Tööinspektsioon

# 2007

# WORK ENVIRONMENT

March 2008

Based on the data available to the Labour Inspectorate it can be said that the work environment situation in Estonia in 2007 was generally similar to that of 2006. The number of registered accidents at work was increasing over-year, but not substantially. Compared to the year 2006, 1, 5% accidents at work were registered more than during the year before. In 2007 there were 21 fatal accidents (in 2006 - 27). In 2007 based on the data provided by the Statistical Office of Estonia 655 300 people aged 15-74 were employed, it is by 9 000 people more than in 2006. The rate of accidents at work by 100 000 workers in 2007 was 565, 7 (in 2006 - 565, 2).

It is disconcerting that in 2007 even in 37% of inspected enterprises risk assessment had still not been performed and a plan of activities on managing risks had not been drawn up in 45% of enterprises. However, measures were taken to reduce risks related to about 80% of risk factors that had occurred before. Work environment situation was assessed as "good", to some extent, in a larger number of inspected enterprises.

The activities of the Labour Inspectorate in 2007 were influenced by the aim to perform inspection visits in as many different enterprises as possible and complete inspection activities and, if necessary, carry out follow-up control there. It can be seen that the number of different controls has decreased and the number of different enterprises has increased where both work environment and labour relations were inspected. The number of inspected enterprises as compared to the year 2006 has increased by 3% i.e. 127 enterprises.

Performance of the Labour Inspectorate has been influenced by unfilled inspectors` posts and the need to train them internally after recruitment of new inspectors. The reorganization of the Labour Inspectorate in 2007 has created insecurity due to the changes and decrease of motivation resultant from this.

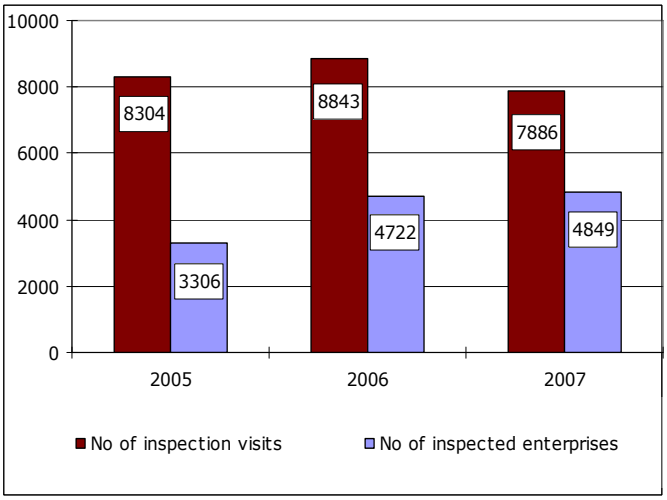


Figure 1

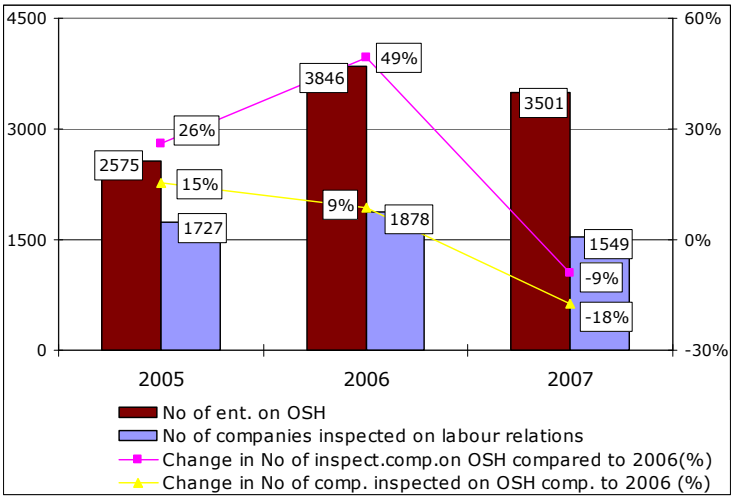


Figure 2

The following target controls were carried out by the Labour Inspectorate:
- "Machine safety" campaign, in the frames of which machinery were inspected, mostly agricultural machinery and other machinery used in agricultural enterprises and in construction and industry.
- "Manual handling of loads" campaign, in the frames of which 219 target inspections were carried out throughout Estonia, including 101 inspections in transport enterprises and 118 in health care sector.
- In the course of target inspection of labour relations "Work and Rest time of Drivers of Motor Vehicles" and "Overtime" were controlled.

# Occupational health and safety

## Inspection of occupational health and safety

In the course of inspection of Occupational Health and Safety (OSH) 3501 enterprises were inspected, where 4741 different types of inspections were performed (general, target, expedited or follow-up inspection). 654 inspections of new buildings and 53 market controls of personal protective equipment were carried out.

Over-year the number of controls both on occupational health and safety and the number of enterprises involved in inspection activity has decreased 9% as compared to the previous year. The reasons for the decrease in number of inspected enterprises by counties are still the same. In counties, where labour inspectors have left their jobs and new people were recruited during the year the decline in number of inspected enterprises was the biggest. For instance in Tallinn and Harjumaa where there was the biggest lack of inspectors and many inspectors were on sick-leave, the number of inspected enterprises as compared to the previous year decreased 27%. Substantial fall was also in Lääne-Virumaa and Valgamaa.

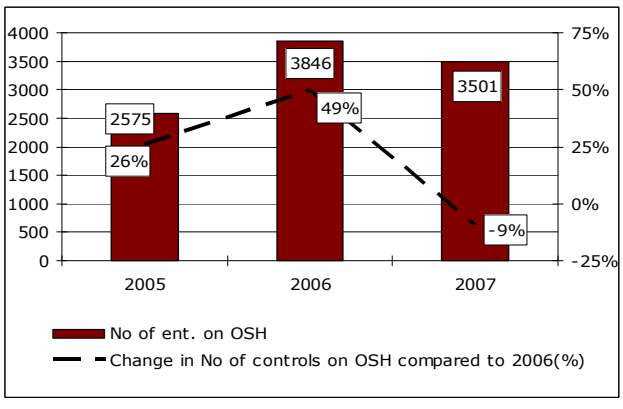


Figure 3

During the year in Tallinn and Harjumaa 1019 enterprises were inspected in all, which makes up 29% of the number of all inspected enterprises in Estonia. The number of inspected enterprises has increased most in Põlvamaa, Ida-Virumaa and Tartumaa.

In 2007 the basis for organising inspection activities remained the same as in 2006. **By types of inspection** 43% of all OSH inspections were target controls in 2007. The basis for target inspection is the nationwide inspection of a specific topic, controls resulting from complaints and local topical inspection visits planned in counties. 18% of inspection visits were expedited controls. In 2007 there were 730 general inspections, i.e. 13% of all inspections. The proportion of follow-up controls was 13% of all inspection visits.

**As for fields of activity** wholesale and retail trade were mostly inspected (18%) and construction enterprises (14%). More interest was paid to real estate companies (7%) and agricultural enterprises (6%). Also the most inspected field of activity of all types of inspections was wholesale and retail trade.

**With the aim to assess risk factors in the work environment** 1 584 evaluation forms on risk factors in the work environment in all were filled in during expedited and general inspection visits. Based on the evaluation forms risk assessment was not carried out in 586 (37%) enterprises and a plan of activity for reducing risks was not drawn up in 714 (45%) enterprises. Nearly all enterprises pointed out danger of falling on the same level as a risk factor, in 83% of enterprises attention was paid to it and protective measures to avoid falling or slipping were taken into use. During initial control it could be seen that in most enterprises measures had been taken to protect workers.

It turned out that only in about 30% of cases specific risk factors were pointed out in risk assessment – it is definitely too little.

Danger of explosion was considered to be the least occurring risk factor among the inspected enterprises, though in enterprises with potentially explosive atmosphere, the risk was in 90% of cases managed, however it was not reflected in the risk assessments.

Among the most inspected fields of activity the following most common risk factors were noted (more than 70%):

wholesale and retail trade – risk of falling on the same level, manual handling of loads and work in forced position;

construction - risk of falling both from height and on the same level, risk of injury by sharp or moving parts of equipment and air temperature;

real estate and rental service – work in forced position, fall on the same level and temperature of air;

agriculture, hunting - fall on the same level, moving equipment and moving and sharp parts of equipment, air temperature, forced position and movements and noise;

manufacture of metal articles – moving and sharp parts of work equipment, fall on the same level, forced position and movements, noise and air temperature;

wood processing – moving and sharp parts of work equipment, noise, fall on the same level, insufficient lighting, dust, air temperature, heavy

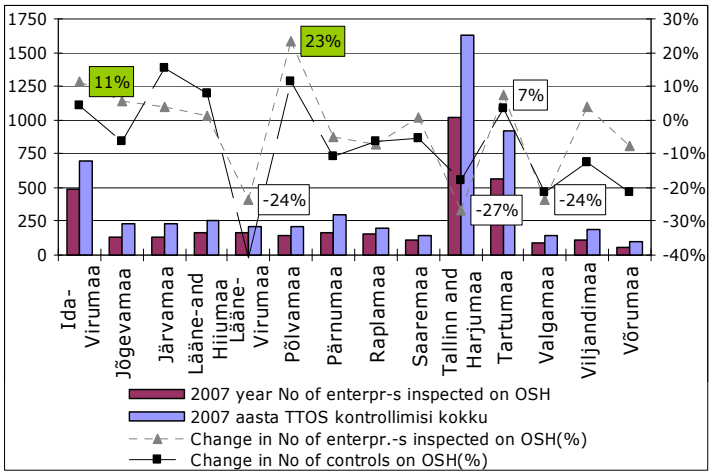


Figure 4

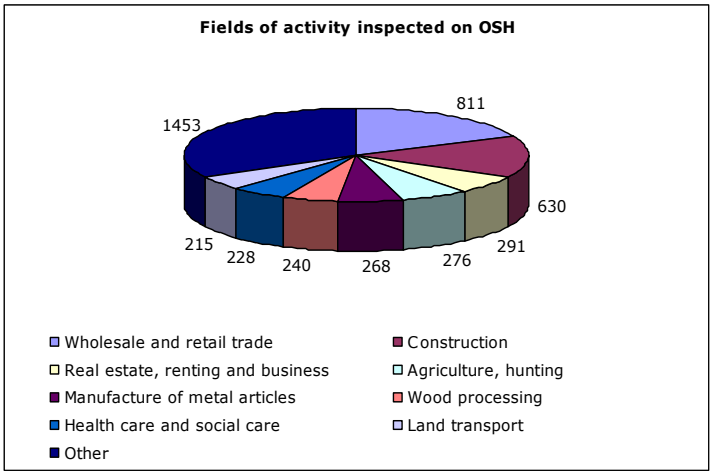


Figure 5

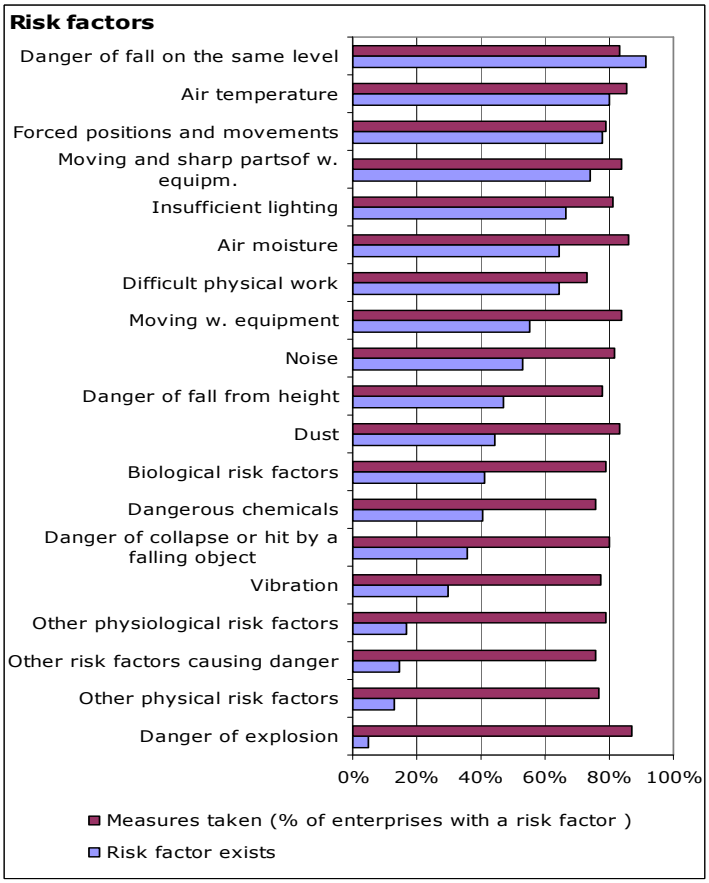


Figure 6

physical work.

During general inspection 699 enterprises were inspected, in the course of which assessment was given to both the compliance of arrangement of work environment activities with requirements and work environment situation as a whole.

While **assessing work environment situation** primarily safety of work environment was taken for the basis: which risk factors occurred in enterprises, had risks been managed, was attention paid to reducing risks. During initial or general inspection visit in 2007 work environment situation was assessed as good in 23% of enterprises, in 2006 in 19%. 74% of inspected work environments were assessed as satisfactory.

Assessing different criteria of work environment, employer's activity still posed a problem in ensuring safe conditions of work. In comparison of general and follow up inspection visits it can be seen that it was an inspector's visit to the enterprise that had mostly influenced employer's activity in creating safe conditions of work, employers were also instructed how to act to eliminate or reduce health risk.

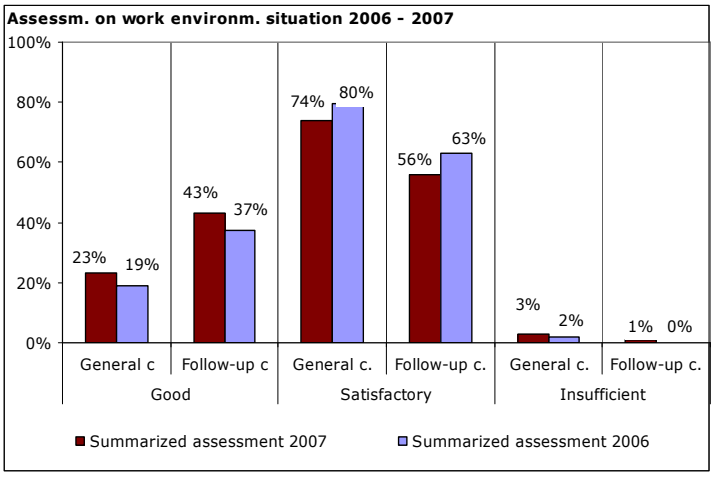


Figure 7

As a result of **assessment of organisation of work environment activity** it turned out that the lack of plan of activity on reducing risks posed the biggest problem for enterprises. It can be noted that, resulting from inspection visits, work arrangement on work environment changed significantly for the better. After carrying out general inspection, enterprises have drawn up risk assessment, conduction of internal control has improved and workers have been instructed. All these activities are essential in ensuring safe work environment. Based on the results of assessments it can be seen that most enterprises had personal protective equipment and first aid equipment. Unfortunately PPE was not used as required despite their presence.

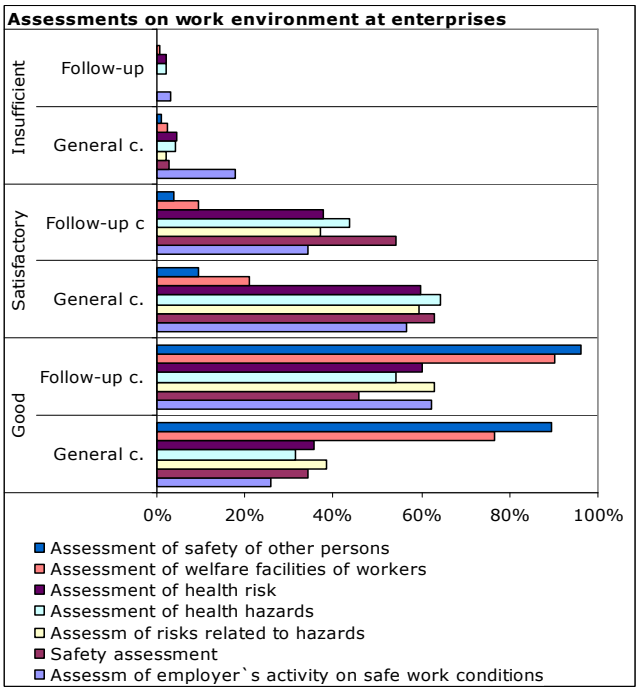


Figure 8

During inspection activity **infringements** of requirements of different legal acts were established in 12 176 cases, out of which 65% were formalized in notices. 3139 notices in all were drawn up for infringements of requirements of occupational health and safety, including 211 while investigating an accident at work. In 2006 there were 15 209 infringements and 3306 notices, including 308 detected while investigating an accident at work. As compared to the year before both the number of infringements and notices had decreased.

1026 notices had been drawn up on enterprises in Tallinn and Harjumaa, 512 in Tartumaa and 442 in Ida-Virumaa. The least number of notices was drawn up for enterprises in Valgamaa, only 40. The highest number of requirements per notice was issued by labour inspectors of Järvamaa and Ida-Virumaa Inspectorates. In Tallinn and Harjumaa a lot of requirements were formalized in inspection report and notices were drawn up only on more serious infringements.

By number of infringements, most claims were issued because risk assessment had not been done, which was the most common infringement in nearly all counties. In many counties the second most common infringement that was noted was that workers had not been provided with initial or in-service training. In addition to aforementioned, in Tartu County one of the most common infringements was the lack of safety instructions, and in Lääne-Viru County internal control of work environment had not been conducted.

**Penalty payment was** cautioned for non-compliance of requirements in 333 cases, in the sum of 1 477 500 kroons. In 20 cases penalty payment was enforced in the sum of 100 900 kroons. In 2006 respectively - 560 cautions were issued in the sum of

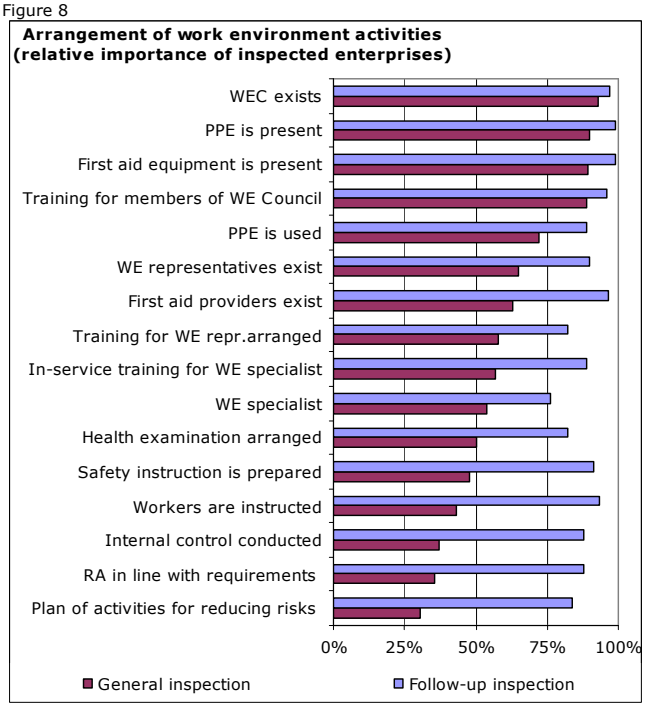


Figure 9

2 434 900 kroons, 40 of which were enforced in the sum of 151 000 kroons.

**Misdemeanour matters were heard** in 132 cases in all. Fines were imposed in 112 cases in all, in the sum of 452 450 kroons, including 28 times for natural persons in the sum of 47 350 kroons and 84 times for legal persons in the sum of 405 100 kroons.

Resulting from investigation of occupational accidents and cases of occupational diseases fines were imposed 71 times for legal persons in the sum of 352 100 kroons and 19 times for natural persons in the sum of 26 150 kroons.

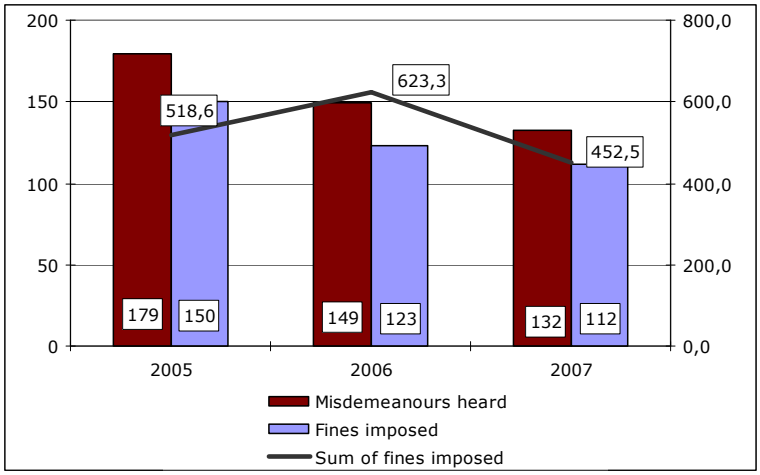


Figure 10

## Accidents at work

In 2007 the Labour Inspectorate registered 3707 accidents at work, 21 of which were fatal, 1082 serious and 2604 minor accidents at work. More accidents were registered in the first and second quarter and less in the third and fourth quarter than in the year 2006, but over-year the number of registered accidents at work had increased 1,5% as compared to the one in 2006 or by 54 occupational accidents. Over-year more accidents at work took place during the first three months, the least during the third three months, the latter can be explained by the general holiday period.

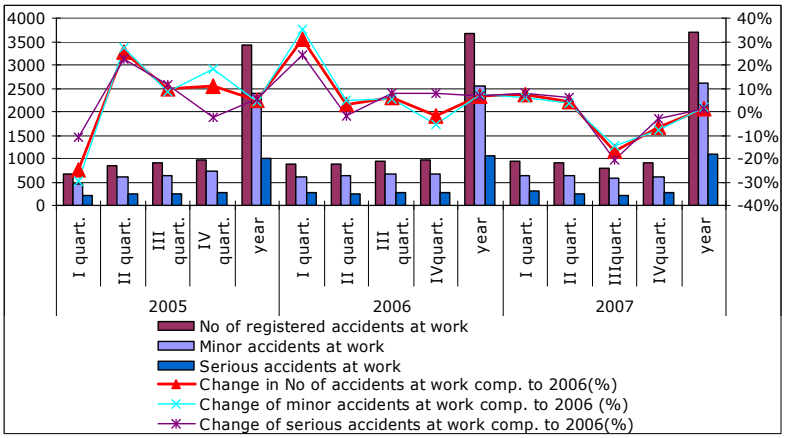


Figure 11

**The rate of accidents at work per 100 000 workers** applies to employed people aged 15-74 in the county and field of activity. In 2007, 423 minor and 159 serious accidents at work were registered per 100 000 workers. The largest number of accidents at work per 100 000 workers were registered in Lääne-Viru County where the number of accidents at work increased approximately 6% but per 100 000 workers more than 9%. In Lääne-Viru County the number of registered accidents at work was characterized by, inter alia, notification of occupational accidents by doctors and employers and the change in number of employed at a very good level. In Lääne-Viru County due to notifications of accidents at work and constant decrease of employed people, the biggest difference was seen when comparing counties. In comparison with other counties also the number of minor accidents at work registered was twice as much as in Lääne-Viru County as elsewhere (920).

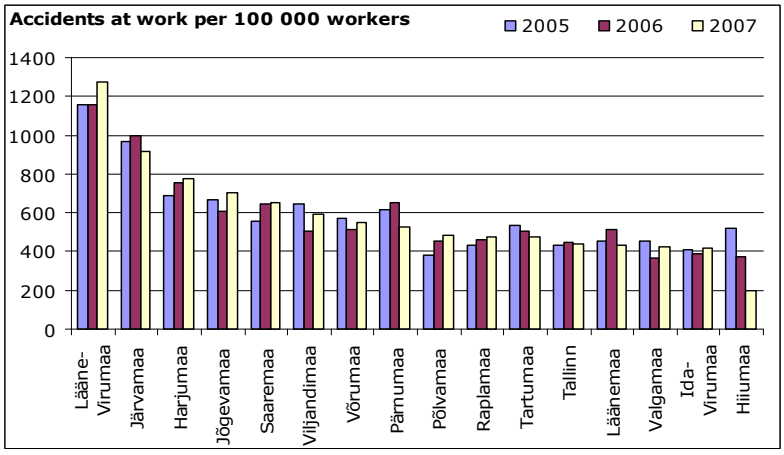


Figure 12

In comparison with the year 2006 the number of accidents at work per 100 000 workers increased most in Viljandi, Valga and Jõgeva Counties. It was in Viljandi and Valga County where minor accidents at work were registered most often. The number of serious accidents has decreased by 14% in Viljandi County. In Jõgeva County both serious and minor accidents at work were registered more in 2007 than in 2006. There were 2 fatal accidents at work in Jõgeva County. The number of occupational accidents decreased considerably in Hiiumaa per 100 000 workers, approximately by half. Although the number of employed people increased in Hiiumaa by 6%, the number of registered accidents at work was 11 (in 2006 - 20).

**Outside the Republic of Estonia** 104 accidents at work were registered. Most of them happened in Finland - 40, 28 beyond EU countries and 13 in Sweden. In Holland, Norway, Latvia, Poland and Lithuania there were more than one accident at work where an Estonian worker had been involved. In Finland there were more accidents with construction workers, with workers from personnel intermediate companies and wholesale and retail trade. Outside the

EU countries the most frequent accidents at work took place with peacekeepers of armed service, the next largest field of activity was the transport sector.

**21 fatal accidents at work were registered** (in 2006 - 27; 2005 - 24). Resulting from investigation it turned out that 7 accidents at work out of 21 were not caused by infringements of OSH requirements.

12 fatal accidents took place as a result of infringements of the requirements of the Occupational Health and Safety Act:

- Resulting from fall – 6 cases (at a trading vessel, quarry, construction site);
- Struck by a falling object or crashed under a landslip – 3 cases (repairing a lifting device, excavation, loading timber);
- Mechanical suffocation – 2 cases at a cement and gravel bunker;
- Attack by an animal – 1 case.

The police have initiated investigation on the above-mentioned fatal accidents at work, excluded the attack by an animal. Of the 21 fatal accidents 4 took place abroad, 2 of which happened in the national defence sector.

**By fields of activity** the highest number of occupational accidents happened in the construction sector in Estonia (422). In processing industry the most hazardous fields of activity were metal and wood processing and retail and wholesale trade, where there were 369 accidents at work. The highest number of accidents at work per 100 000 workers were registered in wood processing (1831), food industry (1535) and furniture industry (1363). More occupational accidents than in 2006 per 100 000 workers took place in transport sector (+52%) and in some fields of processing industry (+45%). The highest increase of the fields of processing industry has been in the furniture and food industry.

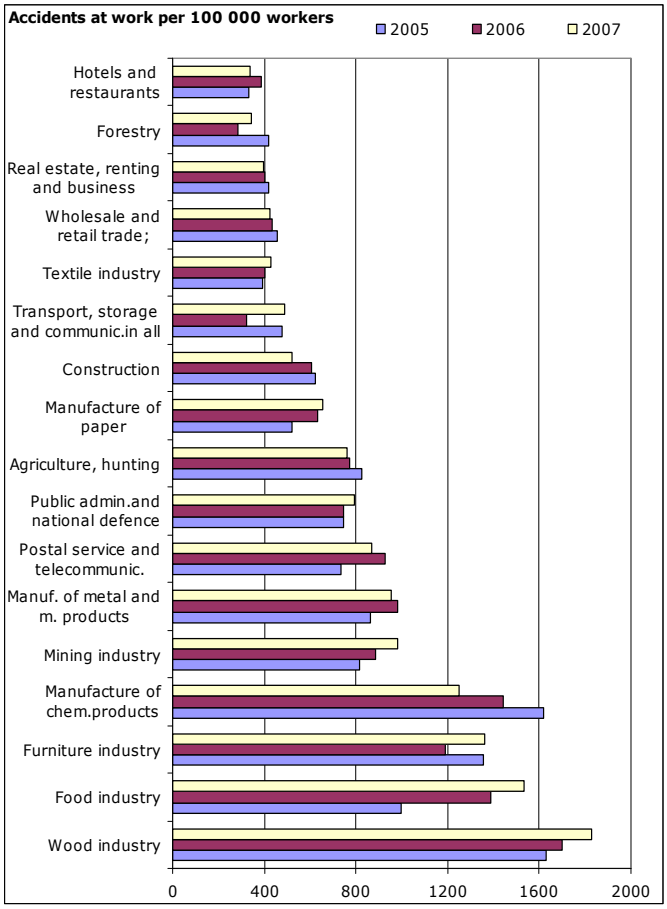


Figure 13

**Registration of minor accidents at work** is an indicator according to which one can conclude whether the Labour Inspectorate has been notified of the accidents or not. It is nearly impossible to hide a fatal accident in Estonia. The number of minor accidents at work is still considerably smaller in Estonia than in other EU countries. Thus the Labour Inspectorate is of the opinion that there is a major underreporting of accidents at work, it applies especially to minor accidents at work. As compared to the year before the number of occupational accidents has decreased per 100 000 workers in Pärnu and Lääne County.

**Serious accidents at work** were registered by 11 more as compared to the year 2006. The number of serious accidents at work in comparison with the year before has increased most in Rapla and Harju County, but has decreased nearly by half in Võru County, Saaremaa and Hiiumaa. By fields of activity the highest number of accidents at work happened in the construction sector. As compared to the year before the number of serious occupational accidents increased in forestry, paper industry and land transport companies. Over-year the tendency of decrease can be seen in wholesale and retail trade and mining industry.

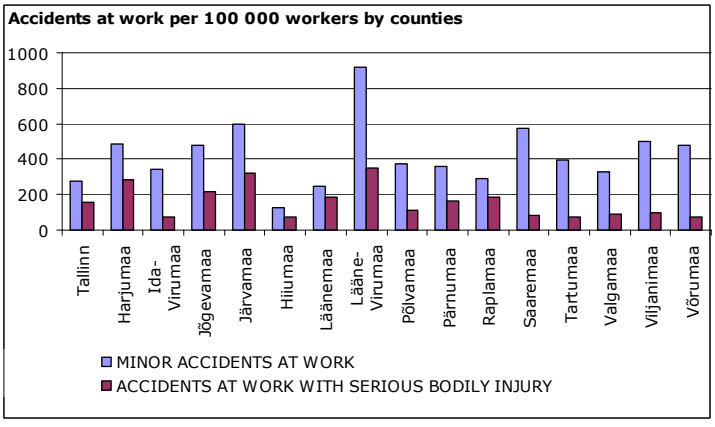


Figure 14

It turned out from the report forms sent by employers that accidents at work took place in 46% of cases due to other causes, unable to be specified and in 26% of cases the accidents were caused by non-compliance of safety requirements by workers.

Based on the investigation summary of serious occupational accidents investigated by labour inspectors the main cause of the accidents was in 21% of cases – insufficient training and instruction of workers, in 16% of cases was non-conformity of work places with occupational health and safety requirements or insufficient internal control of work environment and in 14% of cases non-conformity of work equipment with occupational safety requirements.

Here we can conclude that employers either were not able to or did not want to find out the real causes of occupational accidents and therefore the causes mentioned in reports were very general.

## Cases of occupational and work-related diseases

In 2007 the Labour Inspectorate was notified of 74 cases of occupational diseases (OD) with 155 different clinical diagnoses of occupational diseases. 253 notifications of work-related diseases (WRD) were registered, 337 of them were different cases of work-related diagnoses. Each year there are continuously less notifications of cases of occupational diseases. The Labour Inspectorate is of the opinion that there is no decrease in number of cases of occupational diseases but diagnosing and low frequency of attendance of occupational health physicians is a problem in Estonia. As it is only occupational health physicians who diagnose work-related diseases, then the number of work-related diseases is more related to the number of people who have been sent to occupational health physicians by employers.

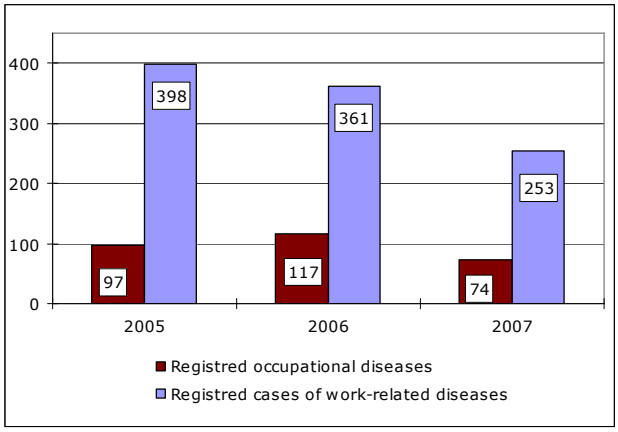


Figure 15

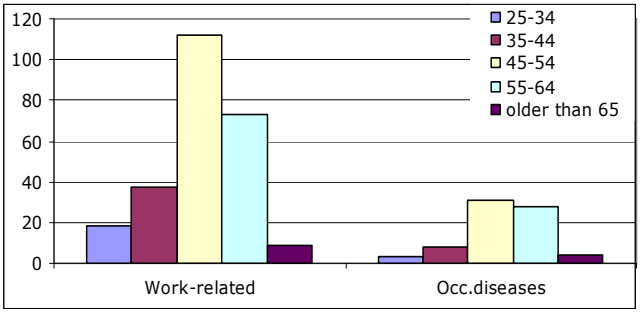


Figure 16

**By age groups** both occupational and work-related diseases were diagnosed most at people aged 45-54 but work-related diseases were diagnosed already at younger people. At seven people of the youngest age group partial hearing loss, caused by noise, has been diagnosed already that can develop into an occupational disease when work is continued in the same conditions. In two cases allergic skin disease was diagnosed that had been caused by chemical risk factors.

**The most diagnosed OD** was musculo-skeletal disease caused by physical strain. One of the main clinical diagnoses was still such humerus and forearm area disease as carpal tunnel syndrome and myofascial pain. Based on notifications of WRD mostly partial hearing loss, caused by noise, was diagnosed. It is evident that more attention should be paid to reducing noise and musculo-skeletal risk factors in the work environment.

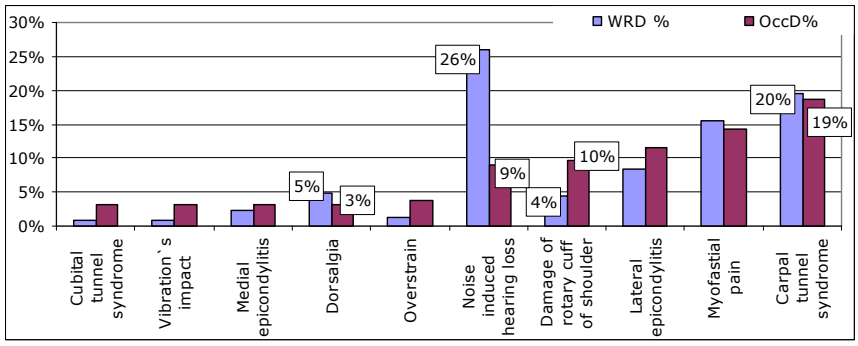


Figure 17

**By occupations** occupational diseases were mostly diagnosed at drivers of different vehicles (tractor drivers, excavator operators, etc). WRD were mostly diagnosed at skilled workers, e.g. welders, metal-workers, sandermen, etc.

**By fields of activity** considerably more cases of occupational diseases were diagnosed at workers in agricultural sector (18), processing industry (30), food and textile industry both 5 cases and wood industry 4 cases, workers with no employer - 8 cases.

In 2007 work-related diseases were diagnosed mostly in the sector of processing industry (123) i.e. nearly half of the cases of occupational diseases. More such cases were diagnosed at workers in paper, textile and furniture industry, also manufacture of means of transport, including rebuilding, repairing and maintenance of ships and floating vessels. More than 10 cases of work-related diseases were diagnosed at workers in construction sector, agriculture and wholesale and retail trade.

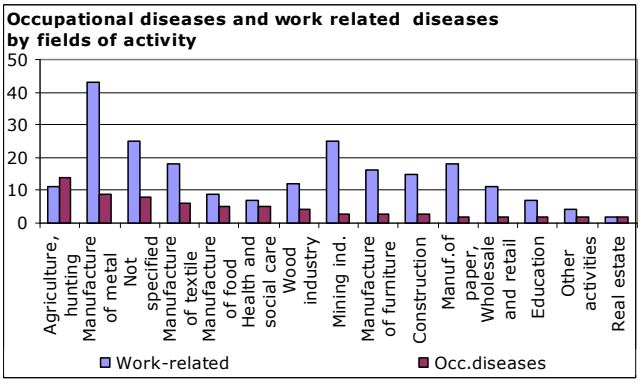


Figure 18

In paper industry forced position and movements were the main risk factor as a work-related disease, also diseases caused by difficult physical work. The most frequent risk factors of workers at metal and engineering industry were noise and vibration. The second most common risk factor was heavy physical work (manual handling of loads) or

repetitive stereotypic movements which had resulted in diagnosing of diseases caused by overstrain of muscles. In furniture industry nearly all illnesses were caused by noise.

The biggest difference in diagnosing WRD and OD was hearing loss due to noise. Hearing loss as a work-related diseases was most diagnosed, but as a work-related disease only in 9% of cases. At the same time carpal tunnel syndrome, the occupational disease that was diagnosed most was as often diagnosed as a work-related disease.

**Diagnoses that often coincide** were carpal tunnel syndrome as the main diagnosis and diseases of soft tissues caused by either overstrain and pressure or lesion of shoulder joint or carpo-metacarpal joint as a secondary diagnosis.

**The main risk factors** both in case of work-related or occupational diseases in the work environment were noise, manual handling of loads, forced positions and movements and repetitive stereotype movements causing overstrain. So as noise is causing hearing loss in the work environment, so carpal tunnel syndrome and diseases of soft tissues due to overstrain as a result of manual handling of loads and forced positions and movements, have become the next most common work-related diseases.

# Labour relations

## Labour disputes

2610 applications were filed with Labour Dispute Committees (LDC further on) in 2007, to some extent a bit less than in 2006. The highest number of applications was submitted to the Labour Dispute Committees of Tallinn, where 48% of applications were submitted, the Labour Dispute Committee of Tartu received 17% of applications.

3093 labour disputes were settled in all, of which 2522 applications were resolved. In 2007 82% of all applications filed with the LDC were settled (in 2006 - 84%). The highest percentage of settled applications was at LDC of Lääne and ja Hiiumaa Counties (97%), at the LDC of Tallinn and Harju County 76% of applications were settled.

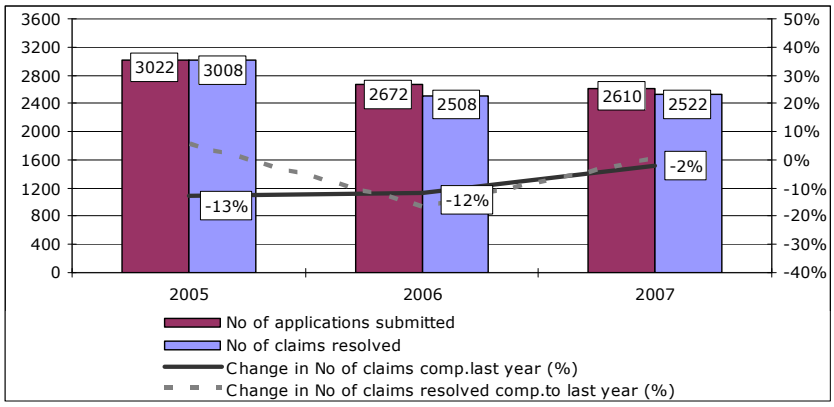


Figure 19

**The proportion of applications submitted by employers** of the total number of applications has remained stable for years, being about 5-6%, but as compared to the year 2006, the number of applications filed with the LDC by employers was 15%. The main content of employers` claims has been claim for compensation for damage of property by workers, which was a very common claim in 2007 among employers' claims to the LDC of Tallinn and Harju County (57% of all applications).

**The content of claims submitted by workers** was mainly unpaid wages - 52% of applications, compensation claims for withholding employment record book and final settlement - 45% of applications, benefit upon termination of employment contract - 19% of claims. Withholding holidays and holiday pay made up about 19% of applications.

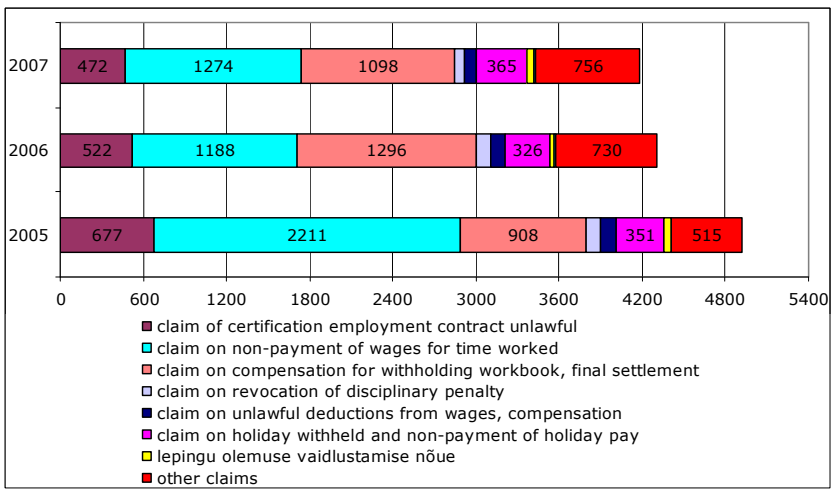


Figure 20

**By contents of claims** the number of claims on announcement of termination of employment contracts illegal, decreased in general, only in Jõgeva, Järva, Saare and Valga Counties, where it it was bigger when compared to the year before. Claims on unpaid wages increased as well (7%), it applies especially to Valga County, where the number of such claims was even thrice as much as in 2006, and the growth of similar claims was also in Tallinn and Harju County. Workers in Ida-Viru County had fewer problems with it than in 2006. The number of claims on withholding holiday and holiday pay has also increased, especially in Tallinn and Harju County.

**By counties** the number of workers`claims has increased most in Valga County (43%) and Järva County (28%). There was a considerable decrease in number of claims in Jõgeva County (-36%), in Võru County (-29%), in Lääne and Hiiumaa County (-28%) and Ida-Viru County (-25%).

30% of **claims filed with LDC were** settled, 24% of claims were partially settled, 14% were denied and 32% of cases either the claim was refused to be accepted or the proceeding was terminated.

Predominantly proceedings were terminated because the petitioner had waived the claim or claims were filed, the monetary amount of which exceeded the limits, stipulated by law. Presumably the number of claims being

terminated for exceeding the limits will increase on the year 2008, as the wage level has increased in nearly all economic sectors. Another major problem the LDC-s face is the adding notation of entry into force to the decision but if the counter party refuses to accept decision, then the situation cannot be solved pursuant to the legal act in force.

## Consents, approvals, registrations

In 2007 pursuant to the Employment Contracts Act (ECA), the Working and Rest Time Act (WRTA) and the Public Service Act (PSA) 4722 applications were submitted for consent or approval, 87% of these claims were settled.

In comparison with the year before the number of applications establishing impossibility to improve conditions of work for workers or transfer workers to lighter work increased. Numerous applications were submitted in Tallinn and Harju County (9%) and Ida-Viru County (13%). The number of applications for consent or approval for lengthening of work shift, employing minors, application of part-time working time or holiday with partial pay has remained the same as in 2006.

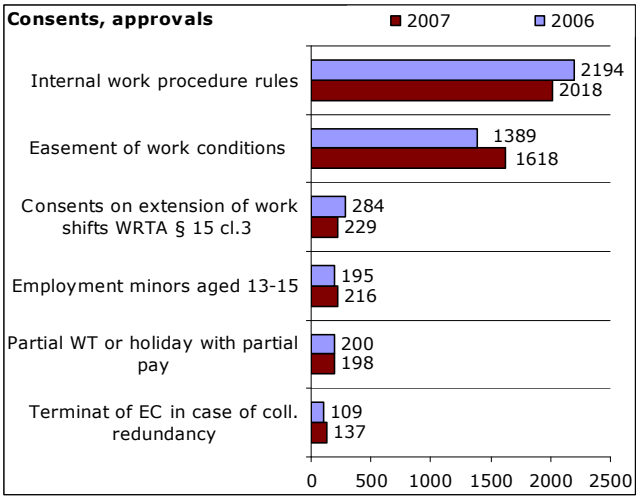


Figure 21

137 applications for approvals of **collective termination of employment contracts** were submitted involving 3498 workers in all. In comparison with the year before the number of employers who had submitted the application increased to some extent (11%), but the number of workers whose employment contracts were terminated collectively increased in comparison with the previous year 53%. One of the reasons for increase was the substantially larger number of redundancies, including Kreenholm Valduse AS, constituting 17% of the general number of workers whose employment contracts had been collectively terminated. Redundancies involving a larger number of people took place also in Tallinn and Harju County and Pärnu.

893 employment contracts were submitted for registration of **conclusion of employment contracts** and 695 for registration of termination of employment contracts. As compared to the year before the number of employment contracts submitted for conclusion decreased by 26%, the number of employment contracts submitted for termination remained at the same level.

## Inspection activity on labour relations

2438 inspection visits were carried out on labour relations (LR) (general, target or follow-up control) in 1549 enterprises. The number of inspected enterprises has significantly decreased in Tallinn and Harju County, where the main problem was lack of labour inspectors-lawyers. Control of labour relations was also on the decline in Võru County. The decrease of inspections of legal acts regulating labour relations by OSH inspectors could be considered another reason for growing down in number of inspection visits (internal procedure rules, employment contracts and recording of working time). Inspectors-lawyers managed to inspect more enterprises than during the year before in Rapla and Tartu County.

For general inspection on labour relations in 2007 five economic sectors were chosen, where 1066 controls were carried out: 221 hotels and restaurants, 247 educational establishments, 174 wholesale and retail trade enterprises, 116 health care institutions and 106 construction enterprises.

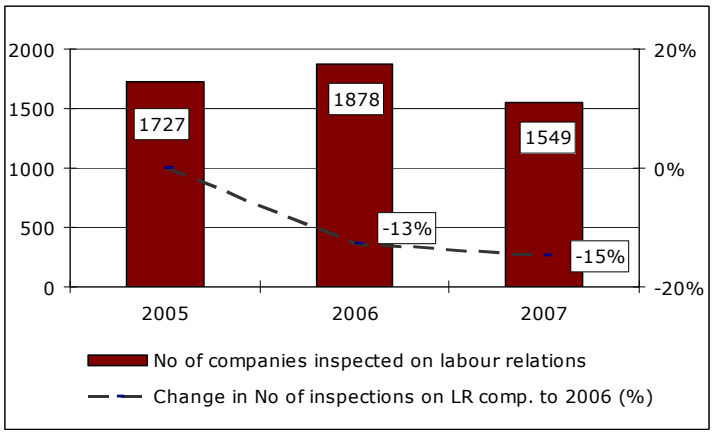


Figure 22

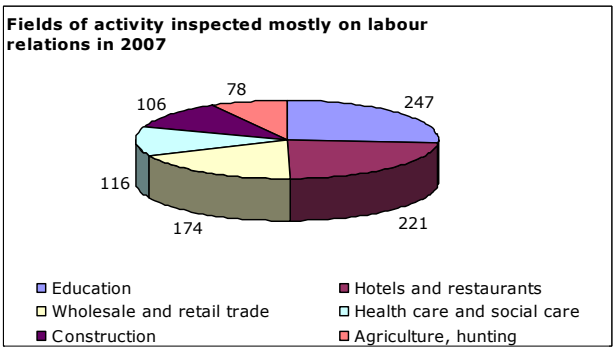


Figure 23

In the course of inspection of labour relations 3105 **non-compliances** of requirements of different legal acts were found. The most frequent violation was still non-conformance of requirements of Employment Contracts Act, in 27% cases employment contracts did not comply with requirements, in 15% of cases there were no internal procedure rules or they were not approved. Pursuant to the Working and Rest Time Act the most common violation was that working time was not recorded and working time was insufficiently organized. 1141 notices were drawn up on infringements of requirements of legal acts. In 2006 3603 infringements were reflected in 1279 notices. As compared to the year before both the number of infringements and notices had decreased.

The highest number of notices was drawn up in

the course of inspection visits on labour relations in 2007 in Ida-Viru County. There were more infringements than in other counties, e.g. related to compensation for working in specific conditions and establishment of organization of working time. The least number of notices was drawn up for enterprises in Lääne and Hiiumaa and Võru County. Notices were drawn up on 74% of infringements and 26% infringements were formalised in inspection reports.

By economic sectors con-compliance of requirements of legal acts did not considerably differ. In all economic sectors predominantly mandatory requirements of employment contracts were not observed.

Cautions of penalty payment for non-compliance of requirements was applied in 84 cases, in the sum of 260 500 kroons. In 4 cases penalty payment was enforced in the sum of 17 000 kroons. In 2006 122 cautions in the sum of 368 900 kroons, none was enforced.

# Overview of target inspections

## Target inspection on overtime

From April to November in the year 2007 target inspection on overtime was carried out in the course of inspection of labour relations with the aim to find out the actual situation of overtime of workers in health care, agriculture, trade, catering, construction sector and rescue services, also provision of rest time between shifts and application of 24-hours shifts in health care and rescue institutions. Inspection visits were carried out in 194 enterprises of the economic sector covering 9288 workers with principal activity.

**Standard limit on overtime** (overtime with a worker working approximately 48 hours a week) was not complied with in nearly all economic sectors, applying to 796 workers in all. Most infringements concerned workers in rescue sector – 456, health care – 117 (in Viljandi 49, in Valga 24), in agriculture – 106 (in Jõgeva 35, in Tartu 28), in trade – 60 (in Valga 28, Tartu 15), in catering – 56 (in Tartu 26, in Valga 14).

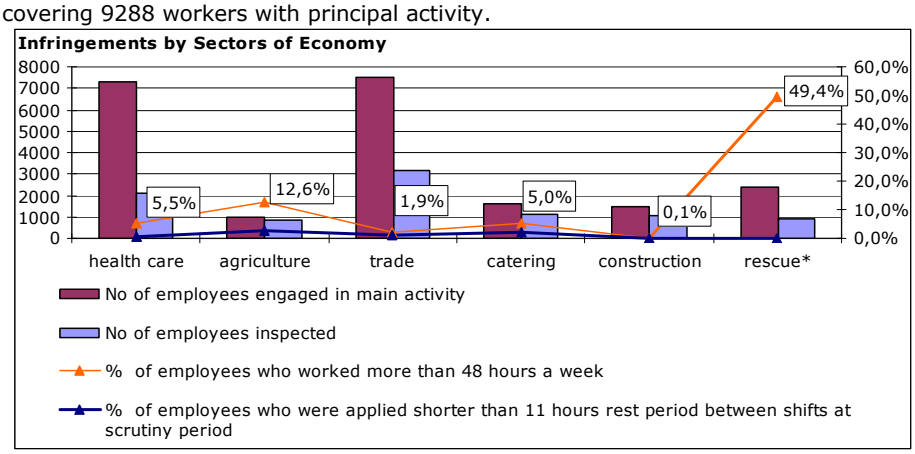


Figure 24

Infringements of **standard for rest periods between shifts** were found regarding 89 workers. By economic sectors most cases of non-compliance were in trade (28), agriculture and catering (both 24).

**Duration of** up to 24 hour **shifts** was inspected in 35 health care and 6 rescue institutions. Up to 24-hour shifts had been applied to 3063 workers in health and rescue institutions that were inspected, up to 24-hour shifts were applied to 1059 workers in health care sector and 908 in rescue institutions. 1949 workers were given rest time as a compensation. Working in long shifts was not established at health care institutions in Jõgeva, Pärnu and Saaremaa.

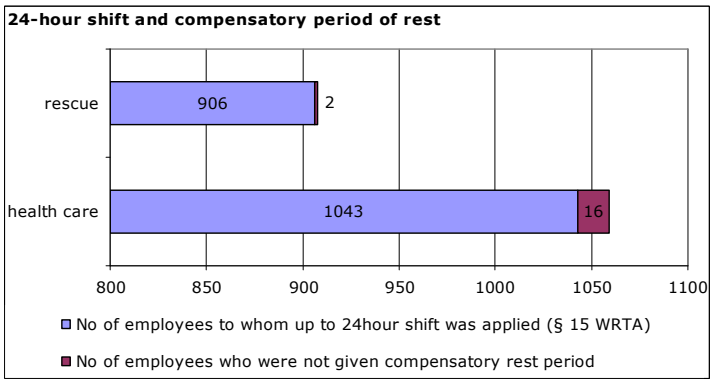


Figure 25

Inspection results did not reflect the actual situation 100%, as it was still difficult to get objective data, as the working time was either not recorded or the recording was not based on the actual working time. The difficulty of finding out a rest period between shifts and rest periods to be compensated was due to the lack of time calculation tables by employers in most cases, on the basis of which it would have been possible to determine the start and end of each shift and on the basis of it the duration of rest period between shifts.

In most cases the start and end of working time had not been fixed in working time schedules. Pursuant to the requirements of § 12 of the Working and Rest Time Act the start and end of working time are usually fixed in internal work procedure rules, but it is too general and does not reflect the actual organization of working time. Clause 5 of § 14 is also not in favour of fixing the start and end of working time in the working time schedules, prescribes the general requirement of drawing up a working time schedule. This is one of the reasons why during inspection visit of 157 workers it was not possible to identify shorter than 11- hour periods of rest between shifts.

## Target inspection on working and rest time of drivers of motor vehicles

80 target inspections of working and rest time of drivers of motor vehicles were carried out in 2007 in Estonia, in the course of which 429 drivers were inspected.

**The aim of the target control** was to control the organization of working and rest time of drivers of motor vehicles, whether the requirements of the EC Regulation No 561/2006 on Working and Rest Time are observed to ensure traffic safety on roads.

**By mode of transport** enterprises were classified as follows: passenger transport - organised by 10 enterprises, carriage of goods by 70 enterprises. In turn, they were divided into: transportation on their own account - 8 enterprises or for charge- 72 enterprises. Thus the inspection activity covered mostly enterprises providing transport service for charge and their drivers.

In 2007 the **number of days inspected** was 14 119 in all (in 2006 - 24 979), 95% of which was inspection of drivers providing service for charge. When in 2006 infringements of the requirements of the EC regulation No 561/2006 were found in 42 cases, then in 2007 the respective number was 73, most of which where non-observance of the requirements for breaks (32), then infringements of driving time (21) and rest time (20).

In addition to the aforementioned violations, in 74 cases unsatisfactory use of tachographs was established or record sheets were poorly prepared. Working time was not recorded or it did not reflect the actual situation.

As a result of inspections, notices were issued for 47 enterprises, whereas in 44 cases there was a requirement to maintain a register of working time. In order to ensure compliance of notices employers were issued warnings of enforcement of penalty payment in 10 cases.

Misdemeanour procedures were conducted in 5 cases, in 4 of which on impediment of implementation of national supervision and in 1 case on influencing drivers of vehicles activities not to comply with the requirements on working and rest time.

The situation on compliance of working and rest time requirements by drivers has remained the same as in 2006. The growth in number of detected infringements indicates rather the efficiency of inspections this year.

| | 2006 | | 2007 | |
|---|---|---|---|---|
| **Infringements** | No of infringements at transport of passengers | No of infringements at transport of goods | No of infringements at transport of passengers | No of infringements at transport of goods |
| **Driving time** | | | | |
| infringement of daily driving time req. | 0 | 12 | 0 | 17 |
| infringement of weekly driving time req. | 0 | 2 | 0 | 2 |
| infringement of driving time req.of 2 conseq.weeks | 0 | 0 | 0 | 2 |
| **Total** | **0** | **14** | **0** | **21** |
| **Breaks** | | | | |
| break not used after 4,5 hours driving time | 1 | 4 | 0 | 12 |
| use of shorter break after 4,5 hours driving time | 0 | 2 | 0 | 20 |
| **Total** | **1** | **6** | **0** | **32** |
| **Rest periods** | | | | |
| infringement of daily driving time req. | 0 | 9 | 0 | 14 |
| infringement of weekly driving time req. | 0 | 13 | 0 | 6 |
| **Total** | **0** | **22** | **0** | **20** |
| **Work schedule and timetable** | | not applied in transp.of goods | | not applied in transp.of goods |
| insufficiently compiled | 0 | not applied in transp.of goods | 2 | not applied in transp.of goods |
| neglect of work schedule | 0 | not applied in transp.of goods | 0 | not applied in transp.of goods |
| **Total** | **0** | | **2** | |
| **Infringements in all** | **1** | **42** | **2** | **73** |

Tabel 1

## Target inspection on safety of machinery in 2007

Within the frames of the target inspection 281 machinery and equipment were inspected in the Republic: mostly agricultural machinery and other machinery and equipment used in agricultural enterprises, also to some extent machinery in use in construction and industry. As a result of inspections it turned out that considerably greater part of the machinery used in agriculture was new and safer ones.

**On inspection results**

Different types of machinery were inspected; still most of them were feed mixers as planned.

It turned out that most machinery in use in agricultural sector were quite new. Only a quarter of them were manufactured before the year 2000. The majority of machinery was manufactured from 2003 to 2005. For instance it turned out that all the 11 machinery inspected in Pärnu County were all manufactured in 2003 or later. Only in Viljandi County the proportion of older machinery was bigger. Most of the older machinery are combine harvesters, most of them were bought second-hand. Evidently due to the considerably shorter period of time in use (corn harvesting) they have been durable.

The majority of machinery was procured as new ones – 83%. Somewhat smaller proportion of new machinery was in Ida-Viru County and Viljandi County. Two machines had been rebuilt, one of them was found in Viljandi County and the other in Järva County. A self-made circular saw coupled to a tractor was found in Viljandi County.

Training of staff was different by counties. In 7 counties most or all the staff had passed training at a training institution. In quite a number of cases the training was carried out by vendors. It has been our experience that such training is very efficient. In Rapla, Saare, Valga and Võru Counties the training had been conducted only by employers themselves. Quite a large proportion of training makes up training of employers in Ida-Viru County. Perhaps it has been caused by a language problem? The proportion of self-instruction was less than 10%. It is only natural in view of the complicacy and price of contemporary technology.

**By counties where and the year when the machinery were manufactured**

| | Year of manufacture | | | |
|---|---|---|---|---|
| **County** | **... 1999** | **2000 – 2002** | **2003 – 2005** | **2006 ...** |
| Ida-Virum | 17 | 7 | 22 | 10 |
| Jõgeva | 1 | 4 | 5 | 2 |
| Järva | 2 | 5 | 9 | 6 |
| Läänemaa | 1 | 1 | 7 | 10 |
| Hiiumaa | 2 | 1 | 3 | 1 |
| Lääne-Virum | 3 | 3 | 11 | 2 |
| Põlva | 1 | 1 | 3 | |
| Pärnu | | | 7 | 4 |
| Rapla | 14 | 3 | 6 | 3 |
| Saaremaa | 3 | 3 | 3 | 7 |
| Tallinn and Harju | 3 | 10 | 9 | 7 |
| Tartu | 2 | | 2 | 2 |
| Valga | 4 | 2 | 3 | 2 |
| Viljandi | 15 | 4 | 9 | 3 |
| Võru | 3 | 1 | 9 | 2 |
| **TOTAL** | **71** | **36** | **106** | **59** |

Tabel 2

**The construction has not been changed for more hazardous one**

In this respect we think of constructional changes that reduce safety of machinery as compared to the one after the machinery was released from the factory. Such changes were discovered in 14 cases. The most common breach was removing protection covers from moving parts of the machinery.

One of the most frequent infringements found during inspection activity was lack of safety instructions - 69 cases. Employers explained it by their lack of knowledge. They were of the opinion that it was sufficient if they had an instruction manual on the use of machine or equipment.

Access to moving parts in the working area was quite common in case of most of agricultural machinery. As a result, 48 machines with dangerous access as compared to 219 safe was quite good, taking into consideration the proportion of old machinery. The next largest group of violations was access to dangerous moving parts outside working area – 53 violations (175 safe ones). The most common in this group was lack of protective covers. It was quite often that the protective cover had broken or had not been installed on transmission shaft with universal joints. It has become quite a problem in agriculture. The covers to transmission shafts with universal joints are plastic and break easily at careless handling. Separate covers are not on sale and the price of the whole set is rather high. Therefore quite a few farmers risk their lives. In agriculture a worker's clothes entrainment by transmission shaft and wrapping him around the shaft is a typical cause of fatal accidents that inspectors encounter from time to time. In all cases when inspectors come across situations when there was no protective cover on transmission shafts, the inspectors should forbid the use of the machinery. In most cases it has been done. Regulation on the use of work equipment requires installation of protective covers in such places. When it is nearly impossible to prevent access to moving parts of agricultural machinery in the working area, it applies especially to older machines, and then access to moving parts should be blocked outside the working area by protective guards. The protection had not been installed especially at older machines for protection against risk of projection of objects.

As an overall assessment most of the inspected machinery were considered as safe – 245 and hazardous - 34.

The use of 16 machines was forbidden. Penalty payment was imposed in case of 7 machines. 5 of them in Pärnu County for the lack of safety instruction manual and 1 in Jõgeva County and Lääne County for changing the construction. In Hiiumaa County and Põlvamaa County no shortcomings were found.

## The campaign on Manual Handling of Loads "Lighten the Load 2007"

In 2007 an information and inspection campaign for prevention of lower back aches of workers in transport and health care sector. The main aim of the European campaign was to raise awareness of employers and workers on risks and preventive measures concerning manual handling of loads and change attitude towards the risks.

In addition to collecting and dissemination of information on working environment situation and rendering advice on prevention of work-related ailments and improvement of conditions of work and work organisation, it also covered a comprehensive target inspection of enterprises with the aim to achieve better compliance of work environment with the requirements of the Directive 90/269/EEC.

During the Manual Handling of Loads *(hereafter **MHL**)* campaign from 24 September to 30 November last year 101 enterprises related to transport were inspected (transport, trade, manufacturing and telecommunication enterprises) and 118 care institutions (hospitals, old people's homes and hospices for disabled people), where 16 410 workers were involved with manual handling of loads in all.

The enterprises, planned to be inspected during the campaign, were sent check-lists with questions before the actual inspection. These check-lists were asked to be filled in by enterprises themselves. The aim was to make the employer examine the working conditions, find shortcomings and eliminate them. Within inspection visits labour inspectors assessed the same conditions of work. It can explain the fact that in some cases and on some issues the inspector's assessment was better later on than the employers` initial one, as the employer had meanwhile improved conditions of work.

During the inspection visit inspectors not only looked for shortcomings but also, based on their experience, rendered advice to enterprises what the best way was to arrange MHL better and safer. In case of minor shortcomings they were not always registered, but the necessity of elimination of the shortcomings was explained to the employer.

One of the main topics under focus was if risk assessment had been conducted at the enterprise *(hereafter RA)* and if it covered risks related to manual handling of loads. It was nice to note that in most of the enterprises inspected RA had been sufficiently conducted and auxiliary means were used when manually handling loads. These appliances were used also in care institutions for moving and lifting patients.

**A short outline on transport sector**

101 enterprises were inspected in transport, trade, manufacturing and communication sector. 7269 workers in all handled manually loads in these sectors.

Enterprises that were inspected were: airport – 1, ports and harbours – 2, motor transport enterprises – 28, commercial establishments - 39, manufacturing enterprises – 25 and post offices – 13. Some of them were engaged in several sectors, both manufacturing and transport or trade and transport.

In transport sector it turned out that RA had been conducted in three quarter of enterprises inspected, but a plan of activities based on results of RA with the aim to reduce risks related to MHL had been prepared by a bit more than half of the enterprises.

Training system on MHL was organised in two third and training of staff took place hardly in three quarters of enterprises. In-service training was foreseen in less than half of enterprises (42%).

The situation was somewhat better with safety instructions on manual handling of loads that could be found in four fifth of enterprises, auxiliary means were procured by all enterprises and were used by them.

MHL took place at uncomfortable height, distance or position in more than half (54%) of the enterprises inspected, although employers themselves thought that such a situation existed in only two fifth of enterprises (39%). MHL took place ergonomically correctly in two third of enterprises. Workers were able to have periods of rest to avoid overload in nearly all enterprises. About four fifths of workers dealing with MHL had passed health examination, but only about two third (59%) of enterprises had taken into account occupational health physician's recommendations. Provision of other occupational health services was organised only by two fifth of enterprises.

Internal control on MHL was conducted in 81% of companies, but problems found were reflected in writing in less than half of enterprises (44%).

Suspension of work took place in a situation where a minor working as a crate washer had to manually handle 1.3 tons of loads during a shift, working in a noisy and humid environment and was exposed to dangerous chemicals.

**A short outline of care sector**

118 health care institutions – hospitals, old people's homes and hospices for disabled people - were inspected. 9141 workers handled loads manually there. 61 of them provided hospital service, 45 old people's home service and 26 institutions provided care for disabled people. The total number - 132 – is due to the fact that some of them have been active in many fields.

Resulting from inspectors` assessments it becomes evident that risk assessment on MHL has been done in four fifth of companies inspected. In the same proportion of enterprises plans of activities were drawn up to reduce risks based on the risk assessment. In this respect the situation was much better than in transport sector.

Training system on MHL was worked out in two thirds and the pertinent training of staff was organised in the same number of enterprises.

Safety instructions on manual handling of loads were present in 68% of enterprises, auxiliary means nearly in all companies and were used there as well.

Workers were provided periods of breaks to avoid overload in nearly all enterprises.

Three quarters of companies had conducted health examination of workers involved in MHL, but occupational health physicians` recommendation had been taken into consideration by a bit more than a half (56%) of care institutions. Provision of other occupational health services was organised by only 63% of enterprises. Internal control was conducted by 75% of companies, but the shortcomings found were formulated in writing by about a half (39%) of the companies.

It was evident that the larger the care institution, the better MHL was organised. It could be expected as there were more workers among whom different responsibilities could be divided. It is more likely that a work environment council has been set up there and it has been active.

The Labour Inspectorate is of the opinion that the MHL campaign achieved its aims, drawing workers, employers and labour inspectors attention to health problems and lower back ailments, also to taking measures to prevent musculo-skeletal ailments by reducing manually handling loads.

Under the aegis of the SLIC a similar information and inspection campaign continued also in 2008, whereas the main focus was on construction and retail sectors.