

Mine and occupational safety at Ukrainian agricultural companies

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As the aggression of the Russian Federation continues, Ukraine's agricultural sector is facing unprecedented challenges, in particular due to the saturation of agricultural land with explosive devices. Among other things, this situation requires employing agricultural companies to take a rigorous and well-informed approach to occupational safety in a high mine risk environment.

Such an approach is based on Explosive Ordnance Risk Education (EORE), which is training on risks associated with explosive ordnance. Integration of such training methods into corporate occupational health and safety policies and the system of occupational health and safety documents will not only protect employees of Ukrainian agricultural companies, but also reduce the risks of management liability.

1. Legal regulation in Ukraine

The basis for legal regulation of occupational safety and health is the Labour Code of Ukraine and the Law of Ukraine "On Occupational Safety and Health". The Law of Ukraine "On Ensuring the Safety of Citizens in the Territories Affected by an Armed Conflict", as well as resolutions of the Ukrainian government and the Ministry of Social Policy, pay special attention to mine safety.

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It is also necessary to take into account international regulatory documents, in particular the Ottawa Treaty, as well as International Labour Organization Conventions No. 81, No. 129, No. 174, and No. 187. In addition, it is important to consider the methodologies of the Geneva International Centre for Humanitarian Demining, which establish detailed guidelines for the integrated management of explosive ordnance risk.

2. Employer's obligations in wartime realities

The realities of the war in Ukraine oblige employers not only to ensure general safety in the workplace, but also to counter specific threats related to mines and explosive hazards. Employers should, in particular:

- conduct a thorough risk assessment, with a particular focus on explosive hazards. This involves identifying potential mine-affected areas, categorising risk levels and implementing targeted mine safety measures;
- integrate EORE methodologies into the company's mine safety protocols to ensure that every employee is aware of and trained in hazard recognition, appropriate behaviour, and emergency response procedures;
- systematically ensure that detailed records of mine safety training sessions and accidents are maintained. These records serve as evidence of compliance with mine safety regulations and are an important tool for both continuous improvement and legal defence for the employer;
- actively cooperate with local authorities, such as the State Emergency Service (SES) and the Ministry of Internal Affairs, to ensure the safest routes for employees to travel. Confirming the safety of the chosen routes with the relevant authorities and ensuring that employees have reliable means of communication while travelling and working are important steps in mitigating risks;
- understand the specific threats posed by mines and explosive remnants of war, especially those hidden in agricultural fields. In particular, it is important to know the components of the munitions, the amount of explosives and the proximity to potential victims;
- plan appropriate mine safety measures that cover not only the immediate risks but also the long-term effects of exposure to mines and explosive remnants of war. Over time, these explosive remnants may lose their stability, making them even more dangerous.

In addition, employers are advised to review and adapt existing training programmes to the new reality, ensuring that all personnel, especially those involved in technological operations, are well aware of the dangers of mines and other remnants of war.

3. Employee's obligations in wartime realities

Employees working in areas contaminated by explosive ordnance must perform their duties with the utmost caution, understanding that violations of the rules or negligence can have serious legal and personal consequences.

In particular, employees must:

- have a thorough understanding of the explosive hazards inherent in ammunition, including the instantaneous pressure build-up during detonation, as well as the risk of shrapnel, thermal and impact injuries. Understanding these risks is the first step in planning and implementing appropriate mine safety measures;
- strictly adhere to designated safe routes, remaining vigilant for suspicious objects, especially if the area has previously been subject to hostilities;
- immediately notify the State Emergency Service and the police if any suspicious objects are found, ensuring a quick response to reduce potential risks;
- take an active part in mine safety training and drills to be aware of the best practices for travelling and working in mine-affected areas.

It should be remembered that failure to comply with the established mine safety protocols in circumstances where their violation may result in harm to the health of an employee or, even worse, the death of an employee, may be grounds for criminal liability.

4. Developing and implementing mine safety policies

Given the peculiarities of Ukraine's agricultural sector and the increased risks, it is necessary not only to adapt existing occupational safety and health documents, but also to develop new ones that take into account the unique conditions of wartime.

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The plan for their development and implementation should ensure the following:

- revision and update of existing documents. For this purpose, it is worth creating, for example, a checklist for conducting an occupational health and safety audit, which will be a starting point for checking the relevance of the existing documents;
- development of new instructions and programmes. Particular attention should be paid to the development of labour protection instructions that take into account the risks associated with mine threats;
- systematisation and registration of documentation. All instructions, training programmes, orders and other documents should be well organised and systematically recorded. Initial training logs, on-the-job training logs, etc. should be kept up to date and made accessible to employees;
- developing specialised evacuation programmes. An important aspect of mine safety policies is the development of clear and understandable evacuation plans and actions in the event of the discovery of explosive ordnance, as well as in the case of employee exposure to such ordnance. These programmes should include information on safe routes, assembly points and algorithms for communicating with emergency services;
- accessibility and proper understanding of mine safety policies. Every employee should understand their rights and responsibilities in the context of the mine threat. It is important to ensure that all mine safety instructions and policies are written in clear language and are easily accessible for reference and review;
- embedding a culture of mine safety at all levels of a Ukrainian enterprise. This can be achieved through regular meetings, seminars and other activities that promote understanding between employees, company management and mine risk educators;
- regular monitoring and evaluation of the effectiveness of the implemented measures. It is important to systematically evaluate the effectiveness of implemented occupational health and safety policies and procedures in the context of mine safety. This may include internal audits, employee surveys, and analysis of accident statistics to identify potential weaknesses and further improvements;
- establishment of feedback and consultation mechanisms. This may include anonymous surveys, dedicated suggestion boxes, and regular meetings. Feedback helps identify potential problems and develop effective strategies to address them;
- adaptation and improvement of regulatory documents. Based on the analysis of the state of occupational health and safety, feedback from employees and audit results, the regulations on the occupational health and safety management system, instructions and other regulatory documents should be regularly updated and refined. This will ensure that the documentation is in line with current mine safety conditions and requirements, and reduce the risk of holding Ukrainian agricultural companies' executives liable for occupational health and safety violations;

- use of innovative technologies to improve safety. Modern technologies can significantly increase the effectiveness of the labour protection system in the context of mine safety. This may include the use of mobile applications for quick notification of explosive ordnance detection, interactive maps of hazardous areas and safe routes of movement, emergency notification and call systems, remote learning through online platforms, and the use of drones to assess and monitor potentially hazardous areas;
- engaging external experts for advice and support. To ensure that their mine safety policies are effective and up-to-date, Ukrainian companies need to engage external experts for advice, risk assessments and support in the development and implementation of safety measures. It should be borne in mind that such experts must not only have relevant experience and training, but also be duly certified;
- developing and properly approving detailed emergency response plans. Preparing for emergencies, especially in the context of mine safety, requires detailed planning and the establishment of clear response procedures. Employers should develop response plans that include algorithms for employees in the event of explosive hazards detection, evacuation of victims and interaction with emergency services;
- integration of mine safety policies with other aspects of agricultural company management. Mine safety should not be an isolated part of an agricultural company's occupational health and safety system and should be integrated with all aspects of management. This includes ensuring communication between different departments, coordinating the efforts of specialists and managers to create a common culture of mine safety;
- regularly reviewing and updating mine action policies. Mine action policies should be dynamic and adaptable to changes in the workplace, the external environment, and legislation. Conducting regular reviews of the effectiveness of the implemented safety measures, obtaining feedback from staff and making appropriate changes to mine safety policies are key to ensuring their relevance and effectiveness.

5. Adapting to the requirements of Ukrainian legislation

An important aspect is the adaptation of mine safety policies to the requirements of Ukrainian legislation. Occupational health and safety in Ukraine is a system of clearly regulated procedures, including mandatory documents and requirements for their execution. Failure to comply with these requirements may result in administrative and even criminal liability for company executives.

The occupational health and safety system in Ukrainian agricultural companies includes several dozen documents that must be properly executed. Adapting these documents to mine safety policies and following all procedures (review, publication, registration) is mandatory. Ignoring these procedures may result in the company executive being held liable in case of accidents.

For example, such documents include:

- regulations on the occupational health and safety management system adapted to the realities of the mine safety situation;
- regulations on the procedure for conducting labour protection training and knowledge testing, adjusted to conduct specific mine safety training;
- orders approving regulations and making changes to mine safety;
- orders approving an adjusted list of high-risk work with due regard to mine

- safety requirements;
- orders on the appointment of persons responsible for conducting introductory mine safety training;
- specialised training programmes for employees, adjusted for mine safety;
- labour protection instructions, adjusted to take into account mine safety;
- job descriptions adjusted for mine safety;
- documents confirming the conduct of special training;
- evidence of the publication of schedules of special training on mine safety;
- evidence that employees have been familiarised with orders, regulations and other documents relating to mine safety;
- evidence that employees have completed special training on mine safety;
- materials on accident investigations, a register of persons affected by accidents involving explosive ordnance;
- documents confirming the composition and availability of first aid kits adjusted for mine safety.