

THE IMPORTANCE OF VIOLATIONS OF NORMATIVE AND LEGAL ACTS IN THE STRUCTURE OF CAUSES OF ACCIDENTS IN THE FIELD OF THE COALING INDUSTRY

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Abstract: the main problem of coal production now is their safety. The purpose of the study is to address the problematic legal aspects of safety management in relation to the coal industry.

Keywords: normative legal acts, coal industry, Rostekhnadzor, fines, accident, safety.

According to the WHO and ILO, the death rate from accidents ranks third in the overall morbidity structure. Every 3 minutes as a result of an industrial injury or occupational disease, 1 person dies in the world, and 4 workers are injured every second [1]. The total number of casualties affected by occupational accidents is 270 million people per year and up to 70,000 cases of occurrence of preconditions are registered for every fatal case [2]. From 1992 to 2016, 10 accidents occurred in Russian coal mines, where 18 or more people became victims. In recent years, the frequency of the tragic events taking place at the coal-mining enterprises of Russia with a period of 3 years attracts attention, which indicates the relevance of the subject matter under consideration.

The purpose of the study is to address the problematic legal aspects of safety management in relation to the coal industry.

From the materials presented on the website of Rostekhnadzor [3], on conducting inspections related to the safety of coal production in 2013-2016, it can be concluded that there are numerous violations.

Table 1. Analysis of the main indicators of the supervisory and control activities of the territorial bodies of Rostekhnadzor in the field of industrial safety of hazardous industrial facilities of the coal industry for 2013-2016

№	Indicators of supervisory and control activities	2013	2014	2015	2016	Growth / Decrease Rate, %		
						2014 to 2013	2015 to 2014	2016 to 2015
1	Number of supervised organizations (legal entities)	844	452	311	356	0,54	0,69	1,14
2	Number of Supervised Objects	388	512	468	473	1,32	0,91	1,01
3	Number of inspectors (actually) people.	138	142	134	140	1,03	0,94	1,04
4	Number of surveys conducted, including	7482	8546	7666	7692	1,14	0,90	1
4.1	in the course of implementation of the regime of	-	-	6995	6918	-	-	0,99

	permanent state control (supervision)							
5	Number of violations detected	57937	62147	55830	53823	1,07	0,90	0,96
6	Assigned administrative penalties, total	7688	8484	8824	8394	1,10	1,04	0,95
6.1	including: administrative suspension of activities, including:	666	645	699	631	0,97	1,08	0,90
6.1.1	temporary prohibition of activities	604	630	673	630	1,04	1,07	0,94
6.2	Administrative penalty	7020	7832	8117	7754	1,12	1,04	0,96
7	The total amount of penalties collected, thousand rubles.	305528	327878	317463	286004	1,07	0,97	0,90
8	Transmitted materials to law enforcement agencies for violators of industrial safety requirements	20	0	1	0	-	-	-
9	The average number of violations in the supervised organizations	68,6	137,5	179,5	151,2	2,00	1,30	0,84
10	The average number of violations per survey	7,74	7,27	7,28	7,00	0,94	1,00	0,96
11	The average number of administrative penalties per supervised organization	9,1	18,77	28,37	23,58	2,06	1,51	0,83
12	The average fine amount per organization, thousand rubles.	362,00	6305,35	1020,78	803,38	17,42	0,16	0,79

So, from the data presented in the table, it can be seen that over the previous 4 years the number of supervised organizations, supervised facilities and the number of inspectors has increased. It can be noted that with a slight decrease in the number of accidents and the average number of violations per supervised organization (a decrease of 16% in 2016 in relation to 2015), the average number of violations detected per one supervised organization is simply horrible (about 151 violations and about 7 violations in each examination performed).

From the analysis of the presented data, it can be concluded that, with a general slight improvement in the indications of the activity of the supervisory organizations, the situation at the coal industry enterprises in ensuring compliance with the NPA in the field of industrial safety leaves much to be desired.

All regulatory and legal acts in the field of industrial safety, including coal, can be divided into 2 groups: laws (for example, the Federal Law "On Industrial Safety of Hazardous Production Facilities" of 21.07.1997 No. 116-FZ) and subordinate regulatory and legal acts, taken by federal services (for example, Rostekhnadzor).

From the data submitted by Rostekhnadzor, based on the results of the inspections, it can be concluded that the coal industry enterprises violate both types of regulatory acts. So, for example, during an accident on February 25, 2016 at the Severnaya mine, the following were revealed:

- violation of industrial safety requirements when operating a hazardous production facility;
- failure to ensure compliance with the requirements and norms for labor protection, industrial safety rules for the technical operation of equipment;
- failure to maintain the mine workings of a site in a proper condition, according to requirements of norms and rules of industrial safety and labor protection;
- production of works with violation of industrial safety requirements and instructions for labor protection, technical documentation for the conduct of work, production technology;
- failure to ensure the quality and timely implementation of the requirements for the prevention and containment of coal dust explosions on the site;
- low efficiency of production control at the site for compliance with industrial safety requirements.

The following were violated:

- Art. 9 of the Federal Law of 21.07.1997. № 116-ФЗ;
- Art. 214 of the Labor Code of the Russian Federation;
- "Safety Rules in Coal Mines", approved by Rostekhnadzor Order No. 550 of November 19, 2013;
- "Regulation on air-gas control in coal mines", approved by order of Rostekhnadzor from 01.12.2011 № 678;
- "Instruction on containment and prevention of explosions of dust and gas mixtures in coal mines", approved by order of Rostekhnadzor of 06.11.2012 № 634;
- "Instruction for degassing of coal mines", approved by order of Rostekhnadzor from 01.12.2011 № 679;
- "Instruction for the degassing of mine workings, investigation, accounting and prevention of seizures", approved by order of Rostekhnadzor of 06.11.2012 № 636;
- "Regulations on air-gas control in coal mines", approved by order of Rostekhnadzor from 01.12.2011 № 678;
- "Rules for the organization and implementation of industrial control over the observance of industrial safety requirements at a hazardous production facility", approved by the RF Government Resolution No. 263 of 10 March 1999;
- "Job description of the head of the coal mining section of the joint venture" Shakhta Severnaya ".

Data on the application of administrative responsibility show a general decrease in 2016 in the average number of administrative penalties per supervised organization by 17% and an average fine per supervised organization by 21% to 803.38 thousand rubles. However, the average amount of penalties for one supervised organization for coal industry enterprises remains insignificant when compared with the profits received in this industry. Undoubtedly, with such a large number of offenses, administrative responsibility for security breaches of production facilities needs to be tightened, so that it is not economically advantageous for coal industry enterprises to violate the legislation in the field of ensuring the safety of production.

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