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## SAFETY AND MENTAL HEALTH OF EMPLOYEES DURING COVID 19 PANDEMIC: MEDICAL AND LEGAL ASPECT

**Abstract:** Supporting mental health has nowadays become the main concern of employers since a growing number of employees is facing the problem of anxiety, loneliness, depression and the like. These problems were particularly emphasized with the outbreak of the Covid-19 pandemic. In significantly changed working conditions around the world, employees and employers have faced mental health problems that are related to numerous stressors and factors related to the pandemic. Given the circumstances, the question is how to protect the mental health of employees in order to preserve their productiveness and well-being after the crisis. The legal system has a very important role in this process, especially the regulations concerning occupational safety and health and labor law in general because it sets the framework which enables the subjects of employment to maneuver their rights and obligations during the pandemic. Therefore, this framework is a key element in taking occupational safety measures in order to preserve the mental health of employees.

**Key words:** mental health, regulations, protection of employees, Covid-19.

### INTRODUCTION

Fast-spreading infectious diseases are well known in history. Epidemics that were limited to a specific area or region are now rapidly spreading around the world. In addition to epidemics caused by old and familiar pathogenic microorganisms, they can also be brought about by newly formed viruses, as is the case with the current epidemic of the new coronavirus (Covid-19). The Covid-19 pandemic is a global challenge that requires the introduction of a global strategy and teamwork among governments, associations, international organizations and economic and financial institutions at all levels. Mitigating the negative effects of this type of health crisis in the business world is a key investment in protecting the health of workers. The World Health Organization and the International Labor Organization have been actively developing guidelines for occupational safety and health of workers during the pandemic [1].

Considering the epidemiological situation, the Republic of Serbia declared a state of emergency on the territory of the entire country on March 15, 2020 [2]. According to the valid regulations in Serbia, a state of emergency is declared when the risks, threats, or consequences of a catastrophe for the population, material and cultural goods or the environment are of such scope and intensity that their occurrence or effects cannot be prevented or eliminated by regular action of competent bodies and services. Therefore, their mitigation and elimination require special measures, additional forces and means with an enhanced mode of operation [3]. A

state of emergency is also declared in cases of epidemics [4].

After the cessation of danger, i.e. when the need for the implementation of protective measures ceased, the Republic of Serbia lifted the state of emergency on May 6, 2020 [5]. In addition, local governments can declare and lift the state of emergency on their own territory, depending on the epidemiological situation, which is a possibility provided by law to the president of the municipality or mayor [3]. During the state of emergency, emergency headquarters monitor the activities and coordinate emergency situations in order to reduce risk. Those are the republic headquarters for the territory of the republic, provincial headquarters for the territory of the autonomous province, district headquarters in the administrative district and city or municipal headquarters in the city or municipality.

In case of declaring a state of emergency caused by an epidemic, it is necessary to implement preventive measures and measures to reduce the scope of danger [6]. Measures taken in the event of a state of emergency caused by an epidemic of viral disease where there is an imminent danger of mass transmission of the infection are:

- planning, organizing and providing measures to prevent and control an infectious disease, in this case - Covid-19,
- rapid epidemiological assessment in order to take urgent measures to protect the population,

- epidemiological surveillance by introducing an early warning system while there are reasons for the state of emergency,
- isolation and quarantine when indicated,
- activation of the emergency communication system,
- pursuant to the order of the Minister, it is required to include the participation of health institutions, private practice, entrepreneurs and citizens in order to reduce the risk to public health. It is also necessary to use certain facilities, equipment and means of transport in order to suppress the transmission of the infectious disease.
- personal protective measures.

Some of the measures introduced during the state of emergency due to the epidemic are isolation and quarantine. Isolation is an anti-epidemic measure of isolating infected persons to places where contact with other persons can be prevented during the period of infection, which thus prevents direct or indirect transmission of the virus from person to person. Quarantine is a measure that restricts freedom of movement and establishes mandatory medical examinations for healthy persons who have been in contact or are suspected of being in contact with infected persons or with persons suspected of having a contagious disease during the period of contagiousness. It is carried out in the case when a contagious disease poses a danger to public health. A competent medical doctor, a specialist in epidemiology, decides on which persons are to be subjected to quarantine. A person who is in quarantine must adhere to the measures. Otherwise, they could be quarantined forcibly. Employees who are subjected to a quarantine measure receive a salary in accordance with the law [6].

Bearing in mind the situation during the state of emergency, and also after it, the question of preserving the mental health of the population is justified. Since in such circumstances it is of crucial importance to protect the economy of the state, but also of each work organization individually, the issue of mental health of employees who, together with employers and the state, were forced to adjust their work to such extraordinary circumstances, is even more complex. This introduces a number of issues, such as work reorganization (working from home, shift work, moving to an online platform, using paid leave, etc.), how workers are adjusting to unexpected and sudden changes in their work, how those changes affect their mental health etc. The idea of work reorganization is to preserve the physical health of employees, but the question is how it affects their mental health.

## MENTAL HEALTH PROBLEMS OF EMPLOYEES CAUSED BY COVID-19 EPIDEMIC

Mental health is the basis for emotions, thinking, communication, learning, resilience and self-esteem. It is key to establishing relationships, personal and emotional well-being, community or social contribution, and effective functioning in daily activities, such as work or school. It also includes reacting to problems, adapting to them and dealing with them. The World Health Organization defines mental health as a state of well-being in which individuals exercise their abilities, cope with common stressors, work productively and successfully and are able to contribute to the community [7]. Unlike experiencing mental illness, which affects a limited number of people, most people during their lifetime experience a problem or challenge that has consequences for their mental health (mental health distress). Some types of mental health problems include stress, sadness, low mood, or fear/uneasiness. They differ from mental illnesses as these conditions do not meet the criteria for diagnosis and are usually temporary. Mental health problems can become a mental illness when the duration of the disorder and its symptoms become chronic and interfere with or limit the ability to perform everyday activities. Nowadays, a large number of people suffer from mental health problems, as evidenced by the report in which about 165 million people in the EU deal with mental disorders, mainly anxiety, mood disorders and the use of substances every year [8]. Mental disorders are associated with severe disorders and functional impairments (these are mandatory diagnostic criteria when diagnosing mental disorders) that can have consequences, not only for patients, but also for their families and their social and work environment [9].

The workplace has a significant impact on the mental health and well-being of employees. One of the risk factors for developing a mental illness or mental health problem is experiencing stress, which can be exacerbated or caused by workplace conditions. Chronic exposure to stressful workplace conditions can lead to a variety of mental health problems including depression, anxiety, impaired concentration and emotional exhaustion. Mental health support is becoming a major concern of employers, as a growing number of employees experiences the problem of anxiety, loneliness and depression associated with altered work patterns during the coronavirus pandemic (remote work and other stressors and pandemic impacts). In the population affected by a natural disaster, the prevalence of mental health problems is 2-3 times higher than in the general population (it varies from 8.6 to 57.3%) [10]. For instance, as a result of Hurricane Katrina, the prevalence of serious mental illness has doubled, and almost half of the subjects in the study have post-traumatic stress disorder (PTSD) [11].

The Covid-19 pandemic will have an impact on behavioral health in society, as it has disrupted the regular lifestyle of millions of people, increasing stress both at home and at work. Prior to the Covid-19 pandemic, occupational health survey "The State of Mental Health in America 2017" found that 63% of the respondents felt that workplace stress had a significant impact on their mental and behavioral health. More than a third of the respondents exhibited unhealthy behaviors in response to occupational stress [12]. About 31% of Americans said that they were unable to pay for food, heating or rent because of the pandemic, that they used most or all of their savings, borrowed money or took out a loan. A smaller percentage of people with economic difficulties were registered in the Netherlands (7%), Germany (6%), and the United Kingdom (18%) [13].

The Covid-19 pandemic and the consequent economic recession have negatively affected the mental health of many people and created new barriers for those who are already suffering from mental illness and substance use disorders. As Covid-19 has caused a sharp economic downturn and a rise in unemployment, job loss is associated with increased depression, anxiety, distress and low self-esteem and can lead to higher substance use and abuse, substance use disorders and suicide [14]. People who lost their jobs during or due to the pandemic have a more pronounced simultaneous presence of anxiety and depressive disorders (42:35%); only anxiety disorders (26:23%); only depressive disorders (6:5%); no anxiety and/or depressive disorders (26:37%) compared to the general population. With respect to the stress caused by the pandemic, it has been reported that those who lost their job or reduced their volume of work have a high degree of distress (34: 27%), moderate distress (53%) and low or no stress (13: 20%) compared to the general population [15]. During the Covid-19 pandemic, approximately 31% of the US residents and 32% of the UK residents reported that they could not get help from mental health professionals when they needed it (54% of Australians and 47% of Canadians said they did have access to mental health protection) [16]. All these data point to the need to consider and improve the quality of occupational safety and mental health of employees during the pandemic.

## LEGAL PROTECTION OF EMPLOYEES

The Labor Law, as the basic legal document regulating work relations in Serbia, guarantees employees the right to occupational safety and health [17]. This right is elaborated by a series of legal provisions with specific labor law institutes. Some of the legal provisions can be interpreted in the context of protection during an epidemic. In this regard, the legislator provides the possibility of remote work. In extraordinary circumstances, the employer has the opportunity to organize remote work for employees with a precise definition of mutual rights and obligations. Also, the Labor Law provides the

possibility of paid leave of absence and offers the employer additional space to anticipate other situations when paid leave can be allowed. In essence, if the employer deems it a good solution, certain employees are to take a paid leave of absence until the conditions for safe and healthy work are met. There is also a legal possibility of unpaid leave of absence, but it is believed to be an inadequate measure, which is not in accordance with the idea of protecting the complete integrity of employees, including their social welfare.

Some other important legal provisions could be applied for the purpose of protecting employees in the event of an epidemic. The employee is entitled to compensation in the amount of at least 60% of the average salary in the previous 12 months, provided that it cannot be less than the established minimum wage, during the discontinuation of work or reduction in workload not requested by an employee, up to 45 days in a calendar year. Exceptionally, in case of the discontinuation of work or reduction in workload that requires longer leave, the employer may, with the prior consent of the line minister, determine paid leave for the period longer than 45 working days, with the abovementioned salary compensation. Also, the employee has the right to salary compensation in the amount determined by the general act and the employment contract during the interruption of work which was assigned by the competent state body or the competent body of the employer due to the failure to ensure occupational safety and health without endangering the life and health of employees and other persons [17]. These legal provisions signify that the employee shall have income for a limited period of time even if the employer temporarily discontinues its work, which can happen in an emergency situation.

Occupational safety and health in Serbia are regulated by the Law on Safety and Health at Work, which stipulates that employees have the right to safe work and protection of life and health at work [18]. Employees are also obliged to respect all regulations, so as not to endanger their safety and health, but also the safety and health of others. In addition to a significant number of obligations of the employer, which are determined in detail by this law, it should be taken into consideration that the employee has certain obligations, such as informing the employer about any potential danger and risk that could affect their safety and health and safety and health of other employees. This provision can also be applied in relation to epidemics and possible health problems.

Based on the Law on Safety and Health at Work, the Rulebook on Preventive Measures for Safe and Healthy Work to Prevent the Occurrence and Spread of an Epidemic of Infectious Diseases was adopted in the middle of 2020 [19]. It prescribes preventive measures that the employer needs to implement in order to prevent the spread of infectious diseases and eliminate the risk to safe and healthy work of employees and all persons in the work environment at the time of declaring an outbreak of an infectious disease. The

rulebook applies to all jobs, except fieldwork and remote work.

The employer is obliged to adopt a plan for the implementation of measures for the prevention of an epidemic of infectious diseases, which is an integral part of the Risk Assessment Act, adopted in accordance with the law and regulations in the field of occupational safety and health. The employer is obliged to implement all the measures prescribed due to the changes that affect safe and healthy work during the epidemic [19]. The plan of measures determines measures and activities that increase and improve the safety and health of employees and persons in the work environment in order to prevent the outbreak of infectious disease, as well as measures to be taken in case of the outbreak of an infectious disease. The plan for the implementation of measures has to contain:

- Preventive measures and activities to avoid the outbreak of infectious disease,
- Responsibility for the implementation and control of the implementation of preventive measures and activities,
- Measures and activities for action in case of the outbreak of an infectious disease.

Preventive measures that the employer is obliged to implement during the epidemic at each workplace include providing written instructions on measures and procedures to prevent the outbreak of infectious disease and informing workers about the infectious disease before starting work. The employer is obliged to organize the redistribution of working hours by introducing shifts in order to provide a smaller number of employees in one place and carry out increased hygiene and disinfection of all rooms and regular ventilation of the working space. The employer is also obliged to provide sufficient quantities of soap, paper towels, running water, alcohol-based disinfectants, and organize regular cleaning of all frequently touched surfaces, ensure regular waste removal and regulate the manner of keeping records on disinfection of premises and ensure the development of guidelines for safe and healthy work with contractors, suppliers, distributors and external associates.

The inspection of the implementation of occupational safety and health measures is performed by the person in charge of occupational safety and health who, in cooperation with the employer, plans, implements and encourages the implementation of preventive measures, participates in the development of the implementation plan, prepares instructions for safe and healthy work in order to provide protection against the epidemic, controls the implementation of measures, controls the use of means and equipment for personal protection at work, provides all necessary information on the implementation of preventive measures for occupational safety and health and cooperates with state authorities [19].

## CONCLUSION

Following the outbreak of the Covid-19 epidemic, many countries have introduced a number of measures, including those related to work organizations and workplaces, in order to prevent the spread of the disease. Both employer and employees need to withstand the pressure caused by such a crisis, but measures within occupational safety and health provide support for continuing work in the workplace. Such specific and unforeseen circumstances have forced employers to seek alternative solutions which would not affect the productivity and profitability of the organization, and, at the same time, preserve the health of the employees. This emphasized some labor law institutes that had not been used in practice often, such as remote work [20]. In order for such work to be functional, it needs to fulfill several conditions, one of which is not to be dangerous and harmful to health and the working environment. Moreover, the transition of a large number of employees to the home office can inspire employers to organize work in this way in regular conditions as well. This is an opportunity to popularize work from home, which is a form of work that is still not very popular in Serbia [21]. When work from home or any other atypical type of work is present for a longer period of time, it can have a negative effect on employees in terms of feelings of isolation, additional stress, problems of setting boundaries between work and private life, and the like. All this can adversely affect the worker's psycho-physical condition and occupational safety and health. For this reason, constant communication between the employer and the employee is important.

Certain jobs cannot be performed from homes, such as work in healthcare institutions or some state institutions. One of the ways to reduce the risk of infection in case of more workers being in one space can be a reduction in the number of workers in one place, the introduction of shift work, etc. More shifts with fewer workers in one place provide physical distance - a measure of limiting the number of people in one space. One of the more radical possibilities is a temporary cessation of work when the employee is entitled to salary compensation, but we believe that this should be the last option when none of the other possibilities could provide the required level of employee protection.

All these circumstances affect the mental health of employees who cope with them in different ways. Moreover, the number of mental health problems increases with a growing number of measures introduced to slow the spread of the virus due to physical distancing, closing down businesses and schools and restricting movement, which leads to greater isolation and potential financial problems. It is clear that this affects the mental health of the population in general, including employees, who face additional risk at work. Different countries have diverse experiences regarding the protection of the mental

health of employees. It depends on their legal system, which either implements the obligation of the employer to take certain measures, e.g. in order to prevent stress at work (the case of Croatia) [22] or still does not recognize this problem to a sufficient extent (the case of Serbia).

Actively protecting, supporting and preventing damage to the mental health of employees and providing support to employees with mental illness is crucial to creating a truly safe and supportive workplace. Employers should develop short-term and long-term plans to preserve and improve the mental health and well-being of employees. In that sense, prevention and early detection of employees' mental health problems should be the focus of employers in the future. Measures that employers could take are as follows: annual mental health check-ups of employees financed by the employer, focusing on policies and programs at the organization level that reduces or eliminate common stressors in the workplace, providing opportunities for education and learning about mental health, prevention of fatigue and stress in the workplace, etc.

Finally, it can be concluded that the pandemic of the infectious disease caused by the coronavirus Covid-19 indicated the importance of safe and healthy work and a healthy environment for employees, employers and the state. The need to protect workers in the work environment in order to minimize the effects of the coronavirus is now more than clear. During the outbreak of an epidemic, occupational safety and health experts play the most important role since they facilitate access to all reliable information in order to promote the knowledge of the disease and its symptoms, as well as personal preventive and protective measures. In that sense, they also have the role to consider the need to preserve the mental health of employees, which is a topic that deserves special attention.

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## ACKNOWLEDGEMENTS

This research was funded by the Ministry of Education, Science and Technological Development of the Republic of Serbia.

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## BEZBEDNOST I MENTALNO ZDRAVLJE ZAPOSLENIH U USLOVIMA PANDEMIJE COVID-19: MEDICINSKO-PRAVNI ASPEKT

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**Rezime:** Podrška mentalnom zdravlju postaje glavna briga poslodavaca danas, jer sve više zaposlenih ima problem anksioznosti, usamljenosti, depresije i slično. Ovi problemi su naročito došli do izražaja nastupanjem pandemije virusa COVID-19. U značajno izmenjenim uslovima rada u čitavom svetu, zaposleni i poslodavci su se suočili sa problemima mentalnog zdravlja koji su povezani sa mnogim stresorima i uticajima vezanim za pandemiju. U okvarkov situaciji postavlja se logično pitanje kako zaštititi mentalno zdravlje zaposlenih sa ciljem da, nakon izlaska iz krize, oni budu produktivni poslodavcu i, još važnije, da ostanu fizički i psihički zdravi uz puno fizičko, psihičko i socijalno blaostanje. U ovom procesu veoma važnu ulogu ima pravni sistem, naročito regulativa koja se tiče bezbednosti i zdravlja na radu i radnog prava uopšte, jer on postavlja okvire unutar kojih se subjekti radnog odnosa mogu kretati u svojim pravima i obavezama tokom pandemije. Ti okviri su ključan manevarski prostor za preduzimanje mera zaštite na radu u cilju očuvanja mentalnog zdravlja zaposlenih.

**Ključne reči:** mentalno zdravlje, propisi, zaštita zaposlenih, Covid-19.