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PROBLEMS OF CREATING SAFE WORKING CONDITIONS DURING WAR

Abstract: The hospitality industry is a multi-billion dollar industry that serves millions of people worldwide. The hotel and restaurant sector is a very important source of employment for citizens of Ukraine. This sector provides a significant part of the need for jobs.

The working environment is a combination of three main sub-environments: technical, human and organizational. These include: accessibility to any health support system in the workplace, such as water, disinfectants, uniforms, tools, equipment, technological equipment, efficient and aesthetically designed work environment, space, atmosphere, lighting and ventilation. Human work environment factors such as help and support from staff, cooperation between staff and willingness of management to listen to employee concerns.

The basis of a healthy working atmosphere for employees is safe working conditions, honest treatment and respect of the management for the staff. The desire of employers to get more profit in the service sector should be compensated by concern for the state of physical and psychological health of employees. The management's task is to minimize the probability of injury or illness of the employee while providing the most comfortable conditions possible with maximum work productivity. The health and safety of citizens is the value of the Ukrainian nation, therefore the state develops and implements regulatory documents aimed at protecting the labor of Ukrainians. But the formation of safe working conditions and the preservation of the personnel's ability to work also depends on compliance with the requirements of legislation at workplaces and on conscientious control by employers.



Safe working conditions in the hotel and restaurant industry are such conditions, under which employees work according to a comfortable work schedule; in favorable microclimate and sanitary conditions; their lives are not threatened by faulty devices and mechanisms, and during the performance of functional duties they have means of protection against damage (mechanical, chemical, thermal, etc.); the implementation of labor activities takes place in the absence of damage by weapons and anthropogenic danger, as well as in favorable aesthetic conditions with the preservation of the mental health of employees.

Keywords: hotel and restaurant establishments, labor protection, working conditions, hospitality, health, safety, working capacity.

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ПРОБЛЕМИ ФОРМУВАННЯ БЕЗПЕЧНИХ УМОВ ПРАЦІ В ПЕРІОД ВІЙНИ

Анотація. Індустрія гостинності – це багатомільярдна індустрія, яка обслуговує мільйони людей у всьому світі. Сектор готелів і ресторанів є дуже важливим джерелом зайнятості для громадян України. Цей сектор забезпечує значну частину потреби робочих місць.

Робоче середовище це сукупність трьох основних субсередовищ: технічного, людського та організаційного. До них належить: доступність до будь-якої системи підтримки охорони здоров'я на робочому місці, такі як вода, засоби дезінфекції, уніформа, інструменти, обладнання, технологічне оснащення, ефективне та естетично оформлене робоче середовище, простір, атмосфера, освітлення та вентиляція. Фактори людського робочого середовища, такі як допомога та підтримка з боку персоналу, співпраця між персоналом і готовність керівництва чути проблеми співробітників.

Основа здорової робочої атмосфери для працівників заключається у безпечних умовах праці, чесному ставлення і повазі керівництва до персоналу. Прагнення роботодавців отримати більший прибуток у сфері обслуговування повинно компенсуватися турботою про стан фізичного та психологічного

здоров'я працівників. Завдання керівництва звести до мінімуму ймовірність ураження чи захворювання працівника з одночасним забезпеченням якомога більш комфортних умов із максимальною продуктивністю праці. Здоров'я та безпека громадян є цінністю української нації, тому державою розробляються та впроваджуються нормативні документи спрямовані на охорону праці українців. Але формування безпечних умов праці та збереження працездатності персоналу залежить також від дотримання вимог законодавства на робочих місцях та від сумлінного контролю з боку роботодавців.

Безпечними умовами праці у закладах готельно-ресторанного господарства є такі умови, за яких працівники працюють за комфортним графіком роботи; у сприятливих умовах мікроклімату та санітарних умов; їх життю не загрожують несправні пристрої та механізми, а під час виконання функціональних обов'язків вони мають засоби захисту від пошкоджень (механічних, хімічних, термічних і т.п.); здійснення трудової діяльності відбувається за відсутності ураження зброєю та антропогенної небезпеки, а також у сприятливих естетичних умовах із збереженням ментального здоров'я працівників.

Ключові слова: заклади готельно-ресторанного господарства, охорона праці, умови праці, сфера гостинності, здоров'я, безпека, працездатність.

Formulation of the problem. The desire of employers to get more profit in the service sector should be compensated by concern for the state of physical and psychological health of employees. Customer service personnel must show concern for the comfort and safety of guests. On the other hand, it is difficult to be attentive to the needs and moods of others, if one's own requirements for working conditions and life activities do not meet the requirements of occupational health and safety. The epidemic of COVID-19 has dealt a significant blow to the health of the global population, dealt an economic blow to business activity. However, the war in Ukraine exacerbated not only economic problems, but also caused changes in the working conditions and lifestyle of employees of the hospitality industry. The approaches that were considered by scientists on the issues of labor protection and life safety in peacetime are losing relevance and need to be revised.

Analysis of recent research and publications. I. S. Sakharuk [9], O. V. Shramko [12], and O. A. Yakovlev [13] described the legal principles of safe and healthy working conditions in their works. In their research, scientists A.M. Kudryavitska, L.E. Piskunova [7], and K.M. Sokol [10] raised the issue of occupational health and safety of service personnel in the hospitality industry. The directions of the rational organization of work in the hotel and restaurant industry were studied by O. O. Falchenko, I. A. Yuryeva, and N. M. Poberezhna [11], V. V. Domantovych, V. Ya. Kiyan devoted their work to the peculiarities of the legal

regime of working hours [3], Legal regulation of working time in the European Union was studied by RYM O. M. [8]. The use of innovative technologies to ensure labor safety was studied by O.V. Krayniuk, Yu.V. Buts, V.V. Barbashyn, and O.V. Severinov. [6]. However, in our opinion, the issue of creating safe working conditions for the personnel of the hospitality industry in the conditions of war has not been sufficiently reflected in the works of scientists, so they require a detailed study for their objective assessment.

The purpose of the article is to assess the working conditions of hospitality industry personnel during the period of martial law.

Presenting main material. State standard DSTU 2293-93 "Labor protection. Terms and definitions" states that labor protection is a system of legislative acts, socio-economic, organizational, technical and medical and preventive measures and means that guarantee safety, preservation of health and working capacity of a person in the process of work.

There are no completely safe and harmless productions. Real production conditions are characterized by the presence of certain dangerous and harmful production factors. The task of the occupational health and safety system is to minimize the probability of injury or illness to an employee while simultaneously providing the most comfortable conditions possible with maximum work productivity, as well as the formation of employees, including law enforcement agencies, knowledge and skills that contribute to guaranteeing occupational safety, protecting their own lives and health, life and health of subordinates and people nearby.

The health and safety of citizens is the value of the Ukrainian nation, therefore the state develops and implements regulatory documents aimed at protecting the labor of Ukrainians. But the formation of safe working conditions and the preservation of the personnel's ability to work also depends on compliance with the requirements of legislation at workplaces and on conscientious control by employers. In our opinion, safe working conditions in the hotel and restaurant industry are those conditions under which employees work according to a comfortable work schedule; in favorable microclimate and sanitary conditions; their lives are not threatened by faulty devices and mechanisms, and during the performance of functional duties they have means of protection against damage (mechanical, chemical, thermal, etc.); the implementation of labor activities takes place in the absence of damage by weapons and anthropogenic danger, as well as in favorable aesthetic conditions with the preservation of the mental health of employees.

We have made an attempt to assess the working conditions of employees of the hospitality industry in the city of Uman, Cherkasy region, and to determine the level of their safety. Eleven hotel and restaurant establishments in the city of Uman

were investigated, during the inspection of which we found out that the total number of employees in the establishments we selected is 223 people. Among them, there are 87 employees aged 18-30; 30-40 years old 42 people; 40-50 years old 59 people; 50-60 years old, 35 people. There are 156 women, which is 70% of the total number. In all the institutions we studied, the number of staff did not exceed 50 people. After communicating with the staff, we found out that in all the investigated institutions, the employees are quite satisfied with the arrangement of workplaces. However, they expressed a desire to update the color decoration of the working area, or to make a 10% rearrangement. Dissatisfied with the temperature regime in the premises 6%. 15% of respondents believe that the working area in which they work is not spacious enough. 64% of the surveyed employees feel discomfort and cannot feel free at the workplace due to the installed video surveillance.

In the event of a missile hazard, employees must go to the shelter after inviting hotel residents there. However, most institutions do not have a shelter in their structure. Elementary premises that could be used as shelters are located more than 100 meters from most hotels and restaurants.

Evaluating the contribution of hotel owners to the training of employees to work in the institution, we found out that 63% of respondents paid for a medical examination themselves during employment. After they began to perform their functional duties, the money paid by them for the medical examination was not returned by the employer. 78% of the interviewees passed introductory and initial training on work with magazine design. Often, for persons performing temporary work in hotel enterprises, safety training is not carried out, justifying this by the fact that such workers are not included in the institution's staff. Such an opinion is wrong, because, according to the law, any person who works, even for a short time at the enterprise, whether it is a hired employee, or is registered under a contract, or is employed with the registration of an employment book, must conduct and issue briefings.

87% of the technical staff and 3% of the administrative staff noted that they were provided with uniforms. We found out the absence of a trade union committee in hospitality establishments. Employees attribute this to the small number of employees in the institutions, as well as the fact that in a small team everyone knows each other well and tries to support each other, both morally and financially, in case of need.

In order to improve the motivation of the staff in observing safe working conditions and avoiding injuries - 3% of employees from 223 noted that they received monetary bonuses in the amount of UAH 50-150 for observing labor protection norms. Another 5% received diplomas. However, 80% of employees noted that they work more than 12 hours per shift. And they expressed a desire to have more time for rest. Among the respondents, 71% admitted that they feel

depressed and lose faith in a better future. Many people feel the urge to sleep after a long night of air alarms. Some feel constant anxiety for their loved ones, because while they are at work, their children or elderly parents need attention and care. Almost all interviewees have husbands or close friends at the front. All 223 persons admitted that immediately after waking up or before going to sleep, they monitor news from the front and monitor the situation in the country on social networks.

When surveying employees about sanitary and hygienic working conditions, 97% expressed satisfaction. Provision of masks and liquid for hand disinfection was noted by 100% of respondents, but 88% admitted that they attend work with signs of a cold. Taking into account that 70% of the respondents are women, the involvement of women in night work takes place.

In turbulent times of military aggression, all employees understand the need for knowledge of the basics of providing first aid. Only 2% of employees received such knowledge from employees of the local Red Cross body at the expense of the employer in 2023. 1% received such knowledge with their own funds. According to employees, in some institutions, administrators periodically conduct briefings and remind employees of the algorithms of actions in case of emergency situations. Workers also see videos demonstrating first aid to victims in the media and social networks. However, workers note that watching a video or a picture and directly performing actions to save a victim are different things. Most are convinced that practical skills are more useful than watching videos. 90% of respondents expressed their desire to study for free. No one was willing to pay UAH 600 for first aid courses and receive a certificate.

While visiting hotel establishments in the city of Uman, we found out that all enterprises have a scheme for evacuating people from the building in case of fire and fire hydrants. However, wall cabinets in which fire hydrants are stored are, in most cases, locked. The key that opens the cabinet must be kept under the glass window on the cabinet door. In the event of a fire, the window glass must be broken and the door opened with a key. However, we noted the absence of such keys behind the glass. Sometimes, near the window there was a note with information that the key is with the person in charge and his phone number. Also, the fire hoses were not connected to the cranes, which is a violation of the norms. Evacuation plans were printed on A4 paper, which is too small a format. Such a plan can be carefully considered under calm and safe circumstances, but in conditions of danger, a small-scale drawing will not be perceived and help to find a way out of the room. "Emergency exit" signs were missing in some places. All establishments had fire extinguishers on each floor in the corridors with the appropriate expiry date. The disadvantage is that in some institutions, there was only one fire extinguisher in a corridor almost 20 meters long. We could not check the presence of fire extinguishers in the rooms due to the impossibility of getting to them. Not all

establishments had emergency exit doors open. In several establishments, the emergency exit signs were old-fashioned.

Evaluating the availability of respiratory protective equipment in hotels and restaurants, we found that 27% are equipped with gas masks, 54% with respirators, and 100% with disposable medical masks. 89% of employees know how to use fire extinguishers. The presence of damaged fire extinguishers recorded by us amounted to 2 pcs. The cause of the damage was a broken plastic nozzle for spraying the extinguishing mixture. Availability of timely maintenance of fire extinguishers according to the plan was 100% among the studied hospitality establishments. However, we recorded cases of violation of fire extinguisher storage conditions. We found several of them at floor level, leaning against the wall due to the lack of special fasteners, and a few more in rooms with low temperature and high humidity. As it turned out, training on the rules for using fire extinguishers was conducted even before the war in 2021. In the investigated institutions, the availability of timely documentation on the operation of fire extinguishers (act of acceptance of fire extinguishers after technical maintenance of fire extinguishers with signatures of authorized persons and a seal) scale 80%.

In several establishments, there are no signs about the prohibition of smoking, as well as specially designated places for smoking with high-quality hoods.

97% of establishments have a fire alarm system. On the other hand, only 2% have a fire extinguishing system. One of the shortcomings found in hotel establishments in Uman is surface finishing materials of suspicious origin. If the fire resistance of finishing materials causes doubts and mistrust among fire inspectors, then they can be considered potentially dangerous.

There are often reports in the mass media about the illegal possession of weapons or explosives by the civilian population, or by the military bringing them home. So that such objects do not end up in hotel rooms and cause an explosion, the hotel administration must ensure proper control over the personal luggage of visitors. The hotel staff should be well aware of the algorithm of actions in case of detection of suspicious objects or persons causing mistrust [1, 2]. In the investigated institutions, 64% of households have video surveillance of the surrounding area, the entrance to the institution, and a surveillance system on the floors. The presence of a system for notifying hotel residents and staff about an air alarm has been recorded by us in all establishments.

The main task of labor protection is to preserve the state of health and working capacity of employees. It is important to create conditions for the safe performance of labor duties, which includes not only the material means of work, but also the moral circumstances of the implementation of labor processes. Commonly known concepts of comfortable working conditions include optimal temperature of working premises, humidity, speed of air movement, intensity of light, availability of means

to protect respiratory organs, eyes and body from the negative impact of negative factors. It is important to maintain the activity of the employee, both mentally and physically. For the effective implementation of production processes, the mood of the employee and his desire to perform the work are important. Therefore, we consider the consideration of the psychological impact on the state of service personnel of hospitality establishments to be one of the important indicators of the formation of safe working conditions.

According to Article 43 of the Constitution of Ukraine [9], everyone has the right to proper, safe, healthy working conditions and wages not lower than those determined by law. However, the aggression of the neighboring Russian state affected the generally accepted conditions of work and existence. Therefore, the legislative bodies of Ukraine introduced changes in several normative acts regulating the relations between employees and employers, as well as controlling units on labor protection issues.

According to the amendments, in the conditions of martial law, employers have the right to limit the rights of employees specified in Article 43 of the Constitution of Ukraine. An example of such changes is the procedure for registering an employee for work. According to the Law of Ukraine "On the Organization of Labor Relations in Martial Law" dated March 15, 2022 No. 2136-IX, during hostilities, the employer has the right to allow an employee to work without a written employment contract. If the employee does not go to work, the employer can enter into a written employment contract with another employee for the period of absence of the first employee. Also, the employer will have the right to dismiss the employee without giving him two months' prior written warning, or to dismiss the employee without his consent. The employer has the right to dismiss the employee even during vacation or sick leave. The duration of working hours of employees can be increased to 60 hours per week. Instead of a five-day work week, the employer has the right to introduce a six-day work schedule. However, along with this, the number of continuous hours for rest should not be less than 24 hours per week. The minimum number of vacation days must be 24 calendar days. However, if an employee works in a critical infrastructure, the employer may deny him leave in order to prevent emergency situations. An example of such cases is the Zaporizhzhya NPP workers, when as a result of the occupation, the staff had to work without shifts and rest in order to prevent disruptions to the plant's operation.

During the period of martial law, the norms of Article 53 (duration of work on the eve of holidays, non-working days and weekends), part one of Article 65, parts three to five of Article 67 and articles 71, 73, 781 (holidays and non-working days) of the Code of Labor Laws do not apply of Ukraine, hereinafter KZpP [4]. This means that due to the war, Ukrainians do not have the opportunity to celebrate traditional holidays with their relatives. All holidays turned into normal working

days. Such circumstances do not contribute to sufficient psychological relief of employees and moral support of family members. Psychologists and doctors state that the mental health of Ukrainians is deteriorating due to constant anxiety and tension.

During hostilities, a new type of calculation for work becomes the norm, when an employee who has not worked is not paid a salary. If, due to hostilities, the employer has lost the opportunity to pay the employee money for work, then such an employer is protected from the imposition of fines.

According to the third part of Article 119 of the Labor Code of Ukraine for employees called up for term military service, military service by conscription of officers, military service by conscription during mobilization, for a special period, military service by conscription of reservists in a special period or accepted for military service under a contract, including by concluding a new contract for military service, during the validity of the special period for the period until its end or until the day of actual release, the place of work and position at the enterprise, institution, organization, farm are kept , agricultural production cooperative, regardless of subordination and form of ownership, and at individual entrepreneurs, in which they worked at the time of the draft.

An innovation in the legislative acts is the addition to the list of accidents at work subject to investigation, such cases that occurred as a result of terrorist acts, actions of third parties, declared and undeclared war. However, the procedure for investigating accidents and accidents at work remained unchanged, as it was before the war.

When creating safe working conditions for hospitality personnel under martial law, there is a need to implement civil protection measures. Such measures include the organization of notifying the population about the danger of being hit by weapons, arranging shelters, organizing the evacuation of the population as needed, training in the provision of first aid. Employees of hotel and restaurant establishments need to know well the sequence of actions in emergency situations and clearly follow them when carrying out production processes. Arrangement of shelters must take into account the requirements of sanitation, hygiene, ergonomics and requirements of chemical, radiation, electrical and fire safety.

The performance of work duties during an air alert is regulated by Article 153 of the Labor Code. According to it, the employer has no right to demand from the employee the performance of work, which is clearly in danger to the employee's life, as well as in conditions that do not comply with the legislation on labor protection. An employee has the right to refuse to perform assigned work if a production situation has arisen that poses a danger to the life or health of such an employee or the people around him or the environment. Accordingly, a demand to continue working without moving to a safe environment (for example, shelter) is illegal and



the employee has the right to refuse to comply. An employee's absence from work during an alarm is not considered absenteeism. Absenteeism is the absence of an employee from work for more than 3 hours continuously or in total during the working day without valid reasons and without warning the employer (Part 4, Clause 1, Article 40 of the Labor Code). Current legislation does not include a list of reasons for absence from work that should be considered valid. In each individual case, their presence or absence is determined by the employer. The assessment of such reasons for respect should be based on the fact that these reasons must be significant, that is, those that prevent the return to work and cannot be eliminated by the employee himself. Each of these reasons must be duly substantiated by the employee. Absence from work due to the conduct of hostilities and related circumstances, including air raids, cannot be a reason for dismissal under Clause 4, Part 1 of Article 40 of the Labor Code of Ukraine for "absenteeism", because it is due to the need to preserve the life and health of employees and their families and is considered as absence from work for good reasons, in such a case, the employees retain their workplace and position. The absence of an employee from work during an air alert will be for valid reasons if:

- the time of the employee's absence from work coincides with the air alarm;
- if the "Authentic alarm" signal sounded while the employee was on his way to work (work-shelter-work);
- the employee reported the reason for the absence to the manager (if possible);
- the enterprise does not have a special shelter where an employee can work.

If an employee is in a shelter during an air raid and is unable to continue his work there, then, in accordance with Art. 113 of the Labor Code, for such an employee, a layoff must be issued due to an industrial situation that is dangerous to the life or health of the employee through no fault of his. In this case, the employee's average earnings will be kept. However, according to the labor contract, collective agreement or the employer's internal rules on labor remuneration, higher amounts of time off pay may be established - then the conditions established in these documents should be observed. However, if the employee is still able to perform his work tasks during his stay in the shelter, then there is no reason or need to introduce layoff, and payment of labor will be made on general grounds.

The employer is obliged to develop a response plan/instructions for the actions of personnel in the event of an air alarm and to inform personnel of the nearest shelter and the need for evacuation. All employees should be familiarized with the relevant instructions and regular reminders should be issued. If the employee refuses to familiarize himself with the specified instructions/requirements of the employer or refuses to comply with them, then such an employee may not be allowed to work on the employer's premises to ensure his safety and the safety of others.

Currently, there is no clear norm that would establish the employer's responsibility precisely for the fact that his employees continue to work during an

air raid. However, the employer's officials may be subject to administrative (according to Article 41 of the Labor Code of Ukraine - violation of labor protection legislation) and even criminal liability (according to Article 271 of the Labor Code - violation of the requirements of labor protection legislation) if the employer did not take measures to ensure the safety of employees , in particular response measures in the event of an air alarm, and this led to damage to the life and health of employees or other persons.

Resolution No. 248 of the Cabinet of Ministers of Ukraine dated March 24, 2021 amended Resolution No. 1200 of the Cabinet of Ministers of Ukraine dated August 19, 2002 "On approval of the Procedure for providing the population and employees of formations and specialized civil protection services with personal protective equipment, radiation and chemical intelligence devices , dosimetric and chemical control"

Conclusions. Creating safe working conditions during the war is a priority task for employers. The hospitality industry is an important component of the country's economy. Safe and comfortable working conditions of hotel and restaurant staff directly affect the quality of services provided. Modern circumstances encourage us to review concepts and approaches to the formation of safe working conditions in the field of hospitality. Considering the theoretical aspects of safe working conditions in the hotel and restaurant industry, we came to the conclusion that the safe working conditions in the hotel and restaurant industry are those conditions under which employees work according to a comfortable work schedule; in favorable microclimate and sanitary conditions; the implementation of labor activity occurs in the absence of damage by weapons and anthropogenic danger. The regulation of labor relations is adjusted by legislation in accordance with today's conditions and requires constant attention from employers.

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