Tööinspektsioon

2009

ANNUAL REPORT OF WORK ENVIRONMENT

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Introduction

New Courses of Action of the Labour Inspectorate in 2009

For implementation of strategic goals several new activities were launched in 2009.
With the aim to make information activity more efficient information days on work environment and labour relations were carried out in all the counties. For dissimination of information to the general public new formats and new media channels were taken into use. Publication of the electronic newsletter of the Labour Inspectorate was started and publication of regular rubrics in some local newspapers and websites of most towns was achieved. For dissimination of information a data base of best practices in enterprises was established.

For enhancing competence on occupational health and safety, training of work environment specialists and managers of small enterprises was started. In 2009 the so-called pilot courses were carried out, on the basis of which the curriculum was adjusted. Training capacity to this effect will increase in the future.

Bases for evaluations of inspectors on activities and risk factors were specified to get a more reliable review of the work environment situation and a nationwide survey on work-related psychosocial factors was carried out.

In 2009 the activities of the Labour Inspectorate were evaluated by an expert group of the European Senior Labour Inspectors Committee.

Work environment in 2009

The main key words of the Estonian work environment in 2009 were the enforcement of the new Employment Contracts Act and its implications on labour relations and inspection of labour relation.

As for labour relations the year 2009 was complicated both for workers and employers. Therefore the extent of consultation on labour relations was considerably increased. Consulting time both on the information phone and the reception hours of lawyers were lengthened during the year. In addition to that, the general public was provided with a possibility to participate in information days on the new Employment Contracts Act all over Estonia.

During the last three months of 2008 the number of applications on collective redundancies and holidays with partial pay still increased and the increase still continued during the first three months of 2009. The number of such applications started to decrease only in April and May to some extent. The majority of applications were received from the construction sector, metal industry and trade sector. As for counties, more applications were submitted by enterprises in Tallinn and Harjumaa and Ida-Virumaa. Since 01 July the Labour Inspectorate does not grant consents /approvals for various applications on labour relations.

The first half year was characterised by a considerable increase in the number of labour disputes, so 1901 labour disputes were submitted to labour dispute committees during the second three months (in 2008 – 881 labour disputes). However, by the end of the year the number of applications decreased a bit (III quarter – 1394; IV quarter – 1299).

The activities of inspection of occupational health and safety were influenced by the decrease in the number of enterprises and above all in the number of workers. Work environment as a whole has definitely been influenced by the economic recession in Estonia. So quite a few enterprises ceased their operations, it was more noticeable in smaller counties and it was the construction sector it concerned most.

The decrease of workplaces is also confirmed by the data from the Statistical Office, on the basis of which the number of employed, aged 15-74, has decreased about 10% or by 60 700

workers (in 2008 – 656 500; in 2009 – 595800). The largest decrease in number of employed took place in construction sector (-28%). Decrease of about 25% of the number of workers took place also in textile industry, chemical industry, production of food and beverages and in forestry.

The number of accidents at work in absolute numbers, one of the indicators of work environment, decreased by **-28,1%** i.e. a bit more than by 1100 accidents at work in 2009 as compared to the previous year. Also the rate of accidents at work per 100 000 workers considerably decreased in **2009 – 491,** in 2008 – 620 i.e. by **21%.**
The number of **serious accidents at work** decreased **-37,3%** i.e. by 353 accidents and there were 19 fatal accidents at work in 2009 (in 2008 - 21).
Significant decrease of accidents at work can be explained on the one hand by the decrease in the number of workers, especially in the more dangerous fields of activity (construction, processing industry, trade) and decrease of production capacity and intensity of work on the other.

Taking the goal of the Labour Inspectorate for the basis to ensure more efficient and effective supervision, we can say that somewhat more infringements have been established during inspection visits of enterprises than during the previous years. In order to ensure the elimination of infringements, penalty warnings, suspension of work and prohibition of use of hazardous work equipment have been taken into use when an infringement has been established. However, it is good to note that requirements of only 3% of notices with penalty warnings have not been met. Thus, it can be concluded that inspection of enterprises has become more efficient and infringements are rather eliminated without sanctions.

Occupational Health and Safety

Inspection of occupational health and safety

In the course of inspection of occupational health and safety 4042 enterprises were inspected in all in 2009, covering 22% of enterprises with more than 5 employees in Estonia.

No of enterprises covered by OSH inspections
(change as compared to the previous year)

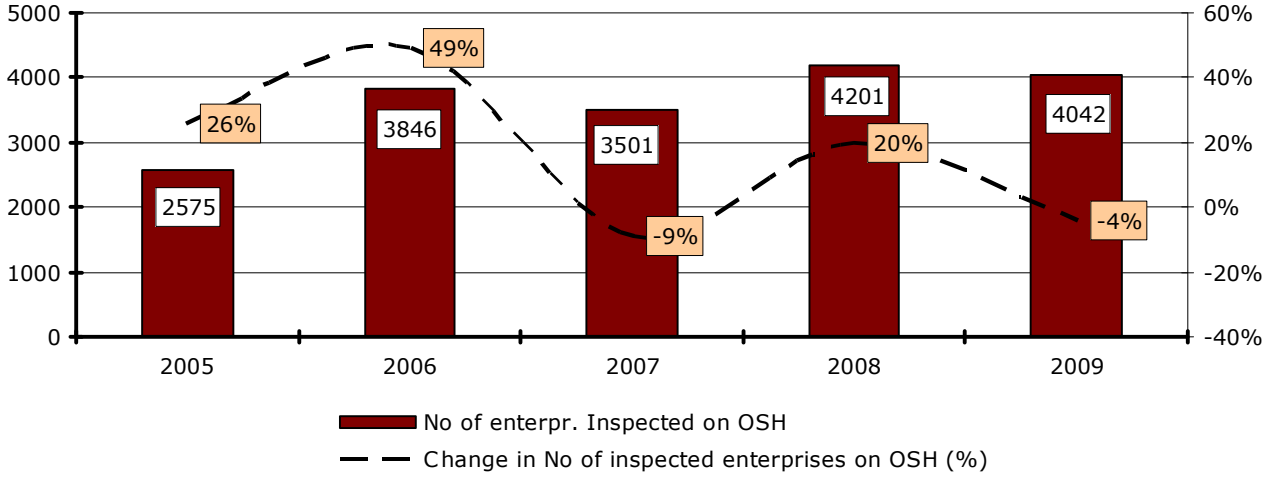

Figure 1

As compared to the year 2008 the Labour Inspectorate has increased the number of inspection visits of work environment, in the course of which work environment of enterprises as a whole was evaluated and more attention was paid to different risk factors. The number of target inspections has increased, the aim of which was to determine specific problematic fields of activity in work environment.

National campaigns in 2009:

- Target inspection of the quality of occupational health services
- Target inspection over falls due to slips and stumbles

Topics of target inspections chosen by local inspectorates:

- Safe school
- Target inspection of commercial enterprises
- Employers awareness of work-related and occupational diseases
- Compliance with requirements of safe use of work equipment in the work area of the South (Lõuna) Inspectorate
- Target inspection of work places in the work area of the West (Lääne) Inspectorate
- Target inspection of work-related diseases in the work area of the West Inspectorate

Conclusions of inspection results can be found in the Annex.

In addition to work environment inspections, follow-up inspection visits were performed in 806 i.e. in 16% of enterprises inspected before with the aim to identify whether the infringements had been eliminated. Inspections of new premises and market surveillance of personal protective equipment were also under the supervision of the Labour Inspectorate, which were carried out respectively in 254 and 38 enterprises.

Inspection results of work environment

Enterprises with such fields of activity where workers had the highest risk of health damage were more focused on. Assessment of risk levels of fields of activity, based on calculation of the total number of each field of activity and the number of accidents at work, occupational and work-related diseases, was taken for the basis for planning inspection activities.

Based on the risk level, inspection of work environment was performed at **2421 i.e. at 13%** of enterprises with more than 5 workers (in 2008 – 2351).
In 2009 enterprises of the following fields of activity were visited most:

- construction (16% of enterprises of the field);
- wholesale and retail trade (10% of enterprises of the field);
- transport and storage (18%);
- metal industry (19%);
- professional, scientific and technical activity (13%);
- wood industry (23%);
- agriculture and hunting (21%).

Assessments given on risk factors of work environment and employer`s activity at enterprises (2421 enterprises were assessed)

Considering all factors in general, inspectors assessed work environment as:

	in **2008**	in **2009**
Good in	34%	39%
Rather good in	48%	43% of enterprises.

Thus, in **82%** of cases positive assessment was given to management of risk factors and work environment activities.

	in **2008**	in **2009**
Rather bad in	13%	12%
Bad in	5%	6% of enterprises.

In the course of follow-up inspection of risk factors of work environment the assessment was as follows:

As good in	47% (in 2008 - 42%);	as rather bad in	4% (in 2008 - 4%);
As rather good in	48% (in 2008 - 53%);	as bad in	1% (in 2008 – 1%) of enterprises.

The results of follow-up inspection visits showed that 3 enterprises had done nothing concerning risk factors in the work environment despite requirements, some enterprises had dealt with some risk factors but not with all of them. More often arrangement of health examination and training and instruction of employees had been assessed as bad during follow-up inspections.

To illustrate the comparison between assessments given in 2008 and 2009 all factors and activities are shown that have been assessed (%-s of the figures are given on the basis of enterprises where the risk factor occurred or the activity was necessary).

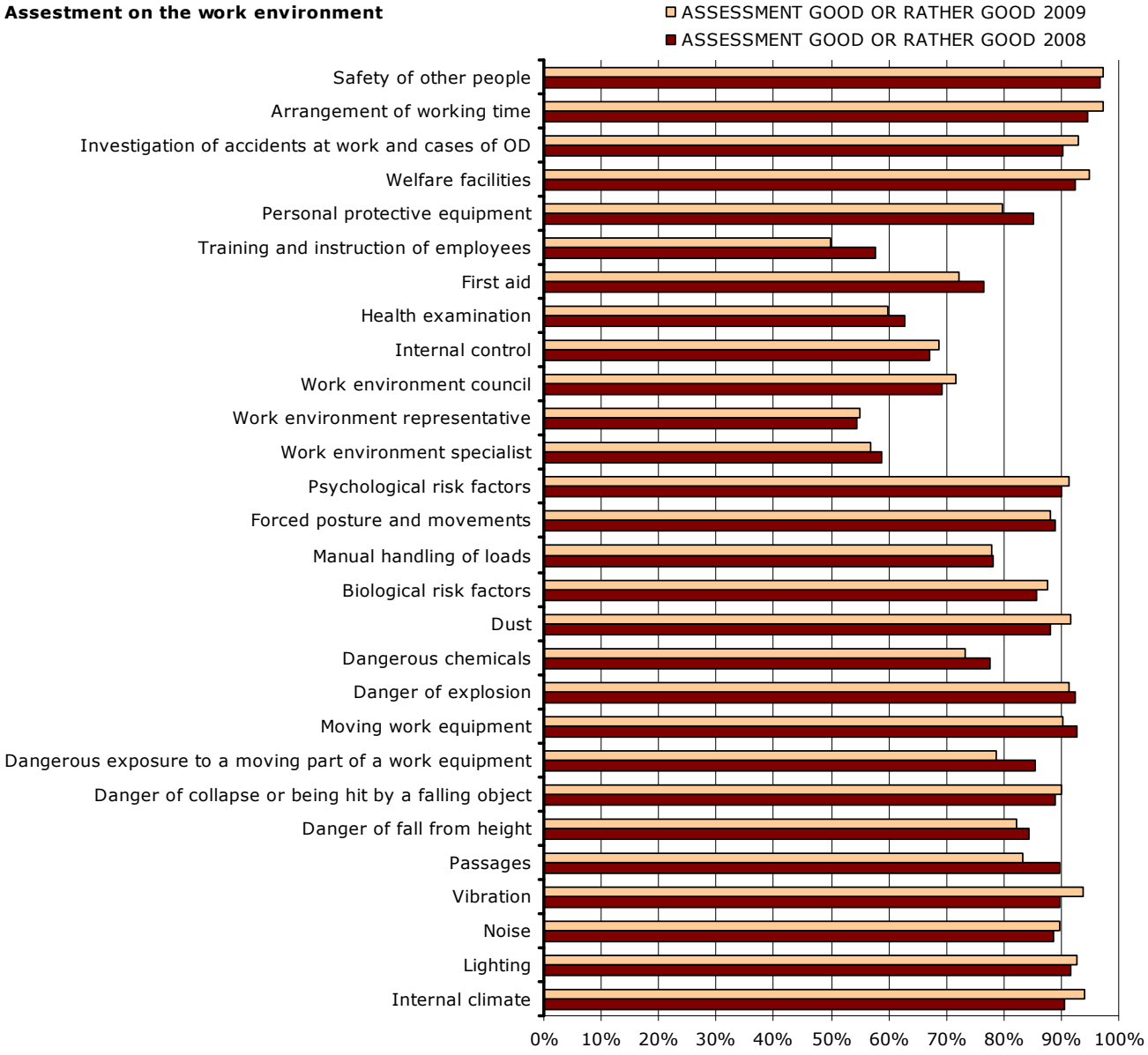

Figure 2

As it is shown in the Figure, training and instruction of employees was assessed as bad or rather bad mostly by inspectors, on which negative assessment was given at half of the enterprises. As for fields of activities, it was the biggest problem in transport and storage (in 64% of assessed enterprises), nearly in half of the enterprises of construction and trade sectors and in 45% of enterprises in metal industry. As compared to the year 2008 the number of such enterprises was somewhat bigger.
Similarly to previous years there was still no work environment representative and work environment specialist in more than half of the enterprises or their activity was not in compliance with requirements. About 70 % of enterprises in transport sector did not observe such requirements.

Health examination was assessed as bad or rather bad to some extent more than the year before (in 857 enterprises) and the same applied to organisation of provision of first aid (in 664 enterprises). Organisation of internal control continuously posed problems (in 741 enterprises). From the fields of activities inspected, arrangement of health examination was assessed mostly as bad or rather bad in transport and storage (in 45% of enterprises). Situation has worsened concerning assessments of passages, danger of being exposed to moving parts of work equipment; work with dangerous chemicals and use of personal protective equipment at enterprises. Here the reason need not be caused by significant deterioration of work environment but rather the fact that inspectors have started to pay more attention to those factors.

Major risk factors in the fields of activities inspected most

As for fields of activities, most problems were identified in **transport and storage** sectors, in 21% enterprises as an average (231 enterprises were assessed all in all). As described above, it turned out that there was no work environment representative in about 70% of assessed enterprises and training and instruction of employees had not been carried out in about 64% of assessed enterprises. Arrangement of health examination was not in line with requirements in 45% of enterprises and provision of first aid had not been organised in 33% of enterprises. More problematic factors were moving work equipment and manual handling of loads. Safety of outsiders, arrangement of working time, impact of vibration on health and indoor climate were assessed as good or rather good in the field of activity.

180 enterprises in **metal industry** were assessed all in all. The most problematic factors of the field were also training and instruction of employees in 45% of enterprises and arrangement of health examination in 35% of enterprises. At about 30% of enterprises risk of falling from height and exposure to moving parts of work equipment had not been managed. Enterprises were recommended to pay more attention to both passages, use of personal protective equipment and the impact of noise on employees`health.

Enterprises **in trade sector** were assessed 373 times. Here again training and instruction of employees (191 times i.e. at 51% of enterprises), arrangement of provision of first aid and manual handling of loads (at about 25% of enterprises) posed most of the problems, more than in other fields of activity.

At enterprises in **wood industry** (at 116 enterprises) organisation of internal control was assessed as bad (at 45% of enterprises) and danger of being exposed to moving parts of work equipment (at 41% of enterprises). Work with dangerous chemicals was considered as a serious risk factor at 33% of enterprises.

398 enterprises in **construction sector** were assessed in all. Arrangement of health examination was most often considered as bad or rather bad (at 39% of enterprises), arrangement of internal control (at 31% of enterprises) and availability or use of personal protective equipment (at 27% of enterprises). A considerable number of problems were posed also by training and instruction of employees that could be seen nearly at every second enterprise assessed. Management of risk of falls from heights was assessed as bad or rather bad at 45 enterprises; it means that the risk had actually been managed by most of the enterprises in construction sector.

The most problematic factors in **agriculture** (93 assessed enterprises) were passages (at 30% of enterprises), training and instruction of employees (at 29% of enterprises) and arrangement of health examination (at 28% of enterprises). Such risk factors occurring in agriculture as forced postures and movements, vibration, noise, biological risk factors, etc. were assessed as good or rather good at about 90% of enterprises.

Risk factors assessed as bad or rather bad by labour inspectors had been described in risk analyses by 15% of enterprises as an average and about 7% of enterprises had drawn up a plan of activities to manage risk factors. Despite the existence of risk assessment and action plan, actually no measures had been taken to reduce the risk factor. In the majority of cases in such enterprises risks related to noise, vibration or dust had been described in risk assessments. The danger of explosion, that was proactively described at risk assessments or of which enterprises were aware of, could be seen only at two enterprises (risk management of the danger of explosion was considered as bad or rather bad at 38 enterprises in all). Here we can conclude that risk assessments have not been thoroughly drawn up or on the other hand, if the risk factor had been dealt with at risk assessment then the assessment was positive.

Safety of other persons and arrangement of working time was continually assessed in most of the cases as **good or rather good** – by 97% of enterprises. As compared to the previous year assessment of the impact of vibration in the work environment, state of welfare rooms and indoor climate has improved to some extent.

On the ground of complaints, labour inspectors inspected 95 enterprises in 2009, constituting **2**% of all the visits. Enterprises in construction and trade sector were visited most on the basis of complaints. Complaints on construction enterprises were submitted mostly by anxious citizens, who had noticed construction workers without personal protective equipment at construction sites (mostly on roofs). Complaints in retail sector were mostly caused by the necessity to inspect conditions of work (conditions of work of shop assistants in sales area, use of fork-lifts and ladders in storerooms, etc.).

Follow-up inspections were performed at 806 enterprises during the year. The relative importance of follow-up inspections of all inspection visits was 16%. The assessments of follow-up activities showed that work environment of enterprises had significantly improved. As an average, work environment of 95% of enterprises had improved due to recommendations given by labour inspectors. At the majority of enterprises the situation concerning lighting had improved, passages had been put in order, welfare rooms had been renovated, etc. At the same time enterprises faced some difficulties to act quickly, e.g. improving arrangement of health examination, re-arrangement of work at manual handling of loads or concerning training and instruction of employees, the problems that were identified at about 10% of enterprises covered by follow-up inspection.

Infringements of various legal acts were identified in the course of inspection visits 13 780 times in all (in 2008 - 10 530), 37% of which were registered in notices (in 2008 – 30%). The number of infringements detected has increased 21% as compared to the previous year. 67% of claims submitted by inspectors were followed timely (in 2008 - 58%).
By counties the majority of infringements were registered in enterprises of Tallinn and Harju County - 4800 infringements, i.e. about 35% of the total number of infringements. At enterprises in the work area of the South Inspectorate 3274 infringements were registered in all, in enterprises of Ida and Lääne Virumaa counties - 3126 and in the work area of the West Inspectorate - 2592 infringements. The number of infringements has increased in all regions.
Violations of requirements of the **Occupational Health and Safety Act** were identified 5382 times in all. Relative importance of such infringements has decreased to some extent as compared to the year 2008, while in 2008 infringements directly resulting from the law consituted 46% of the total number of infringements; in 2009 the relative importance of such infringements was 39%. Based on the Occupational Health and Safety Act the majority of infringements detected concerned the lack of safety instructions on works to be performed and work equipment to be used – the infringement was registered in 927 i.e. in every fourth enterprise. Risk assessment was not conducted in every fifth i.e. in 758 enterprises. Work environment specialist had not been nominated in every sixth enterprise. Internal control of work environment had not been conducted in 544 i.e. in every seventh inspected enterprise.
Infringements of the requirements of the **"Procedure for training and in-service training regarding occupational health and safety"** were registered in 1855 enterprises i.e. 13% of the infringements. Training and in-service training was not conducted at 775 enterprises i.e. 6% of the infringements (in 2008 - 8%).
2837 infringements in all of **occupational health and safety requirements regarding work place and the use of work equipment** were identified i.e. 20% of the total number of infringements. As compared to the year 2008 the number of such infringements has increased by half. In quite a number of cases (at 489 enterprises) devices to ensure safety of work equipment or loading platforms (at 448 enterprises) were not in line with requirements.

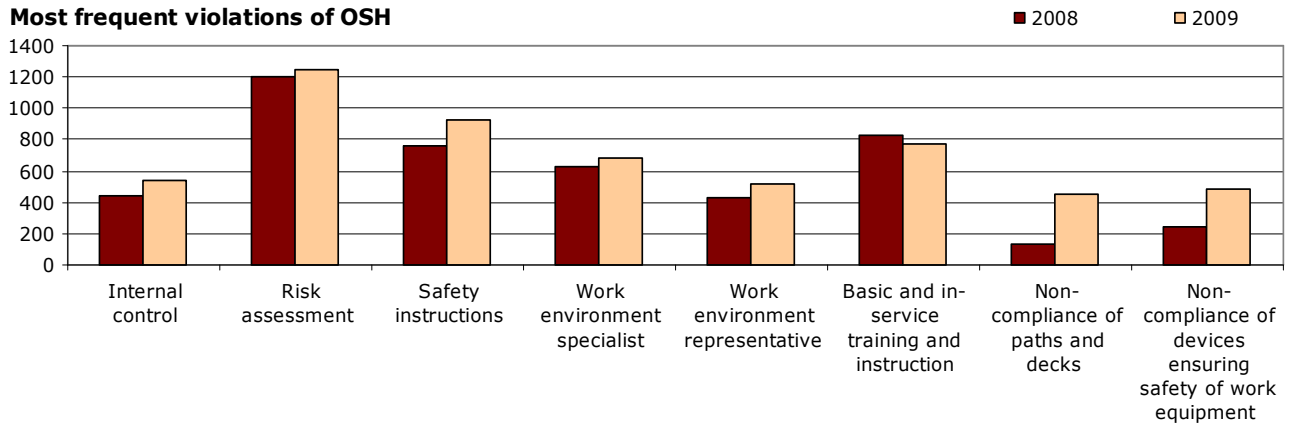

Figure 3

With the aim to eliminate an infringement, work was suspended in 131 cases and the use of work equipment was forbidden in 245 cases (in 2008 the respective figures were 81 and 5).

Warnings of penalty payment for non-observance of requirements were imposed in 643 cases in all, in the amount of 2 627 350 kroons. Penalty payment was enforced in 20 cases in the amount of 67 300 krooni.
As compared to the previous years the number of warnings of penalty payment has significantly increased, but not the need for enforcement (in 2008 – 9 times and in 2007 - 20 times). Penalty payment was enforced mostly if the shortcomings regarding dangerous equipment and machinery were not eliminated; there was also a case when an employer did not submit a suitable report on accident at work to the Labour Inspectorate.

Misdemeanour matters were heard in 151 cases. Penalties were issued in 119 cases in all in the sum of 395 650 kroons, including in 37 cases for natural persons in the sum of 56 650 kroons and 82 times for legal persons in the sum of 339 000 kroons. Based on the conclusions of investigations of accidents at work and cases of occupational diseaseses fines were imposed to legal persons in 59 cases in the sum of 243 400 kroons and to natural persons in 11 cases in the sum of 17 600 kroons.
As compared to the year 2008 the numbers of both of misdemeanour cases and penalties imposed have increased to some extent.

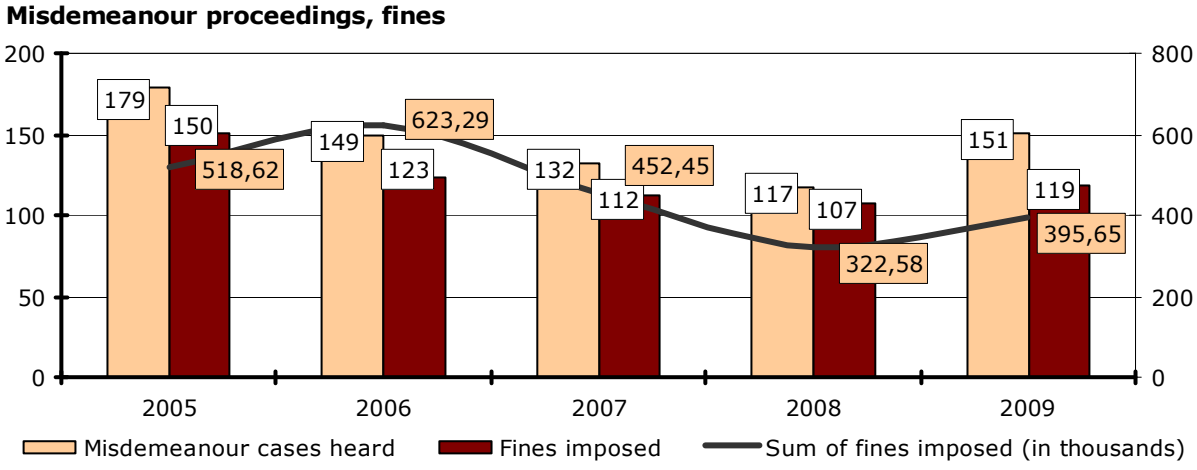

Figure 4

Accidents at work

In 2009 the Labour Inspectorate was notified of **2927** cases of an accident at work (in 2008 – 4073).
The number of accidents at work decreased during the year 28,1% i.e. by 1131 accidents.

Registred accidents at work
(change as compared to the previous year)

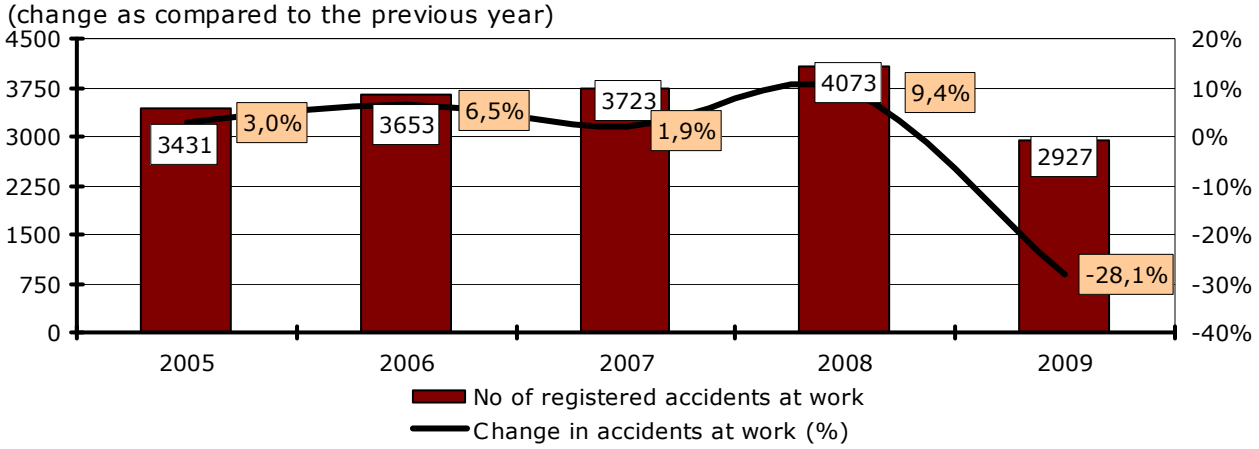

Figure 5

By the level of severity of damage to health, accidents at work with serious damage to health were registered in 594 cases, minor accidents at work in 2314 cases and fatal accidents at work in 19 cases. As compared to the year 2008 the number of serious accidents at work decreased 37,3%, minor accidents at work 25,5% fatal accidents at work 9,5%.

Registred accidents at work by severity

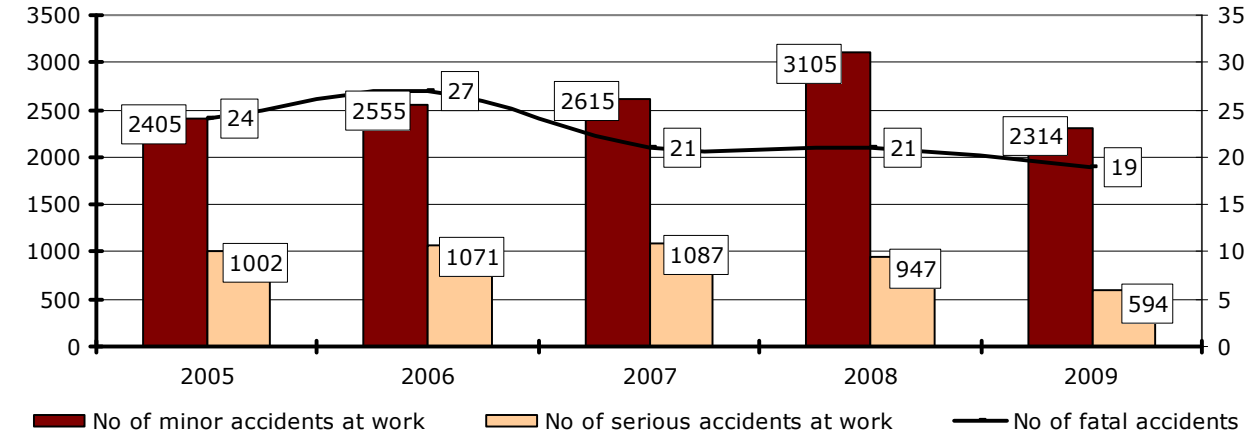

Figure 6

The ratio of accidents at work per 100 000 employees decreased 21% during the year. The ratio is related to the number of engaged, aged 15-74 in counties and fields of activities. Based on the data on 2009, 491 accidents at work were registered per 100 000 employees, of which 388 were minor, 99 serious and 3 fatal accidents at work (in 2008 – the respective figures were 620 (total number) – 473 minor, 144 serious and 3 fatal.

By counties, most accidents at work per 100 000 employees were registered still in Lääne-Viru County. The large number of registered accidents at work in Lääne-Viru County can be explained by notification of accidents at work by doctors and employers at a very good level. The good level of notification of accidents at work is characterised especially by notification of

minor accidents at work as it is this type of accidents that is considerably less reported of by other counties.

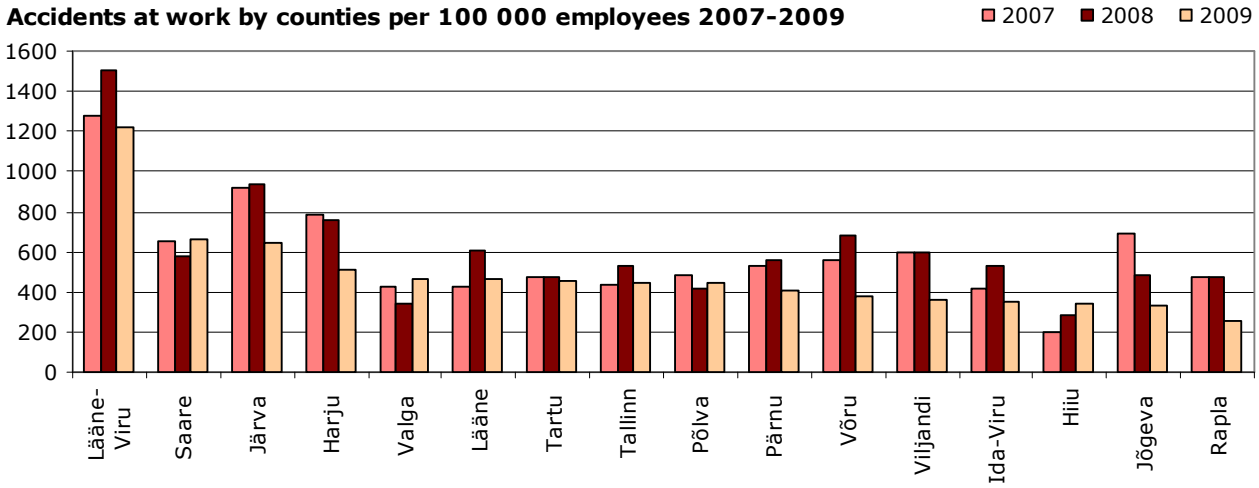

Figure 7

As compared to the year 2008 the number of accidents at work per 100 000 workers has decreased in nearly all counties, most in Rapla (46%), in Võru (44%) and in Viljandi County (39%). The proportion of accidents at work per 100 000 workers increased in Valga, Saaremaa, Hiiumaa and Põlva County. The main reason for increase of proportion can be explained by decrease in number of workers in the county to some extent, not so much increase in the number of accidents at work; it was the case only in Valga County and in Saaremaa where to some extent more accidents at work were registered than in 2008.

The number of accidents at work in absolute figures decreased nearly in all counties, mostly in Tallinn (-257), Harju (-212) and Ida-Viru County (-152). More accidents at work than in 2008 were registerd in Valga - by 11, Saaremaa - by 8 and in Põlva County - by 1.

Table 1. Accidents at work by counties of the venue

Accidents at work in Estonia by counties of venue in 2007-2009 (excluding accidents at work outside the territory of Estonia)

	Minor accidents at work			+/- 2008	Serious accidents at work			+/- 2008	Fatal accidents at work			+/- 2008	Accidents at work in all			+/- 2008
Venue	2007	2008	2009		2007	2008	2009		2007	2008	2009		2007	2008	2009	
Harju County	333	375	233	**-142**	192	151	79	**-72**	5	1	3	**2**	530	527	315	**-212**
Hiiu County	7	11	11	**0**	4	5	4	**-1**	0	0	0	**0**	11	16	15	**-1**
Ida-Viru County	266	321	195	**-126**	56	60	39	**-21**	3	6	1	**-5**	325	387	235	**-152**
Jõgeva County	71	53	34	**-19**	33	20	11	**-9**	2	0	0	**0**	106	73	45	**-28**
Järva County	101	123	85	**-38**	55	43	23	**-20**	0	0	0	**0**	156	166	108	**-58**
Lääne-Viru County	265	366	268	**-98**	101	78	43	**-35**	3	4	1	**-3**	369	448	312	**-136**
Lääne County	32	69	40	**-29**	24	10	17	**7**	0	0	0	**0**	56	79	57	**-22**
Põlva County	42	38	40	**2**	13	8	8	**0**	0	1	0	**-1**	55	47	48	**1**
Pärnu County	152	153	109	**-44**	71	88	54	**-34**	0	2	0	**-2**	223	243	163	**-80**
Rapla County	53	69	28	**-41**	33	17	12	**-5**	0	1	2	**1**	86	87	42	**-45**
Saare County	88	71	80	**9**	13	17	15	**-2**	0	0	1	**1**	101	88	96	**8**
Tallinn	606	847	695	**-152**	347	288	183	**-105**	2	3	3	**0**	955	1138	881	**-257**
Tartu County	289	289	258	**-31**	55	59	42	**-17**	2	0	0	**0**	346	348	300	**-48**
Valga County	47	37	47	**10**	13	11	12	**1**	0	0	0	**0**	60	48	59	**11**
Viljandi County	130	123	72	**-51**	25	33	10	**-23**	0	0	2	**2**	155	156	84	**-72**
Võru County	68	83	50	**-33**	11	12	5	**-7**	0	0	0	**0**	79	95	55	**-40**
Total	2550	3028	2245	**-783**	1046	900	557	**-343**	17	18	13	**-5**	3613	3946	2815	**-1131**

Accidents at work taken place **outside the Republic of Estonia** were registered in 112 cases (in 2008 – 127), out of which 69 were minor, 37 serious and 6 fatal (in 2008 - 77, 47 ja 3 respectively).

Most of the accidents at work taken place outside the Republic happened in Finland - 48, outside the EU Member States - 37 and Sweden – 8. Estonian workers were involved in

accidents at work also in Spain - 1, Holland - 3, Ireland - 1, Lithuania - 4, Latvia - 2, Norway - 1, France - 1, Germany - 3, Switzerland - 1 and Denmark - 2.
The majority of accidents taken place in Finland were related to the construction sector and to enterprises engaged in employment of temporary workforce, who in their turn mainly dealt with intermediation of construction workers. Accidents at work, registered outside the EU Member States, involved peacekeepers of defence forces.
4 fatal accidents, which involved Estonian workers took place in Afghanistan, 1 in Lithuania and 1 in Holland.

As for by fields of activities it was the first time that the majority of accidents in Estonia did not happen in production or any branch of processing industry but in **public sector or national defence.** It can perhaps be explained by the fact that the economic situation in 2009 mostly concerned the sectors of production and processing industry, where both the numbers of workers and production output decreased and thereby the number of accidents at work decreased by half. Public sector, however, was not influenced by such economic situation so much and activities continued in the same amount. Pursuant to the activities in the public sector and national defence, accidents at work involve mainly employees of the police forces, Rescue Board and Prison Board and peacekeepers of the national defence.

As described above the number of accidents at work has decreased in all the sectors of production and processing industry. In the field of activity with the largest number of accidents at work in 2008 – **metal industry, manufacture of machinery and electrical equipment** – the number of accidents at work decreased **- 48%** i.e. by **241** accidents at work, in **wood industry -35%** i.e. by **106** accidents at work. Also in **construction – 46%** i.e. by **218** accidents at work and **retail and wholesale trade 31%** i.e. by **126** accidents at work.
The number of accidents at work increased by a few cases only in such sectors as education, art and entertainment and fields of activities related to provision with electricity, gas, and steam and air-condition.

An essential change has taken place in administration and auxiliary activities, where, as compared to the previous year, nearly twice as many accidents at work were registered. Here it can be explained by the fact that during the previous years different activities of the field broke up between other fields of activities and it was not possible to get full statistical details. At the same time administration and auxiliary sector involve enterprises of security work and temporary work, where the number of accidents at work has indeed become more frequent.

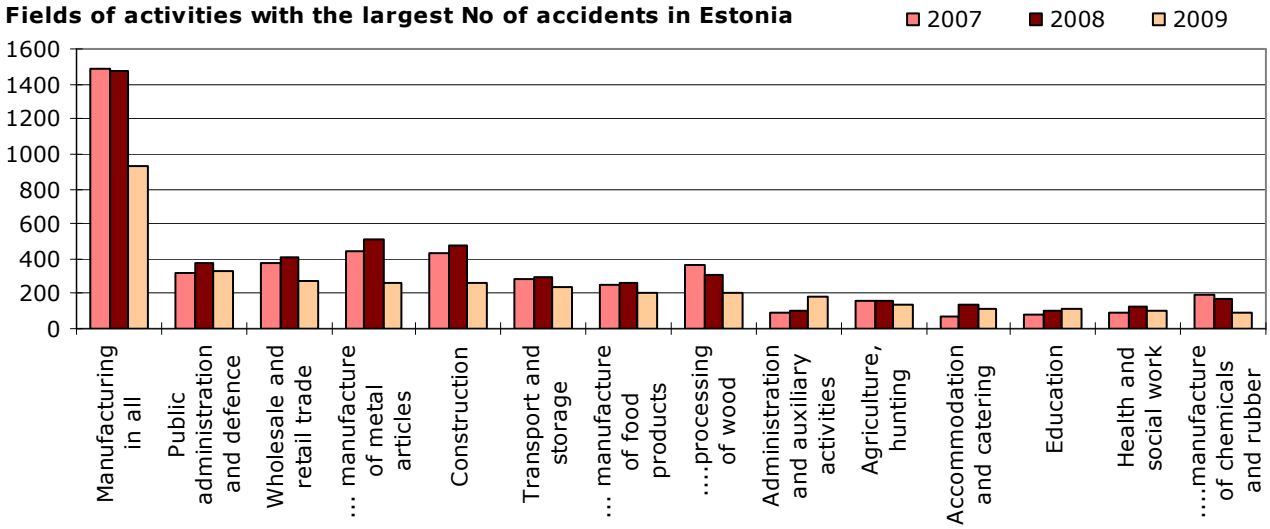

Figure 8

In the fields of activities in processing industry the largest number of accidents at work **per 100 000 workers** was registered in **wood industry (**1408) and in **food industry.** From other sectors, the largest ratio concerned **water supply, sewerage, management of waste**

and pollution (1083), **administration and auxiliary activities** (1071), **public administration and national defence** (893) and **mining industry** (625).
As compared to the previous year the ratio of accidents at work had increased mostly only in the field of administration and auxiliary activities, it concerned both the growing number of accidents and the decreased number of employees. In the sectors of art and entertainment, accommodation, catering, electricity and food industry the ratio of accidents at work increased only to some extent and it was also rather due to the decrease in the number of employees.

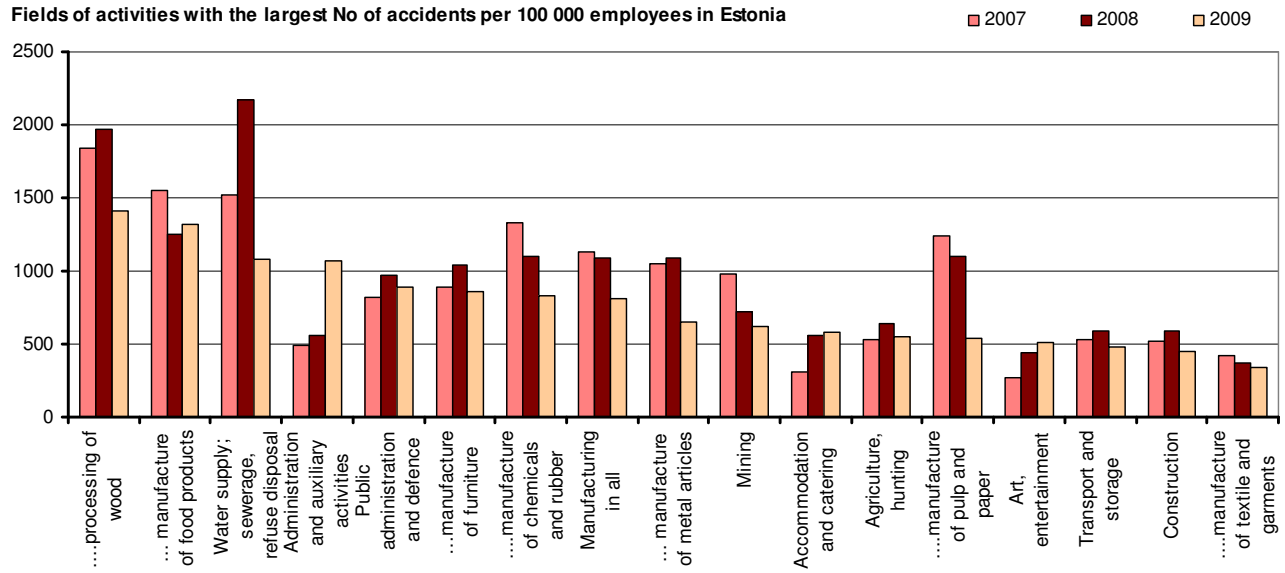

Figure 9

The number of serious accidents at work decreased by 353 i.e. 37%. The largest decrease in number of accidents at work was -67 i.e. 53% in construction sector, -65 i.e. 45% in metal industry and -47 i.e. 57% in wholesale and retail trade; also from more dangerous fields of activities in wood industry -21 i.e. 33% and transport and storage -25 i.e. 30%. Hence the number of serious accidents at work has declined in the fields of activity under focus during the last years. It is a good indicator showing an improvement tendency also in more dangerous fields of activity.

The number of **fatal accidents at work** has decreased during the last years. 19 fatal accidents at work were registered in all in 2009 (21 – in 2008).
As for counties, most fatal accidents at work were registered in Tallinn and Harju County (6), in Rapla County (2), in Viljandi County (2), in Ida-Viru County, in Lääne-Viru County and in Saaremaa (1) and outside the territory of Estonia (6).
As for fields of activity, the majority of fatal accidents at work occurred in the sector of national defence (5), where all the cases were related to war outside the territory of Estonia and such cases are not covered by occupational health and safety supervision. Five accidents at work in the construction sector resulted in death, two of which were related to construction and repair of railway, in one case a worker died after cave-in during excavation operations, in two cases workers were involved in traffic accidents.
In enterprises of transport and storage sectors two accidents at work resulted in death, in one case of which a worker fell from a cargo plane during loading operation and in the other a worker fell from a quay and drowned.
Lack of internal control of work environment, infringement of occupational safety requirements by an employee himself or insufficient training and instruction have been brought out as the most frequent causes of fatal accidents at work. In two cases, in addition to violation of occupational safety requirements, state of intoxication was indicated, which in its turn adds the possibility of an even greater risk of accident occurrence.

Unfortunately **causes of accidents at work** according to employers' points of view and inspectors`investigation results still differ to a large extent.

The most frequent causes of occupational accidents stated by employers on the basis of submitted reports of accidents at work are as follows:

- other causes in all - 48% of accidents at work;
- infringement of occupational safety requirements by an employee – 35%;
- insufficient training and instruction – 6%;
- insufficient internal control of work environment – 4%;
- non-compliance of buildings, premises or passages with safety requirements – 4%;
- other causes were brought out concerning significantly fewer cases.

On the basis of investigation reports of serious and fatal accidents at work we can say that accidents had been caused by the following factors (investigated by inspectors):

- infringement of occupational safety requirements by an employee – 53% of investigated accidents at work;
- insufficient internal control of work environment – 41%;
- non-compliance of work equipment with safety requirements – 26%;
- insufficient training and instruction – 25%;
- other causes – 10%.

Here we can note that explanation by employers of the causes of accidents has improved during the years. Although significantly less, employers have concluded that one of the causes of accidents at work could have been e.g. insufficient training and instruction or lack or non-use of personal protective equipment. In some single cases employers have noted state of fatigue as a cause of accidents at work.

Occupational and work-related diseases

73 cases of occupatinal diseases (OD) were registered at the Labour Inspectorate in 2009. More than a half of the patients suffering from an occupational disease, more than one occupational disease was diagnosed, thus there were 153 different diagnoses. 139 notifications on work-related diseases (WRD) were registered, in which 215 cases of different work-related illnesses were diagnosed in all. Diagnosis of cases of occupational diseases has remained at the same level as compared to previous years; then diagnosis of work-related diseases has considerably decreased. Here the reason is not considerable improvement of work environment but saving of costs by employers at the expense of workers`health examination: employers send less and less workers to occupational health doctor for first and periodic health examination. So, as compared to other European countries, diagnosis of occupational diseases and work-related diseases is disproportionately low in Estonia.

Registred persons with an occupational and work-related disease

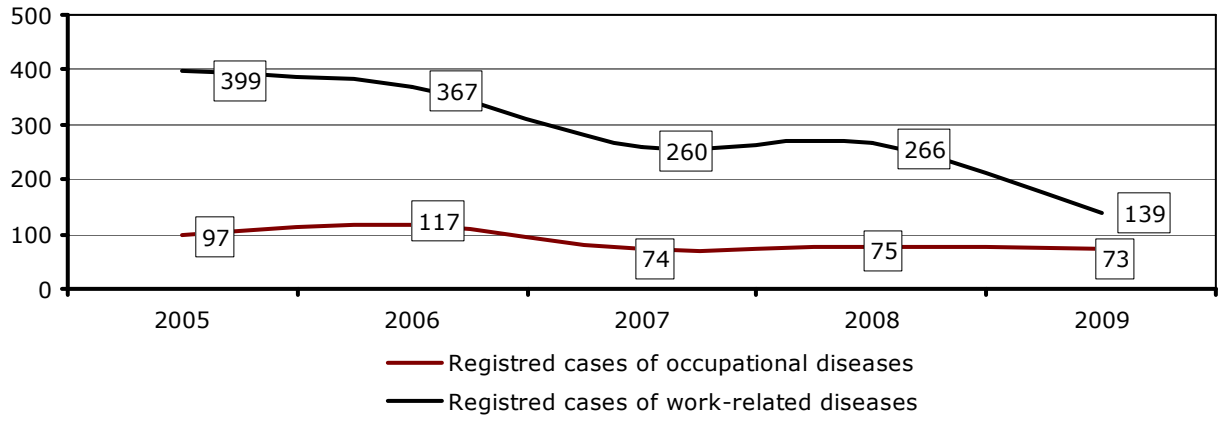

Figure 10

Occupational diseases diagnosed most in 2009 were musculoskeletal disorders due to physical overload, the main clinical diagnosis of which were still carpal tunnel syndrome and myofascial diseases due to overload.

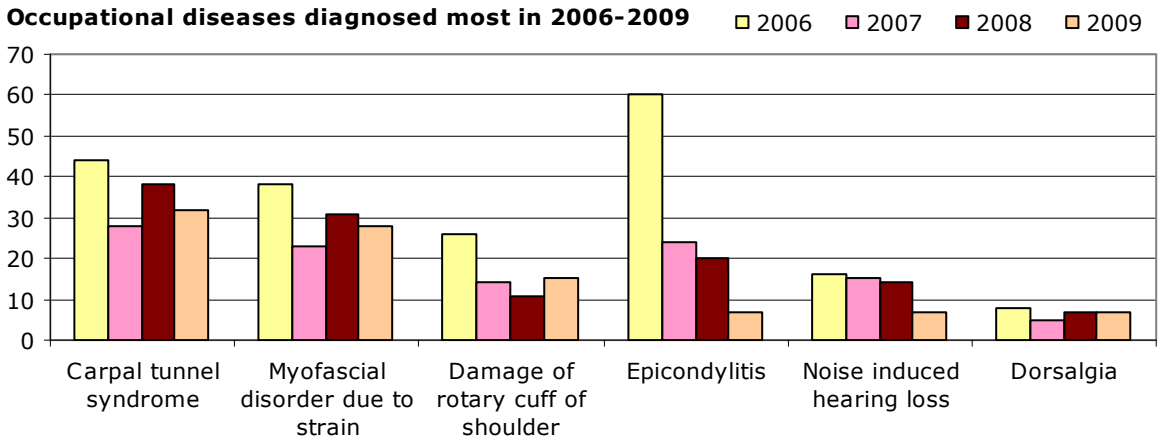

Figure 11

Based on notifications of **cases of work-related diseases** in 2009 as compared to previous years, diagnosis of noise induced hearing loss decreased most of all. When in previous years it was noise induced hearing loss that was one of the most frequent diagnoses on the notifications of work-related diseases. It was considerably less diagnosed as an occupational disease, but now the number of notifications of WRD and OD was relatively the same.
It is known that prior to diagnosis of an occupational disease in many cases a work-related disease is diagnosed, then in a few months expert assessment of the case of an occupational disease concerning the same worker is initiated. Thus, there may be cases when initially a work-related disease is registered and a few months later, a case of an occupational disease is registered, concerning the same worker.

Considering the fact that in essence a work-related disease is the same as an occupational disease it is important that employees do not continue to work under the same conditions and in the same work environment where the disease has developed. In particular, greater attention should be paid to reduction of physical overstrain and noise in work environment.

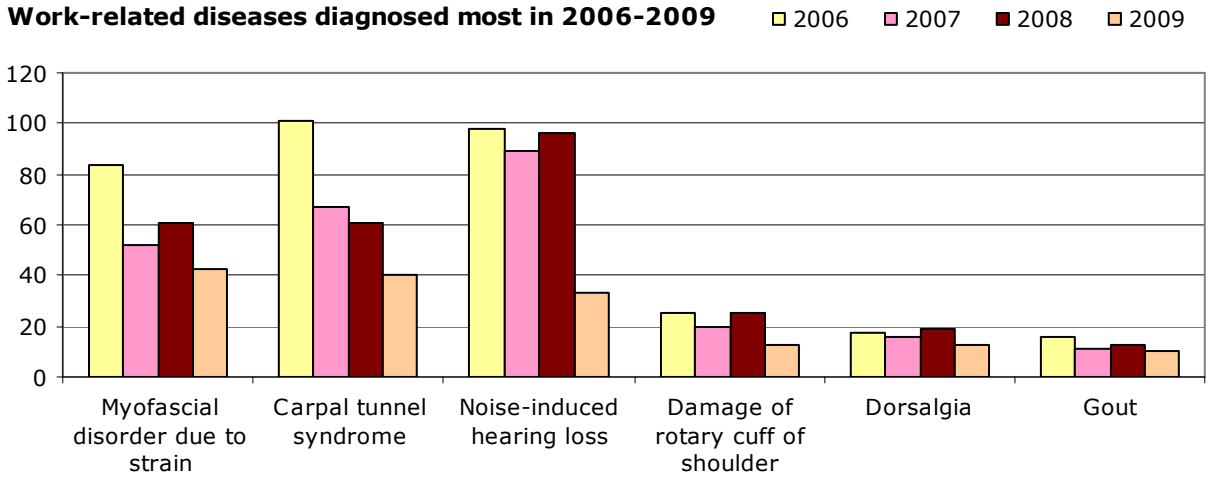

Figure 12

29 cases of occupational diseases by fields of activities were diagnosed i.e. 40% employees suffering from an occupational disease in the sector of processing industry, to be more precise, in metal industry, 5 - in manufacture of chemical products, 3 - in food industry, 3 - in textile industry, 3 - in manufacture of furniture, 2 - in wood industry and 1 - in manufacture of paper. From other sectors occupational diseases were diagnosed most at workers in agriculture, hunting – 17, public administration and national defence - 5 and

construction sector - 4. As compared to previous years the proportion of fields of acivities has remained the same.

One of the most frequent diagnosis of workers of processing industry was carpal tunnel syndrome and diseases due to overstrain, that have been mainly caused either by repetitive stereotypic movements, forced postures or excessive physical strain, that are mainly caused by incorrect manual handling of loads, regarding both working posture and excessive burden. Almost half of the workers in agricultural sector were diagnosed carpal tunnel syndrome and in addition also myofascial disorder due to strain, lumbago, bends or noise induced hearing loss.

Work-related illnesses were diagnosed in 2009 mostly at workers of processing industry - 47 i.e. 34% of the cases. To be more precise, 13 –at workers in metal industry, 11 – in wood industry, 8 – in food industry, 7 – in textile industry and 8– at workers in manufacture of furniture, paper and in chemical industry in all. From other fields of activities WRD were more frequently at workers in trade (16) and health care (13).
Carpal tunnel syndrome as a work-related disease was diagnosed most frequently from branches of processing industry at workers of food and metal industry. Noise induced hearing loss of 33 employees was diagnosed more frequently of workers in mining and wood industry. Diseases caused by overstrain were the most frequent diagnosis at workers of all branches of processing industry and health care professionals.

Most frequent risk factors, causing occupational and work-related diseases, have remained the same through years:

Tabel 2. Risk factors causing OD and WRD

Work-related diseases	**Occupational diseases:**
• heavy physical work	• repetitive movements
• repetitive stereotypic movements	• work posture
• forced postures and movements caused by overstrain	• carrying and lifting of loads
• noise	• mechanical vibration
• physiological risk factors	• noise
• static tension of some muscles	• pushing and pulling of loads
• other chemical risk factors	• other chemical risk factors
• vibration	• other types of strain

By occupations occupational diseases have been more frequently diagnosed in recent years at cattle breeders, operators of machinery and equipment and drivers of farming and forestry machinery, land improvement and road works machinery and lorries. The next largest group was skilled workers and handicraftsmen (26%), most of whom were mechanics of machinery and metal workers, meat and fish processors, dressmakers, welders and electricians.

Cases of work-related diseases were diagnosed mostly at drivers of agricultural, land improvement and other lifting equipment, unskilled workers of mining and quarries, manual packers and sizers and cattle breeders.

By age occupational diseases were diagnosed mostly at employees aged 55-64 (47% of employees suffering from an OD), in 2008 occupational diseases were diagnosed mostly at younger employees, i.e. aged 45-54 (57% of employees suffering from an OD). In 2007 there were 3 employees younger than 35 suffering from an OD, in 2008 -2 and in 2009 - 1. The causes of cases of occupational diseases among younger employees are most of all allergic reactions to various chemical substances.

WRD-s were diagnosed mostly at employees aged 45-54 i.e. 39% employees suffering from a WRD, 37% - aged 55-64 and 14% - aged 35-44. As compared to previous years the age distribution is more streamlined. If previously nearly half of the cases of work-related diseases were diagnosed among employees aged 45-54, by now the age groups of 45-54 and 55-64 are more or less equal. Although the number of employees of younger age groups, getting a WRD, has not risen, then in 2009 two employees younger than 24 were diagnosed WRD. As for distribution of employees by gender women predominate both in cases of OD and WRD.

Labour Relations

Labour disputes

Labour Dispute Committees were submitted **6371** applications in all in 2009, that was by 55% more than in 2008 (4102 applications) and 2,4 times more than in the years prior to economic recession (in 2007 - 2610 applications).

Claims submitted to Labour Dispute Committees
(changes compared to the previous quarter)

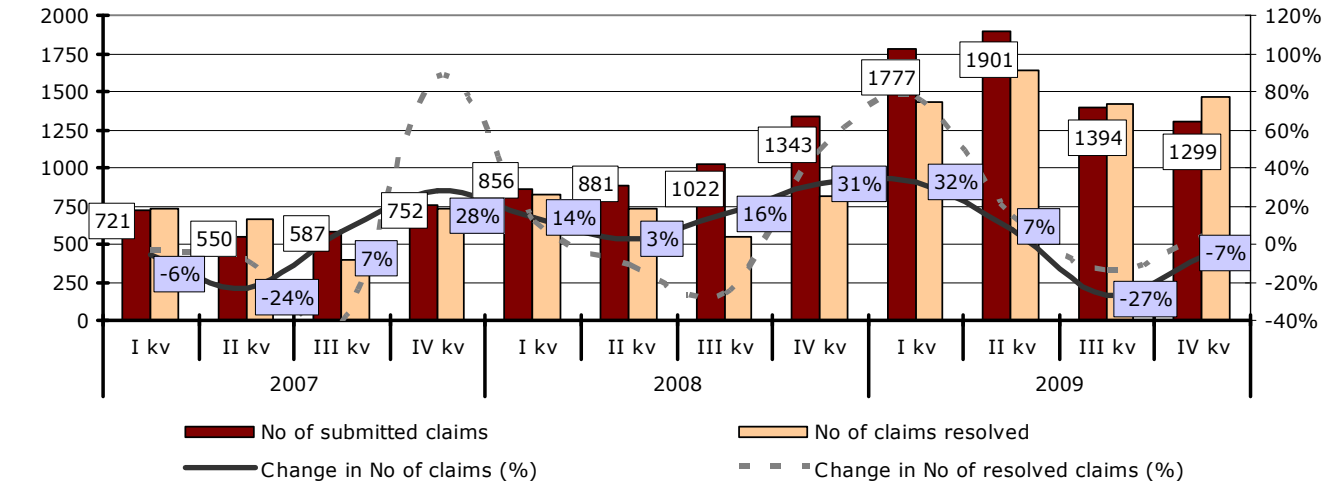

Figure 13

The majority of applications concerning a labour dispute were submitted during the first half year of 2009, directly before the new Employment Contracts Act came into force. In the second half year, after enforcement of the Employment Contracs Act the number of labour disputes has essentially decreased.

By counties most of the applications were submitted by employees/employers in Tallinn and Harju County (3333 applications), Tartu County (762) and Ida-Viru County (587). The least number of labour disputes on labour relations was in Hiiumaa and Põlva County, where respectively only 39 and 41 labour disputes were registered.

By Labour Dispute Committees the largest number of applications were submitted to Labour Dispute Committees of the North (Põhja) Inspectorate i.e. by employees and employers of Tallinn and Harju County. **3343 applications of labour disputes** were submitted in all during the year **i.e. 52%** of all the applications of labour disputes. The Labour Dispute Committees of the South (Lõuna) Inspectorate, located in Tartu and Võru, 1279 applications in all were submitted, i.e. 20% of all the applications in the country, the Labour Dispute Committees of the West (Lääne) Inspectorate, located in Pärnu and Saaremaa 930 claims were submitted, i.e. 15% and the Labour Dispute Committees of the East (Ida) Inspectorate, located in Jõhvi, Narva and Rakvere 819 applications were submitted in all, i.e. 13% of all the applications of labour dispute submitted in the country.

By the end of 2009, **7290 applications** were at hand at the Labour Dispute Committees, together with all the matters under resolution, **5965** of which were settled, i.e 82% of all the applications at hand. In 2008 4660 applications, 2910 were settled, i.e. 62% of the applications.

The length of time for processing labour disputes differed to some extent in different parts of Estonia. If we take e.g. **Labour Dispute Committees of the East Inspectorate,** then in Jõhvi, a labour dispute was resolved in 55 days as an average, then in Narva in 49 days; at the **Labour Dispute Committees of the West Inspectorate,** in Saaremaa in 35

days and in Pärnu 54 days; at the **Labour Dispute Committees of the South Inspectorate** in Tartu in 54 days and in Võru in 40 days. It took 92 days as an average, i.e. more than three months to resolve a labour dispute for **Labour Dispute Committees in Tallinn**. The results showed no Labour Dispute Committee could resolve applications within lawful term i.e. within 30 days. Time of proceeding has become longer due to the increased number of applications especially in Labour Dispute Committees of the North (Põhja) Inspectorate where 75% more applications were registered than in 2008.

Within one month i.e. 30 days the largest number of applications was heard in the Labour Dispute Committee in Saaremaa – 97%, Võru - 71% and Tartu - 47%. At the Labour Dispute Committees of the North Inspectorate i.e. the ones situated in Tallinn only 6% of submitted applications were proceeded within a month (in 2008 – 13%); in Jõhvi 34%, Narva 43% and Pärnu 39% of the applications.
To shorten the time of proceedings of labour disputes in Tallinn and Harju County, an additional Labour Dispute Committee was established at the North Inspectorate in 2009. Unfortunately due to the large number of applications it did not give the expected results and significantly affect the time of proceedings of applications. Therefore it is planned to establish one more, the fifth Labour Dispute Committee in Tallinn in 2010.

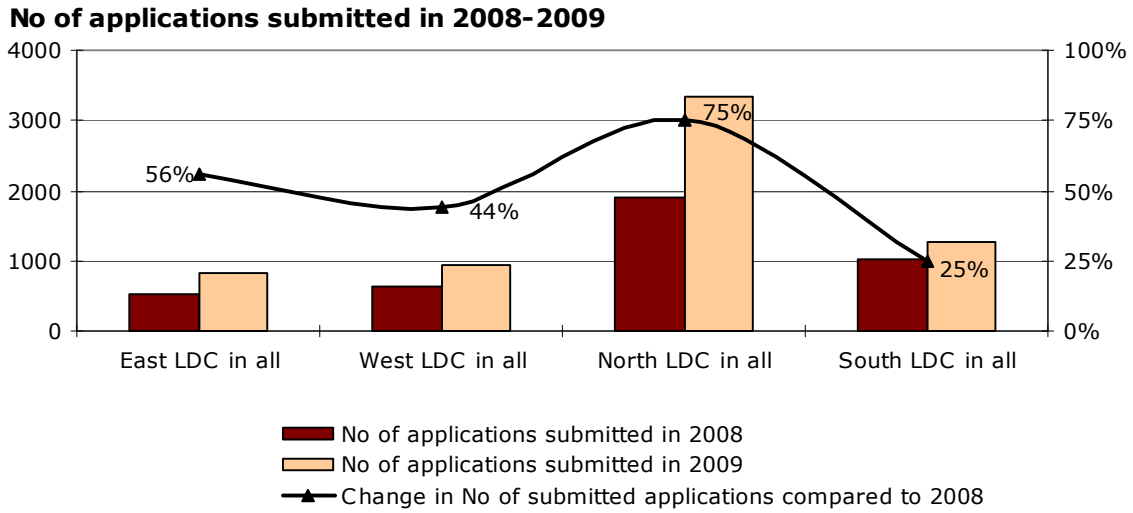

Figure 14

Applications submitted by **employers** made up 3% of the applications submitted in 2009 i.e. 199 applications. As compared to the year 2008 the number of applications submitted by employers has increased 18%. Employers' claims concerned most of all termination of employment contract due to breach of contract by employees (40% of the applications) and claims for compensation of the damage for the property by employees (38%). Other claims concern leave of employment without authorization before time of advance notice (30%) and financial claims for violation of obligations (5% of the claims).

6172 claims in all (in 2008 - 3933) were submitted by **employees** in 2009. The majority of claims concerned **non-payment of salaries while working and final settlement** (49% of the claims). Claims on **rendering termination of employment contract unlawful** constituted 21% of the claims and **claims for compensation concerning withholding final settlement** 18% of the claims. 17% of the claims contained claims concerning **witholding holiday and unpaid holiday pay**. Despite the fact that the number of all claims has increased, the number of claims on withholding holiday, unpaid holiday pay and claims on rendering employment contract unlawful nearly doubled as compared to the previous year.

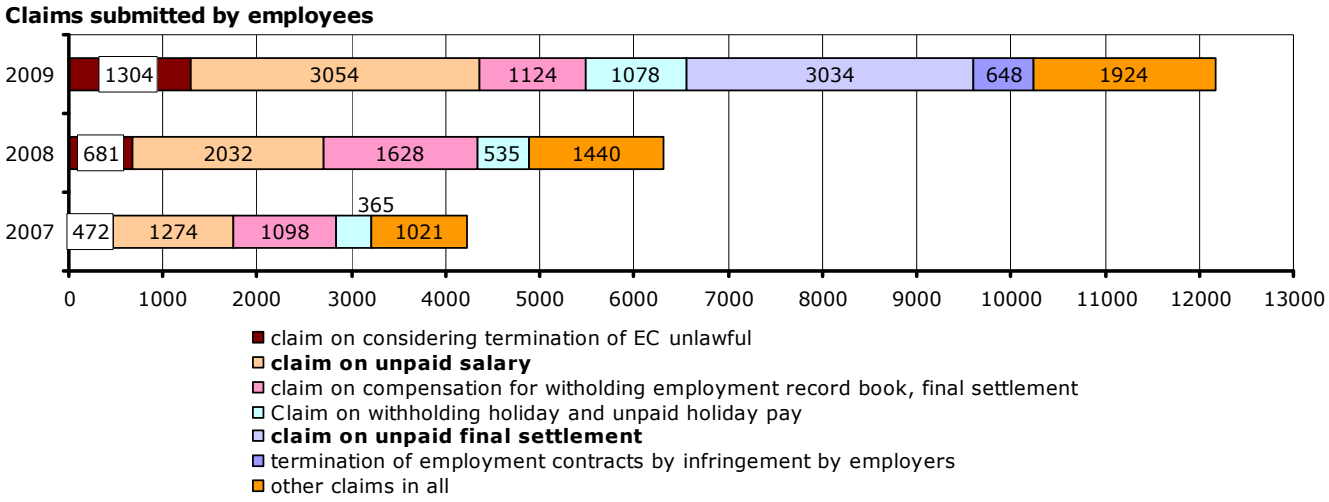

Figure 15

By occupations applications were filed with Labour Dispute Committees in 2009 mostly by construction workers, drivers, salesment/customer service, dressmakers, cooks, welders. Here clear connection can be seen with fields of activities where the number of workers decreased most. As the largest decrease in number took place in construction sector, trade and textile industry, manufacture of clothing, then similarly employees of these fields had recourse to a Labour Dispute Committee.

The proportion of applications heard and resolved at Labour Dispute Committees as compared to 2008 has somewhat changed. While in 2008 46% of the applications were satisfied, then 2427 applications i.e. 41% of the applications were fully satisfied in 2009. 1261 i.e. 21% of the applications were partly satisfied and 796 i.e. 13% of the applications were denied.
Applications were refused to be accepted in 86 cases and proceedings were terminated without a decision on the substance of the case in 1393 cases i.e. regarding 23% of submitted applications.
Applications were refused to be accepted mostly when the claim was not in the competency of a Labour Dispute Committee or the amount of the claim exceeded the rate. Predominantly causes for termination of proceedings were waiver of claims by applicants – in 773 cases i.e. 55% of the cases and applicants`failure to appear in 322 cases i.e. 23% of the cases.

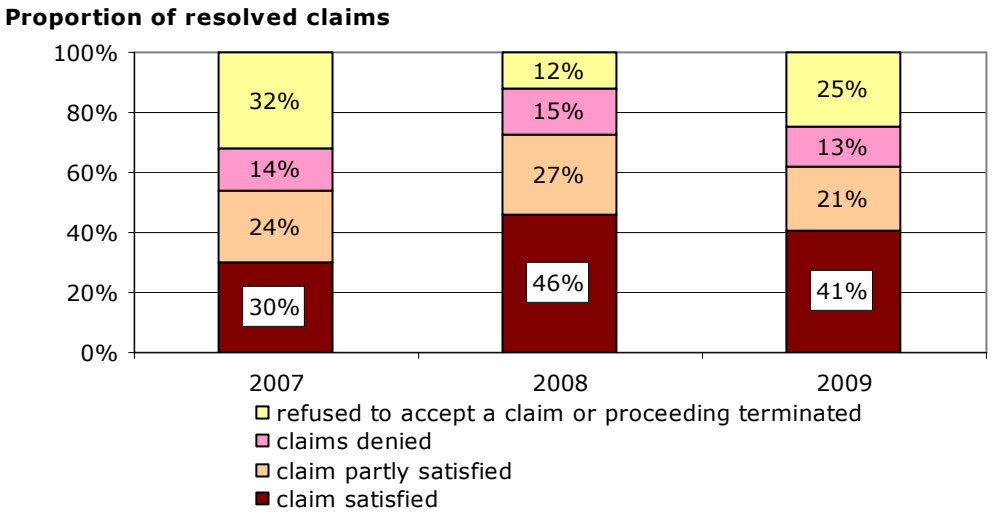

Figure 16

Monetary claims

Since the second half year of 2008 data have been collected also on the amount of monetary claims in the applications. The aim is to find out the monetary value of unpaid salary, applied through Labour Dispute Committees, and whether establishment of monetary limit corresponds to the actual situation. When in 2008 nearly a quarter of the claims remained between 10 000 to 19 999 kroons, then in 2009 the amounts of monetary claims were distributed more

equably. Until 1 July 2009 the monetary limit for monetary claims through Labour Dispute Committees was 50 000 kroons, but after 1 July 2009 the limit was raised up to 150 000 kroons. Thus as compared to 2008 the proportion of claims of more than 50 000 kroons has increased to 10% of all the claims. Non-monetary claims constituted 8% of all the claims (in 2008 - 11%).

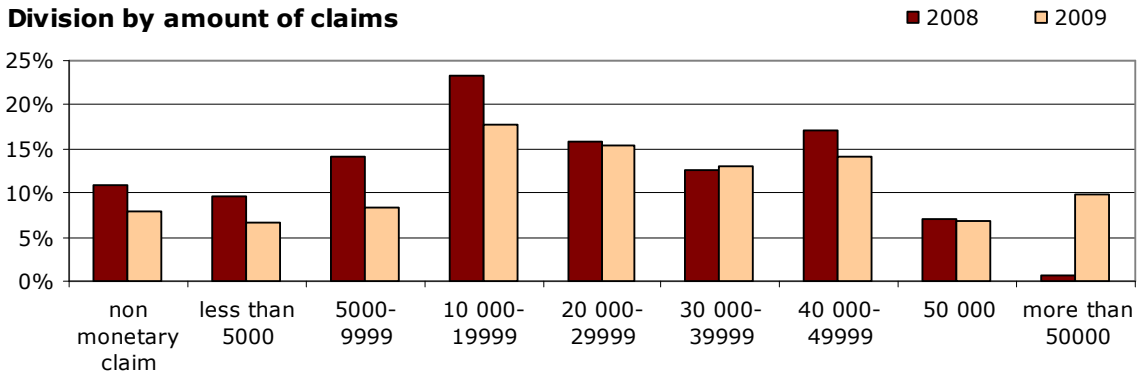

Figure 17

Inspection of labour relations

In 2009 no scheduled inspection on labour relations was foreseen but nevertheless 318 enterprises were visited on various grounds:

- ✓ by random selection of the inspectorate 230 enterprises were inspected;
- ✓ 37 target inspections were performed at previously inspected enterprises;
- ✓ 41 inspection visits were performed on the basis of complaints;
- ✓ before granting consent 38 inspection visits were performed.

Enterprises in the work area of the West Inspectorate were visited most – 111 times and of the South Inspectorate – 102 times. The smallest number of enterprise visits was in the work area of the East Inspectorate i.e. in Ida- and Lääne-Viru County – 43 times and in Tallinn and Harju County – 62 visits.

The main reason for the small number of enterprise visits was the new Employment Contracts Act that came into force on 1 July 2009 and the increased proportion of consultation by lawyers. Inspection of working and rest time of drivers of motor vehicles was conducted in the planned amount.

575 infringements of different legal acts in all were identified during inspection activity, 37% of which were formulated in notices. Most of the infringements inspected by labour inspectors - lawyers in 2009 concerned non-compliance of requirements of employment contracts – in 49 enterprises and requirements concerning recording of working time – in 51 enterprises.

For non-compliance of requirements enterprises were cautioned with penalty payment in **31** cases in the sum of **99 300** kroons. There was no need to enforce penalty payment.

In 2009 a target inspection over labour relations of minors was performed in the work area of the West Inspectorate. The aim of the target inspection was to find out how employers complied with the requirements of the new Employment Contracts Act concerning work of minors, mostly at catering establishments in Pärnu and Haapsalu. Municipal police officers or inspectors dealing with minors were involved in the inspection activity.
Most of the infringements concerned violations of requirements on working and rest time – long working shifts and assignment to night-work. In the course of inspection visits it became evident that not all employers were aware of requirements of legal acts on minors` work. The inspection visits showed that several employers had concluded contracts for services with minors, which were not under supervision of the Labour Inspectorate. Conclusion of contracts for services enables employers not to follow the restrictions concerning work of minors provided in the Employment Contracts Act. When concuding a contract for service it is possible

to establish unlimited working time for a minor, assign him to night work or dangerous work, there is no requirement for instruction, etc., so endanger a minor`s health and life.

Information phone

With the aim to be more available to employers and employees and to raise awareness on work environment issues, a national infoline (+372 **640 6000)** was established in 2008. The information phone is answered by lawyers all weekdays on issues related to implementation of legal acts that are under supervision of the Labour Inspectorate. Questions, e.g. on employment contract, working and rest time, wages, holidays and work environment, also questions concerning collective labour relations are answered there. Since the need for information through the infoline has continuously increased, the proportion of consultations on labour relations has considerably increased in 2009 and the proportion of inspection of labour relation has decreased. During the year both time spent on answering the information phone and reception hours of lawyers were lengthened.

136 250 calls were made to the infoline during the year, **121 788** i.e. **89%** of all the calls were moved to lawyers-respondents. **50 461** e. **41%** of all the calls made (in 2008 - 31%) and passed on to respondents were answered during the year. The largest number of calls was made during the first quarter when 56 000 calls were dialled, but only 26,5% of them could be answered. In the last quarter of 2009 approximately 90% of calls dialled were answered.

Review on information phone

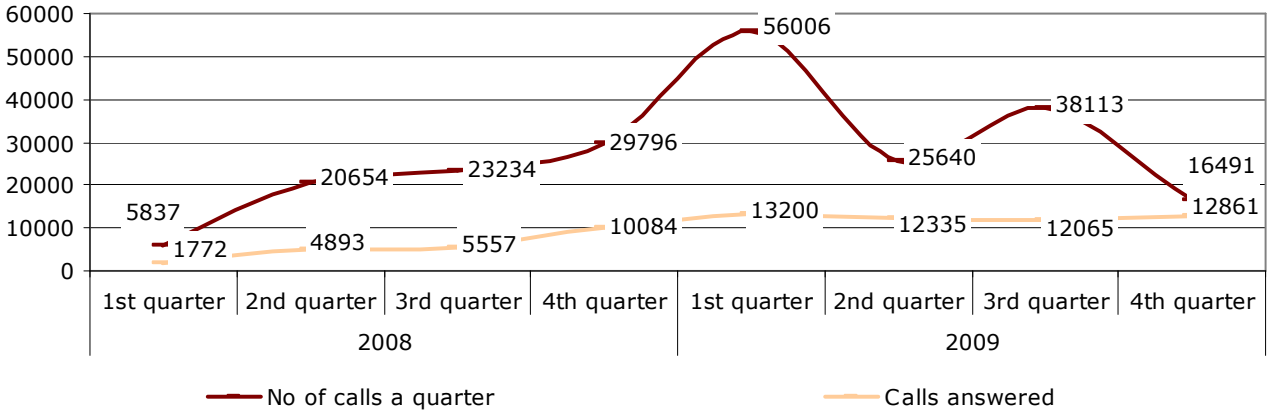

Figure 18

The most frequently asked questions at infoline

As on 1 July 2009 a new Employment Contracts Act came into force, the questions asked in the first or second half-year substantially differed. When during the first half-year the most frequent questions were:

- Termination of an employment contract (compensation, final settlement, employment record book, compensation for unused holiday, termination of an employment contract during sick leave);
- Issues related to part-time working time and holiday with partial pay (when an employee did not agree to it, recall from holiday, etc);
- Issues related to use of holiday (whether an employer can make an employee to take his holiday before termination of his employment contract, expiration of holiday);
- Issues related to unpaid salaries, final settlement, compensation;
- Receipt of an employment record book from an employer.

During the second half-year questions mostly concerned what had been changed in the new law. The most frequent questions were:

- Can an employment contract be cancelled during sick-leave and can an employee raising a child under 3 years be made redundant;
- How is an employment contract cancelled;
- How unused holidays expire and explanation on shift from accounting working years to accounting calendar years when granting holidays.

Consents, coordinations, registrations

Pursuant to the Employment Contracts Act (ECA), Working and Rest Time Act (WRTA) and Public Service Act (PSA) the Labour Inspectorate was submitted 3295 applications in all for obtaining consents or coordinations during the first half of 2009, 92% of which were satisfied.

Due to the rapid deterioration of the economic situation of enterprises the number of applications on collective termination of employment contracts drastically increased in February 2009 - 75 applications a month, i.e nearly five times as compared with the time before economic recession. The number of employees whom such a decision concerned increased up to 1851 employees in February.
The number of applications on part-time working time or holiday with partial pay increased as well during the first quarter. As compared to the first quarter of 2008 the number of applications had increased 4,5 times. The largest number of applications was registered in February 2009 (360 applications). Yet, as for the number of employees whom such a decision concerned the worst time was April 2009, when applications concerning transfer of 16 207 employees on a part-time basis or partially paid holiday were submitted.

Since May the numbers of all applications started to decrease and due to enforcement of the new Employment Contracts Act on 1 July 2009 the role on granting consents and coordinations of the Labour Inspectorate considerably decreased.
After 1 July 43 consents-coordinations were granted in the field of labour relations, mainly for concluding employment contracts with minors aged 7-14 (based on § 8 of ECA) and termination of service relationship on the basis of Public Service Act.

Also registration of employment contracts at the Labour Inspectorate based on §§ 31 and 75 of the ECA has essentially decreased, when in 2008 pursuant to § 31 of the ECA 604 employment contracts were registered, then in 2009 only 166 and pursuant to § 75 of the ECA 524 employment contracts in 2008, then in 2009 only 211 employment contracts.

Results of the inspection of working and rest time of drivers of motor vehicles

184 inspections of working and rest time of drivers of motor vehicles were carried out all over Estonia in 2009. Compliance of the requirements of working and rest time of 1604 drivers were inspected all in all during 42 889 work days (in 2008 the respective figures were 1823 and 44 299).
The aim of the inspection activity was to control how working and rest time of drivers was organised at enterprises, whether the established driving and rest periods were observed to ensure traffic safety on roads. Organisation of working time, drivers`daily driving hours and rest periods, breaks and weekly working, driving and rest time, restrictions on driving for two weeks, compliance of data recorded by tachogrphs with requirements were controlled at employers` premises.

Table 3. Inspection visits at employers`premises

Type of shipment	No of inspected drivers	No of inspected working days
I. type		
Passenger transport	125	3023
Cargo transport	1479	39866
II. type		
Carriage for hire or reward	1547	41333
Carriage on own account	57	1556

1920 **infringements** were identified in all, 94% of them i.e. 1814 at cargo transport (in 2008 the respective figures were 1576, and 1505 i.e. 95% at cargo transport). By the type of infringement the most breaches concerned lack of data on availability (522), then infringements of requirements of working and rest time (374), requirements on recording of data of driving time (332), breaches of requirements for breaks (320) and violations of driving time requirements (266).

No of employers/entrepreneurs and drivers inspected at employers`premises by the size of vehicle fleet of the company

Table 4. Infringements by the size of vehicle fleet

Size of vehicle fleet	No of inspected entrepreneurs	No of inspected drivers	No of infringements identified
1	5	5	27
2–5	56	168	331
6–10	53	331	686
11–20	37	412	302
21–50	26	521	435
51–200	7	167	139
201–500	0	0	0
more than 500	0	0	0

Results of inspection visits at employers`premises are taken for a basis for planning future inspection activities, where both the number of infringements and level of severity on the one hand and information from competent authorities of other countries on the other are taken into consideration.

National Information and Communication Activity

In 2009 one of the most essential key words of communication activity was **information days.** It was planned to organize 28 information days, but due to the great interest actually 51 information days were carried out, where 2222 people took part in all.

Information days turned out to be more popular than expected. Participants evaluated the lectures with 4,6 points in a five-point scale (Employment Contracts Act- 4,6, occupational safety- 4,5). In addition to the information days carried out within the frames of the ESF programme, information activities were carried out also at enterprises and institutions (more than 10).

In 2009 the Labour Inspectorate launched an **electronic newsletter**, four numbers of which were issued during the year. By the end of the year more than 1200 people had joined the list of the newsletter.

In 2009 the Labour Inspectorate started to issue **information material** (brochures and posters). Brochures "Slipping and stumbling – how to prevent accidents at work?" and "Instruction and training at work place", supporting campaigns and informatioin days, were prepared.
As in the year 2008, the Labour Inspectorate participated in two major construction fairs, where in the display unit of the Labour Inspectorate inspectors-specialists in construction, lawyers and information specialists advised visitors of the fair.

There are **information specialists** in all local inspectorates. There is a close cooperation with partners (work groups to prevent traumas, the Police Board, the Rescue Board; Tax and Customs Board, trade unions, etc.). A project was launched in the work area of the South Inspectorate, where lawyers rendered advice to local municipal governments. The information is available on the websites of the local municipal governments and constantly updated there. In the work area of the West Inspectorate there is a rubric "advice from the Labour Inspectorate" in each county newspaper. The North Inspectorate cooperates with the Estonian

Specialists Association, giving answers to questions on occupational health and safety and labour relations on their website.

A **database of best practices** with examples of best practices of enterprises was established with the aim of better dissemination of information. During information days such enterprises as ABB AS, Favor AS, OÜ Sveba-Dahlen and East-Tallinn Central Hospital have introduced the best practices of their enterprises.

In the autumn of 2009 **training courses**, the preparation of which had taken a long time, were finally launched, in the course of which in the frames of a pilot project 40 work environment representatives (the duration of which was 120 h) and 40 managers of small enterprises (the duration of which was 24 h) were trained. Three times more people wished to participate in the training. Such great interest encouraged to organise and carry out training for work environment specialists and managers of small enterprises in a larger scale.