup> Viczián et al. 2014, 660–668.

<sup>5</sup> <https://eur-lex.europa.eu/homepage.html?locale=hu> [12.03.2020]

defence of the designated organisations in the prescribed order of cooperation, and calls for the introduction of special measures and the need for continuous and closely coordinated cooperation between local authorities and public bodies, and calls for international assistance.

The definition used in the Hungarian legal system is much broader than the EU definition and better expresses the concept of the disaster. It should be highlighted that the Hungarian definition focuses more on risks endangering people's lives and health, includes the concept of injury prevention and the obligation for legal entities to cooperate.

The central element in the definition of a disaster is the state of danger, which the Article 44 of the Act CXXVIII of 2011 on Disaster Management defines as follows: state of danger is an event defined in the Article 53 of the Fundamental Law of Hungary which is caused by the following events: (a) a natural disaster, threats posed by nature, especially: (aa) during protection against flood if it is predicted that the flow of water is rising to the maximum water level ever detected and further significant flooding is expected or ice jams cannot be removed or there is a potential threat to dam failure; (ab) during protection against inland inundation if the inland water threatens populated areas, industrial parks, major transport routes, roads and railway and the degree of threat is so high that both the prevention of damage and the prevention of new floods exceed the defences of the designated organisations; (ac) extensive, continuous, intense, persistent snowfalls or blizzards lasting over several days; (ad) other extreme weather conditions resulting in a situation that endangers people's lives, material assets and basic supply of the population; (ae) geological hazards. (b) industrial accidents, threats posed by civilisation, especially (ba) while dealing with hazardous substances and waste, the substance that is released extensively and severely threatens human life, health and the environment; (bb) accidental spillage of radioactive material and other radiation exposure, which has a direct adverse impact on safety and causes accidental exposure of the population to radiation; (c) threats of other origin, especially (ca) human epidemic or threat of an epidemic resulting in pandemic and animal epidemic; (cb) calamity-contamination of ground water and surface water during drinking-water abstraction; (cc) a high degree of air pollution occurring for any reasons that accedes the alert threshold specified in separate legislation; (cd) failures in critical infrastructures to such an extent that the provision of the basic facilities for the population is blocked for several days or in several countries.

The Article 53 of the Fundamental Law of Hungary mentioned in the definition stipulates that in the event of a natural disaster or industrial accident endangering life and property, or in order to mitigate its consequences, the Government shall declare a state of danger, and may introduce extraordinary measures laid down in a cardinal Act. In a state of danger, the Government may adopt decrees by means of which it may, as provided for by a cardinal Act, suspend the application of certain Acts, derogate from the provisions of Acts and take other extraordinary measures. Thus, the regulation of the state of danger has three levels. The Fundamental Law of Hungary provides the legal framework at the highest level. At the second level the state of danger is governed by the Act CXXVIII of 2011 on Disaster Management if governed by the Fundamental Law and by a government decree at the third level.

According to the definition provided by the Act on Disaster Management, there are three main types of disasters. They are as follows: natural disasters, threats posed by nature (floods, inland inundations, continuous snowfalls lasting for several days, other extreme weather conditions and geological threats), industrial disasters (substances and waste, accidental spillage of radioactive material and radiation production) and threats of other nature (human epidemic, threat of an epidemic, animal epidemic, drinking water contamination, air pollution, operation failures in critical infrastructures). The literature also distinguishes three types of disasters, which are as follows: natural disasters, man-made disasters and other disasters.<sup>6</sup>

One of the reasons for distinguishing different types of disasters is that risk management should be carried out to prevent disasters. In the period between 2014 and 2020 a prerequisite for the effective and efficient use of EU development funds was to carry out a risk assessment. Risk assessments are also provided for in the sectoral legislation itself. The Article 52 (i) of the Act CXXVIII of 2011 on Disaster Management stipulates that the civil protection is responsible for measuring the risk of exposure based on risks assessments. The Implementing Regulation of the Disaster Management Act, the Decree No.234 of 2011 of the Government defines the risk assessment as a broader concept and the related risk assessment. According to the Decree, risk assessment is an overall process of risk identification, risk analysis and risk evaluation. Risk evaluation is the procedure that uses the results of a risk analysis to determine the level of risk of a given hazard to a particular settlement.<sup>7</sup>

Also, the State Audit Office of Hungary dealt with risk evaluation in its 2016 analysis. The report concluded that based on the guidelines stipulated in the Government Decree, a regular risk assessment of the settlements and their ranking had started, which was due in the first half of 2012.<sup>8</sup> The new risk management system maps the severity/likelihood of risks in their own specificity identified by the government at the municipal level. As a first step, the risk assessment of the settlements was carried out. Following the risk assessment procedure – as opposed to previous procedures – all the settlements (including the metropolitan districts) were ranked into groups. The mayor of the settlement – as a new rule: in collaboration with the Hungarian National Organisation for Rescue Services – carries out a risk assessment every year and recommends the county defence committees (hereinafter referred to as MVB) which group to rank the settlement into. The ranking is annually reviewed, taking into account the experience of disaster situations, inspections and practice. However, the ranking of the settlements into groups is generally not significantly modified if the number of settlements is considered.<sup>9</sup>

At the end of 2012 the EU Member States requested the European Commission to consider national risk assessments and to provide a comprehensive cross-sectoral report on major natural and man-made risks that the European Union may face in the future and – where possible and relevant – take into account the future impacts of climate change and the need to adapt to this change. Also, they asked the EC to identify

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<sup>6</sup> Schweickhardt 2018, 14.

<sup>7</sup> 234/2011. (XI.10.) Governmental decree § 1, points 17 and 20.

<sup>8</sup> Analysis on the functioning of the national disaster management system-SAO report, Report of the State Audit Office of Hungary, Budapest, 2016, 15.

<sup>9</sup> Ibid.

the risks or the types of risks, which according to the report, affect several Member States or regions of different member States in the same way. EU guidelines focus on national risk assessment and analysis methods for prevention, preparedness and planning.<sup>10</sup>

International documents show that the short-term objective of the European Union is to improve the coherence between risk assessments carried out in Hungary and in the Member States in prevention, preparedness and planning phases. In the short term, the risk assessment performed according to the same set of criteria also contributes to better comparability of Member States' reports. Using coherent and comparable methods can help develop a common approach to the risks that Member States and the EU may face, and facilitate cooperation in efforts to prevent and mitigate common risks such as cross-border risks. By establishing common terminology and developing common concepts, the objective of consistency and comparability can be greatly accelerated. The long-term objective of the report is to identify future impacts of climate change, taking into account the potential risks of adaptation and the necessary steps to be taken. Another important aspect is the development of a common procedure for identifying risks or types of risks affecting Member States or regions of different Member States, which can improve the effectiveness of disaster management.<sup>11</sup> Although it does not state in a generic way the duty of cooperation of stakeholders involved in disaster management activities, the regulation assigned to certain legal entities and authorities names the obligation of concrete cooperation. In the field of disaster management, the obligation is with entities in the prevention, protection and recovery phases.

Prevention is a complex set of tasks that includes technical, organisational and legal tasks. The Article 3 (16) of Act CXXVIII of 2011 on Disaster Management defines prevention as follows: "Prevention: the application of any act or regulation which eliminates or minimizes the causes of a disaster shall minimize the likelihood of such damage occurring." Prevention summarises the preventive activities of the disaster management professional units. Disaster prevention in different areas differs in nature. Different areas have different regulations. So do task systems. A common concept in all three areas is the need to access emerging threats based on a risk analysis and to take appropriate actions. The preventive tasks have a different weight in technical, legal and organisational tasks. There are several technical and legal requirements in the field of industrial security. In fire protection all three tasks have almost equal weight, whereas in the system of civil protection tasks, technical and organisational tasks predominate. The activities in the fire protection task system are specified in the Act XXXI of 1996 on Fire Protection, Technical Rescue and Fire Brigades (Fire Protection Act). "Fire prevention: a system of fire protection laws, standards, regulatory requirements for the prevention and prevention of the spread of fires and the provision of essential conditions for extinguishing, and the enforcement."<sup>12</sup>

In the field of fire protection, the building permit authority system prevails in the preventive task system and other areas also target prevention. Several legal acts regulate

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<sup>10</sup> Report on Hungary's national disaster risk assessment methodology and its results, 2014, Budapest, <https://www.kormany.hu/download/1/43/00000/tervezet.pdf>

<sup>11</sup> Ibid.

<sup>12</sup> Article 4 (c) the Act XXXI of 1996 on Fire Protection, Technical Rescue and Fire Brigades.

specific elements of the fire prevention task system. They are as follows: regulatory requirements related to service provision, market surveillance activities, building regulations, etc. The legislation related to fire protection and its implementation regulates professional activities of fire protection. In the field of industrial safety, the Act on Disaster Management forms the legislative basis for prevention of accidents and defines general tasks. The concept of industrial safety regulates prevention by defining the main parts of industrial safety, which considers a high level of protection to be the basis for prevention:<sup>13</sup> It means any threat source (plants), specific legal, institutional and task processes, procedures, a system of instruments and methodology, which are applied in performing operation, control and municipal tasks relating to protection against major accidents involving dangerous substances, the protection of shipments containing dangerous goods, prevention of nuclear accidents and the protection of critical systems and installations and which provide a high level of protection of the life and health of the population, the environment and the material assets necessary for the maintenance of life. Chapter IV of the Disaster Management Act regulates defence provision against serious accidents involving hazardous substances. Prevention tasks also play a significant role in this. Legal regimes clearly specify what criteria hazardous plants must comply with in order to start up, operate safely and what licensing and control procedures must be followed. In order to prevent damage to the health of the population, the process of preparing the operator's and mayor's defence plan is also defined. If the case of shipments containing dangerous goods, prevention is primarily achieved through control activities. As for critical elements, authorisation and control tasks are preventive. Preventive tasks in the system of civil protection tasks require close cooperation between the state, the local government and the population. The state is responsible for establishing appropriate bodies, creating appropriate legislation, providing funding, and making local governments implement the tasks assigned to them, which is achieved through the individual responsibility of the settlement mayor with a voluntary, compulsory and effective involvement of citizens. The prevention system involves planning and organisational tasks.<sup>14</sup>

In disaster management the application of the civil protection task system prevails. The fire departments perform only primary intervention and damage reduction tasks. Disaster relief is usually a longer and more complex task, so other organisational solutions need to be applied. This is the civil defence task system.

The classic disaster management task system addressed only prevention and protection, but did not deal with recovery activities. Recovery is also a complex and coordinated task that involves activities of several organisations. The state, local governments, professional disaster management organisations and businesses jointly participate in recovery activities. Not only does this task mean an effective reconstruction effort itself, but also the potential for prevention. For example, a high-risk flood area may affect families who live there. Restoration activities may include offering families new housing and building new houses in the course of restoration. In this way, the lives and properties of families leaving the stricken area are rescued to safe locations and the losses suffered because of the temporal flood do not need to be

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<sup>13</sup> Mélypataki 2017, 368.

<sup>14</sup> Schweickhardt 2018, 23–25.

compensated. The definition force majeure finds its origin in ancient Roman legislation and indicates external, unpredictable, irresistible event that prevented parties from fulfilling their contractual obligations. The presence of three cumulative conditions is necessary to qualify an event as force majeure. They are as follows: irresistibility, unforeseeability and non-imputability. The force majeure framework is intended for events that cause damage and the costs of defense and restoration are provided by the state as determined by law. In cases of disaster, the force majeure framework shall be used in accordance with specific rules and through the professional disaster control task system.<sup>15</sup>

This paper has already covered civil protection activities in the context of risk assessment. However, the legislation related to these activities needs further elaboration. The Article XXXI of the Fundamental Law stipulates the defence of the country in a broader sense, and the performance of military service of citizens, performing work for national defence purposes and civil defence obligations: (1) All Hungarian citizens shall be obliged to defend the country. (2) Hungary shall maintain a volunteer reserve system for national defence purposes. (3) During a state of national crisis, or if the National Assembly decides so in a state of preventive defence, adult male Hungarian citizens with domicile in Hungary shall perform military service. If military service involving the use of arms cannot be reconciled with the conscientious belief of the person obliged to perform military service, he shall perform unarmed service. The forms and detailed rules of the performance of military service shall be laid down in a cardinal Act. (4) For the duration of a state of national crisis, adult Hungarian citizens with domicile in Hungary may be ordered to perform work for national defence purposes, as provided for by a cardinal Act. (5) For adult Hungarian citizens with domicile in Hungary, a civil defence obligation may be prescribed in the interest of performing national defence and disaster management tasks, as provided for by a cardinal Act. (6) In the interest of performing national defence and disaster management tasks, everyone may be ordered to provide economic and material services, as provided for by a cardinal Act.<sup>16</sup>

The Fundamental Law does not provide more detailed rules on civil protection. However, the sectoral legislation helps define the concept. The Article 3 (20) of the Act CXXVIII of 2011 on Disaster Management and on the amendment of individual related acts provides the definition of civil protections. This is as follows: Civil protection: a system of tasks, tools and measures for the whole society which are used in the event of disasters or armed conflicts to protect the lives of the civil population, to train the population to overcome these effects and to create the conditions for survival. Main tasks of civil protection are as follows: (a) training of the population for influential norms of conduct during the period of protection; (b) establishment and preparation of civil protection organisations, providing assets for operation; (c) warning, information and alert systems; (d) provision of individual safety equipment; (e) maintenance of defence structures; (f) evacuation, resettlement and reception of the population; (g) protection of the necessary assets of subsistence (in particular water, food, stock of medicines, livestock) and defence of critical infrastructure; (h) damage

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<sup>15</sup> Schweickhardt 2018, 26–27.

<sup>16</sup> Gáva, Smuk & Téglási 2017, 29–30.

site assessment, rescue, first aid, containment, disinfection, temporary reconstruction, urgent disposal of the dead; (i) assessment of threats to settlements based on risk assessment; (j) threat-recovery planning and organisation; (k) cooperation in the air alert system of the population, protection of cultural heritage, prevention of water damage, accommodation and provision of refugees, fire fighting, and tasks related to international agreements, such as information and mutual assistance; (l) provision of temporary public service to prevent damage to human life, health and property in the event of disruption of public service.<sup>17</sup>

The above tasks show that civil protection is an ongoing activity and can be experienced in everyday life. However, situations with a severe impact may occur when rules other than the general ones have to be applied. During this period the Fundamental Law stipulates to apply exceptional rules (in such cases civil protection is given priority, which is investigated in this paper). The Articles 48-53 of the Fundamental Law describes conditions related to special legal order. the Special legal order is applied in the following real-life situations: (a) state of national crisis; (b) state of emergency; (c) state of preventive defence; (d) state of terrorist threat; (e) unexpected attack; (f) state of danger.

### 3. Occupational safety

Legislation on health and occupational safety at work is very similar to the legislation on disaster management. The provisions of the Fundamental Law are the highest legal norms. Sectoral regulations, the Act on Labour Safety, detailed regulations and decrees implementing the act and a number of government and ministerial regulations and decrees being effective since the political transition regulate occupational safety at work (Although safety-related and health-related rights and regulations can be set out in national and international standards and other non-legal documents, they are not particularly relevant to the subject).

The Fundamental Law of Hungary, Act XCIII of 1993 on Labour Safety and Act LXXV of 2000 all impose obligation on Hungary to define long-term tasks related to occupational safety and health, and – in consultation with groups representing both the employees and employers’ interests – to establish national policies for the preservation of capacity to work, to ensure occupational safety and regulate the working environment. The Communication of the European Commission and the WHO Global Action Plan provides guidance on this process. The National Occupational Safety and Health Policy (NOSHIP) sets out occupational safety and health priorities in Hungary for the period of 2016-2022, which are in line with the current 2014-2020 EU strategy for health and safety at work and to be followed by all Member States. The explicit objective of defining NOSHIP priorities is that their developed practices<sup>18</sup> shall contribute to further developing occupational safety, preserving workers’ ability to work, maintaining safety and health standards and increasing the number of years in workers’ lifetime. Providing appropriate working conditions is indispensable in order to maintain the maximum productivity of the labour force. Recognition and effective

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<sup>17</sup> Schweickhardt 2018, 26

<sup>18</sup> Preamble of Act XCIII of 1993 on Labour Safety. See furthermore: Jakab 2016; Mélypataki 2017; Mádi 2016; Jakab & Mélypataki 2013; Jakab 2013, 93–135.



management of risks resulting from conventional (classical) hazards as well as new and emerging risks must also be considered. The nature of occupational diseases is constantly changing. Scientific and technical development and social changes relating to globalisation may exacerbate existing risks and result in the appearance of new ones.<sup>19</sup>

Article XX of the Fundamental Law quarantines the right to health. Paragraph (1) stipulates that 'Everyone shall have the right to physical and mental health.' According to paragraph (2) 'Hungary shall promote the effective application of the right referred to in paragraph (1) through agriculture free of genetically modified organisms, by ensuring access to healthy food and drinking water, by organising safety at work and healthcare provision and by supporting sports and regular physical exercise as well as by ensuring the protection of the environment.' According to the Fundamental Law, the right to health means the right to physical and mental health. Also, the Fundamental Law stipulates that the right to health is a right for everyone. The former Constitution identified the institutions of labour safety and health care, the organisation of medical care, the opportunities for regular physical activities and the protection of the urban and natural environment as institutional quarantines for implementing this right. In its practice the Constitutional Court of Hungary does not recognise health as a fundamental right of citizens. It considers the right to health to be a constitutional right that creates several legislative obligations for the implementation of this right.<sup>20</sup>

Surprisingly, the issue of what the right to health means has received little academic attention both before and after the entry into force of the Fundamental Law.<sup>21</sup> In one of his reports, the Ombudsman highlighted the relationships between the right to health and the disaster management legislation: If the above purchases, development and maintenance activities are not accomplished, professional operating conditions may be endangered. This in turn directly threatens the right to life and has detrimental effect on physical integrity of both firefighters working in the primary disaster-affected areas and residents living in these areas. This right is stipulated in Article 54(1). The right to highest possible level of mental and physical health as regulated in Article 70/D (1), (2) of the Constitution is also endangered. The right of citizens to property as stipulated in Article 13 (1) of the Constitution is also explicitly threatened. In addition, neither does the State fully comply with its objective obligation to protect fundamental rights as laid down in Article 8 (1) of the Constitution.<sup>22</sup>

Within the meaning of Article II of the Fundamental Law 'Human dignity shall be inviolable. Every human being shall have the right to life and human dignity; the life of the foetus shall be protected from the moment of conception.' Extensive Hungarian legal literature – in addition to human dignity – has examined the issues related to death penalty, euthanasia, abortion and foetus protection when fundamental rights are investigated. The purpose of the present study is to investigate the relationship between the right to live and the right to health because both disaster incidents and occupational accidents – as mentioned above – affect entities' health or even result in the loss of

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<sup>19</sup> National Occupational Safety and Health Policy 2016-2022.

<sup>20</sup> Balogh, Hajas & Schanda 2014, 20.

<sup>21</sup> Jakab ed. 2009, 2576.; Lamm ed. 2018, 94.

<sup>22</sup> National Office for Judiciary (OBH) 3182/2003.

their lives. No single study exists in the Hungarian literature which has attempted to investigate the relationship between the two rights.

First, this study provides a definition of occupational safety as it was done when the disaster management was investigated. The Parliament adopted Act XCIII of 1993 on Labour Safety. Its Section 1 (1) defines labour safety as "the entirety of requirements pertaining to occupational safety and occupational health within the framework of organized employment along with the system of legal, organizational and institutional regulations for the implementation of the objectives of this Act, and the execution thereof. Occupational health is concerned with hygiene and health at work."

In the Fundamental Principles, this Act on Labour Safety determines obligations of the state, employers, employees and other entities, which are as follows: (a) In agreement with employer and employee interest representation organizations, the State shall define the basic occupational safety and health requirements, as well as the institutions for the control and supervision of such, and shall enact a national policy for the protection of health hand working ability, labour safety and the work environment, the implementation of which it shall periodically review and inspect. (b) Implementation of occupational safety and occupational health requirements shall be the duty and obligation of employers. The responsibilities of the employees concerned with labour safety shall have no effect on the employers' obligation. The costs and other responsibilities associated with this obligation must not be devolved upon the employees. (c) Employers shall define the manner of implementation of occupational safety and health requirements within the framework of legal regulations and applicable standards. (d) Employers shall be liable to provide the opportunity to all employees to become familiar with the relevant regulations pertaining to occupational safety and health in the language they understand. (e) The State shall promote and supervise the enforcement of the regulations pertaining to occupational safety and health by way of the supervisory bodies established for this purpose. (f) Regulations pertaining to occupational safety and health shall be defined in such a way that such requirements provide adequate protection to employees, as well as to other persons in the proximity of the area where the work is performed, and to persons using the services. Work equipment shall be designed so as to preclude as much as possible the eventuality of accidents and health injury when used properly outside of the framework of organized employment. (g) The state guarantees to provide for the reconciliation of interests related to occupational safety, as well as for the protection of the occupational safety interests of employees, defining the rights and obligations of the representatives of occupational safety, without prejudice to the rights of employees' interest representation organizations related to occupational safety which are regulated in other legal regulations, particularly in Act I of 2012 on the Labour Code (herein after referred to as 'Labour Code'), and in the acts on public service officials, State officials and on the legal status of public servants. (h) Employers and employees, as well as State bodies shall cooperate in the course of exercising the rights and fulfilling the obligations set forth in this Act and in respect of other regulations pertaining to occupational safety and health. (i) The protection of data (personal, special and public data, classified information, industrial and business secrets) shall be provided as consistent with the relevant legal regulations during the course of any and all proceedings related to occupational safety. This Act on Labour Safety clearly reveals

that the state imposes major legal obligations on legal entities (primarily on employers), but leaves the employer free to define the way in which the obligation is performed and entrusts the state bodies the task of supervision the compliance with the rules.<sup>23</sup> Employers' responsibility for safety at work is objective (more objective than that) and cannot be compared to the employers' liabilities for damages, misconduct and criminal liability under labour law. A very important Fundamental Principle is the obligation of legal entities to cooperate. All legal entities are obliged to cooperate in exercising their rights and performing their obligations, which cannot remain at the level of generality, but it contains different specific content in each life situation.

Similar to disaster management, risk assessment is also conducted in occupational safety as one of the preventive elements of occupational safety activities. Employers must perform a risk assessment in which employees' health and safety is assessed qualitatively or, where appropriate, quantitatively with special attention to work equipment, dangerous substances and dangerous mixtures as well as physical or mental strain to which the workers may be exposed. In the course of risk assessment procedures, employers identify potential harmful effects (sources of danger, emergencies), the people exposed to such effects, and estimate the degree of danger and vulnerability (accident, health impairment).<sup>24</sup> The risk assessment shall provide for the evaluation of the level of exposure through the inspection of occupational hygiene relating to the permissible limits of etiological factors at work. Employers are required to carry out risk assessment, risk management and the definition of preventive measures before taking up the pursuit of activities, and any time after that in duly justified cases, at least once in every three years. Employers shall be required to keep the risk assessment reports for the period specified in specific other legislation, for no less than five years.

#### 4. Conclusions

This study investigated the concepts of disaster management and occupational safety in international and national legislation. Also, the present study analysed the rules of the two areas and explored their internal aspects. The primary aim of the study was to prove the assumption that there is a relationship between disaster management and occupational safety. The findings show that there is a relationship between the two areas. The right to live and the right to health as fundamental rights are key issues in both disaster management and occupational safety. Because of fundamental right regulations, a complex system of obligations of primarily the state, then different public bodies and other entities is of major importance in both areas. An obligation of closely coordinated cooperation between the state, public bodies and other entities is a flagship task in both areas. Neither disaster management nor occupational safety can work effectively and efficiently without an active participation of stakeholders. Prevention is mandatory in both areas since a meaningful risk assessment can prevent a large number of disaster incidents and occupational accidents both in disaster management and occupational safety.

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<sup>23</sup> Article 2–8 of Act on Labour Safety.

<sup>24</sup> Mélypataki 2019, 87–94.

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