

encrypt solid memory units in portable devices; procedures for the utilisation of wasted devices on which the personal data is stored. This Regulation could serve as a model standard of how education on cyber security could be brought into legislation, presenting to readers in-depth precautions indispensable to comply with the law. Interestingly, this Regulation is consistent with the international norms ISO/IEC 27000<sup>50</sup>, altogether allowing for relatively easy and predictable processing of personal data in CIS supported by a chain of education, training and certification.

The healthcare system is a representative area of sensitive data that demands great awareness and knowledge in the process of its securing. The Polish Regulation regarding requirements for the System of Medical Information<sup>51</sup> establishes a central national database i.e. of medical occurrences and documents issued by healthcare entities. The Regulation includes a list of Polish norms, which the System of Medical Information shall be compatible with<sup>52</sup>. The norms provide for a model of electronic documentation and security procedures for data transmitted in the healthcare system. It refers to EU regulations regarding data security in international transmission of healthcare data<sup>53</sup> and points out to the ISO/IEC 27002<sup>54</sup> in the context of the management of information security in the healthcare system. References to international norms can be also found i.e. in the Polish Regulation on the system of threads monitoring<sup>55</sup> and in the Polish Regulation regarding minimal requirements for some data communication systems functioning in the healthcare system<sup>56</sup>.

#### Conclusions

The legal approach to cyber security and cyber defence needs to be developed on an educational level in order to ensure that the assumptions of the EU regulations are possible to be achieved with the allocated means, that is: budget, infrastructure and authority's support. Too much expectation for required results in cyber defence relying on ENISA could undermine the awareness for the need of education on cyberspace security. It is obvious that ENISA is not able to cover this subject efficiently, since the annual budget allocated for its activities is not sufficient in any case.

In order to protect the cyberspace, the legislator should include in adopted legal acts the information on not only "what" should be done and "what" is allowed or disallowed, but also on "how" to do it and "how" to avoid the risks. To improve the law quality and to comply with the intentions of the legislator it is therefore recommended to provide for more specific information on how to achieve the desired result by giving reference to widely accepted norms, standards or literature published by or on behalf of legal authorities. It is also advisable to introduce educational programs intending to train not only entrepreneurs and entities, who are responsible for cyber security, but also "ordinary citizen" on what level of security they may expect from those responsible for their security and how they could safeguard themselves.

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## EUROPEAN STANDARDS OF YOUTH WORK SECURITY

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*In this article we consider the peculiar properties of regulation of minor's workers security within the Law of the European Union. To reveal such peculiar properties of legal regulation of a work security of youth within the Instruction of EU 89/391/EEC, as well as Instructions of 94/33/EC. Proper analysis of regulation of rules and rules of guarantees of the workers' rights under the age of 18 years which work on the basis of the labour contract or rules which are determined by the current legislation of the state-member and/or conformed to the current legislation of the state-member was fulfilled. Thus, we may confirm, that except for some details, within EU territory the complex of the minimal labour standards for stable working environment which now are applied in all states-participants is created.*

**Keywords:** work security, youth work, European Union, EU legislation.

The important direction of Ukrainian integration is cooperation with the European Union which final strategic aim - fully entry of Ukraine into the European Union. A key element of successful integration is an achievement of the certain level of a coordination of the legislation of our country with European Union law.

One of directions of harmonization process is coordination of Ukrainian legislation which settles labour safety issue in conformity with rules of the European Union. It has to be noticed, that labour safety, especially an issue of work of youth safety is related to the area of the labour law.

Some radical political, economic changes in state and society, have pointed the problems connected with use of hired labour, creation of the effective mechanism of regulation of labour relations, providing of guarantees of human's right to work. Their resolving, especially concerning work of youth, has the important social value, requires radical changing of traditional approaches

<sup>50</sup> ISO/IEC 27000 family - Information security management systems, <https://www.iso.org/isoiec-27001-information-security.html>, accessed 19 July 2017.

<sup>51</sup> Rozporządzenie Ministra Zdrowia z dnia 28 marca 2013 r. w sprawie wymagań dla Systemu Informacji Medycznej, Dz.U. 2013 poz. 463.

<sup>52</sup> Article 9, *ibidem*.

<sup>53</sup> Article 12, p. 2, *ibidem*.

<sup>54</sup> ISO/IEC 27002:2013, [https://www.iso.org/obp/ui/Information technology -- Security techniques -- Code of practice for information security controls](https://www.iso.org/obp/ui/Information%20technology%20--%20Security%20techniques%20--%20Code%20of%20practice%20for%20information%20security%20controls), available at: <https://www.iso.org/standard/54533.html>, accessed 19 July 2017.

<sup>55</sup> Article 4, Rozporządzenie Ministra Zdrowia z dnia 9 lipca 2013 r. w sprawie Systemu Monitorowania Zagrożeń, Dz.U. 2013 poz. 853.

<sup>56</sup> Article 9, Rozporządzenie Ministra Zdrowia z dnia 14 sierpnia 2013 r. w sprawie minimalnych wymagań dla niektórych systemów teleinformatycznych funkcjonujących w ramach systemu informacji w ochronie zdrowia, Dz.U. 2013 poz. 999.

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for regulation of labour relations with participation of these persons, effective measures of providing of their employment, taking in consideration, that today for a society the problem of unemployment is connected not only with economic crisis, but also with imperfection of mechanisms of its legal regulation.

Complete researches in the field of EU legal regulation of work and work standards became our special interest. Firstly it can be explained by some peculiar properties of the European Union distinguishing it from the other international organizations of classical type. Secondly, appropriating rules of EU are a subject to application in 28 states for the present moment, the level of economic progress and a legal system of each ones are various.

The specific character of the labour law of EU in that its labour rules details international labour standards accepted by the international organizations of universal and regional levels, as general rules of behaviour concerning protection of the labour rights of youth.

The legislation of EU obliges employers to pay special attention to minors and young workers and emphasizes an importance of creation of culture of a security of work; it is a good basis for minimization of work risks for young workers. In addition to it, such issues as protection and a work security should be necessarily incorporated to school and high school programs, as well as to become an integral part of national policies.

The timeliness of our research issue consists in that regulation of the labour rights of youth is caused by demands of modern society progress. Such specific character of legal regulation of the labour rights of youth can be explained also by possibility of absence of labour market legal guarantees, as result - the youth faces such problem as getting injures, for example.

It is commonly known, that youth is more subjected to risks of getting injures on a workplace. They do not have not enough experience, awareness on existing risks, skills and knowledge, they can not know their rights and duties of the employer concerning health protection and work security, as well as they reluctantly speak about arising problems because of their wish to do the agreeable to the new employer. That is why according to the legislation of EU, employers should conduct the special registration records which are carrying the information about vulnerable groups of workers, at performance of an assessment of risks and realization of safety measures in order to avoid of getting injures by workers. Special restrictions exist for workers in the age of 15-24 years.

According to EU statistics, risk of getting of professional injures for young workers is more higher than that of workers in the senior age category<sup>1</sup>. During the first labour experience some professional and others diseases (physical and psychological) and complaints can be shown. On the one hand young workers have no enough skills and require additional protection. But on the other hand they often work in the fields, connected with a know-how, or in that working environment that has a high risk level, for example: construction, agriculture, hotel business, public catering, services sector, hairdresser's business. They work on conditions of the temporal contract and perform work on days off and on the replaceable schedule.

At a level of the European Union regulation of the stated problem is carried out by means of the Instruction of EU 89/391/EEC which obliges employers to estimate risks, to provide all necessary measures on their prevention, as well as to provide an appropriate information and education. The assessment of risks should provide also definition of those groups of workers which are vulnerable to risks, such as young workers. Young workers should assist to the employers in maintenance of security measures and health protection, as well as they should use properly everything, which is called up to provide health and a security of workers, all measures of an individual defence.

It has to be noted, that the Instruction of EU 89/391/EEC (an Instruction on young workers) gives definition of concept « young workers » as individuals in the age of 15–24 years, as well as carrying out various types of works. This definition includes also trainees at schools or professional training in companies, scholars, which have or may receive work experience, as well as the students, work at leisure (during a vacation, on weekends and in the evenings) and young workers who have left education process and begin the working career.

An Instruction of European Council 94/33/EC from June, 22 nd, 1994 «About protection of youth on workplace» is devoted to issues of guarantees of the rights of youth. An Instruction adjusts issues of guarantees of rights of individuals 18 years which work on the basis of the labour contract or rules which are certain by the current legislation of the state-member and/or conformed with current legislation of the state-member.

However, the main aim of the Instruction 94/33/EC is warranty of labour activity conditions (temporary or constant) not to let such activity to put damage or limit the guaranteed right of children to education, according to the Declaration of the rights of the Child, adopted by UN General Assembly resolution 1386 (XIV) on 20th, November, 1959<sup>2</sup>. Achievement of this aim occurs by establishment of minimal requirements in field of legal regulation of work of youth, in view of their social status and other determined factors. In particular, by definition of relevant age to be hired; for minors - the reduced working day should be stipulated; the full interdiction of night work (except for the certain types of works according to rules of the national legislation) is established; regular medical examination is provided; guarantees of special protection against physical and moral dangers which can arise during their labour activity are provided.

The Instruction defines such terms as “youth”, “child”, “teenager”. Thus,

1) youth — any person under the age of 24 years, who has employment relationship; 2) the child — any person under the age of 15, who can be in employment relationship and continuing mandatory school education according to the national legislation; 3) the teenager — any person in the age from 15 till 18 years who works and studies, or just works, but not continuing mandatory school education according to the national legislation.

In our opinion, such definition of terms according to EU rules is too imperfect as the child, in conformity with art.1 of the Convention on the rights of the child 1989, admits «each human being before achievement of 18-years age, if under the applicable law it does not reach majority earlier<sup>3</sup>». The European convention on realization of the rights of children 1996, also under term “children” means the persons who have not reached age of 18 years.

Concerning the definition of terms “youth” or “young men” in international law, the given definitions are not fixed. Such age frameworks for the given categories of the population can be found in practice of the Worldwide organization of health protection, according to which “teenager” – the individual in the age from 10 till 19 years; “young men” – individuals in the age from 10 till 24 years; “youth” – individuals in the age from 15 till 24 years.

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1 European Agency for Safety and Health at Work, Young workers — Facts and figures, 2007., Access mode: <http://osha.europa.eu/en/publications/reports/TE7606507ENC/view>

2 Declaration of the rights of the Child, adopted by UN General Assembly resolution 1386 (XIV) on 20th, November, 1959 – [electronic source]., Access mode: [http://www.un.org/ru/documents/decl\\_conv/declarations/childdec.shtml](http://www.un.org/ru/documents/decl_conv/declarations/childdec.shtml)

3 International protection of humans rights and freedoms: Collection of documents. – M., Juridical literature, 1990., p. 388

Thus, it is possible to come to the conclusion, that the concept “youth” includes concept “child”.

Concerning educational systems, also it is necessary to pay special attention to that fact, that in the majority of the EU countries children entered primary school in the age of 6 years. Duration of educational process takes 12-13 years. Thus, middle age of the termination of education of children in high school – 16 years, in senior school – 18 years.

In our opinion, for improvement of a legal regulation of children’s labour counteraction, we suggest to change the minimal age of employment fixed by the Instruction of European Council 94/33/EC to 16 years, as well as to bring a concrete definition in concept «mandatory school education» which will include besides primary and high school as well senior school as prime objective of the minimal age for employment of children as protection of their rights for education which will let them to become highly qualified employee in future.

It has to be noted, that in states-members of EU following tasks of employers in relation to their workers, irrespective of age, related to their duties:

- identification of dangers and performance of an assessment of risks;
- realization of the preventive measures based on an assessment of risks;
- definition of all measures necessary for vulnerable people;
- providing with the information, carrying out of instruction and training, during staff recruitment especially;
- consultation with workers and their representatives;
- cooperation with other employers concerning a labour safety, such as temporary agencies of work.

There is a lot of measures directed on additional protection of workers under 18 years. Definitely, minor workers should not perform those types of work, which:

- exceed their physical or psychological capacities;
- connected with poisonous substances;
- connected with harmful influence of radiation;
- accompanied by risks for health from extreme temperatures, noise or vibration;
- can cause accidents because of lack of experience or training or attention to a security of work.

Until they won’t reach minimally permitted age to leave school education, professional training is necessary for them, as it is necessary to establish careful supervision and control for their work, their employers should guarantee it appropriate protection.

Policy and programs of the European Union are basis for programs and campaigns of the states-members which have been directed on prevention of risks among young workers. Very significantly, that every five years European Union develops a policy of maintenance of a labour safety which includes<sup>4</sup>:

- strategy of employment of EU for creation of new workplaces;
- strategy on youth;
- taking into consideration quantity of youth which takes part in labour relationships;
- increasing of an educational level, training, mobility, professional integration and social familiarizing of young Europeans (the Pact of Youth);
- instructions on a labour safety which require:
- assessments of risks and their prevention, using hierarchy of application of the measures, beginning elimination of risk in a source of its occurrence, carrying out of instructing and training, and measures on acceptance in attention of vulnerable workers (the instruction (89/391/EEC))
- elimination of application of child labour and protection of the workers who have not reached 18-years age (the instruction concerning young workers (94/33/EC)).

The national and European legislation had put a strong basis to create healthy working conditions which help to minimize professional risks of a security and health of young workers. The instruction of EU on young workers operates in the states-members and stimulates their activity<sup>5</sup>

By consideration of the legislation of EU concerning labour safety of youth, for us it becomes obviously, that innovative programs already exist and work. Huge numbers of approaches are used. One of the good examples concerns German «Initiative neue Qualität der Arbeit» (new quality of the working initiative) which among other things has created two initiative networks, known as «training during all life» and «demographic changes». These programs have the practical approach, are adapted for demands of the companies. The role and needs of young workers are considered in all projects.

Analysis of legal regulation of labour safety in EU allows us to make conclusions, that EU assists to creation and maintenance of a stable and pleasant working environment, good health and well-being of the European employees and creates balance between work and a private life. It has to be noted, that within EU the complex of the minimal labour standards concerning a stable working environment, now applied in all states-participants.

In general, EU defines very rigorously rules concerning protection of youth, fixing the list of guarantees which assist to struggle against infringements concerning youth work, but main factor is still educational process which is the precondition of social stability, economic independence and eradication of the given problem.

The great role in achievement of objects in the field of regulation of labour relationships within EU are playing by effective national mechanisms of their realization which require improvement by imposing of sanctions for the states-participants.



<sup>4</sup> European Commission, Improving quality and productivity at work — Community strategy 2007–12 on health and safety at work, COM(2007) 62., Access mode: <http://ec.europa.eu/social/BlobServlet?docId=430&langId=en>).

<sup>5</sup> International protection of humans rights and freedoms: Collection of documents. – Moscow., Juridical literature, 1990., p. 436.