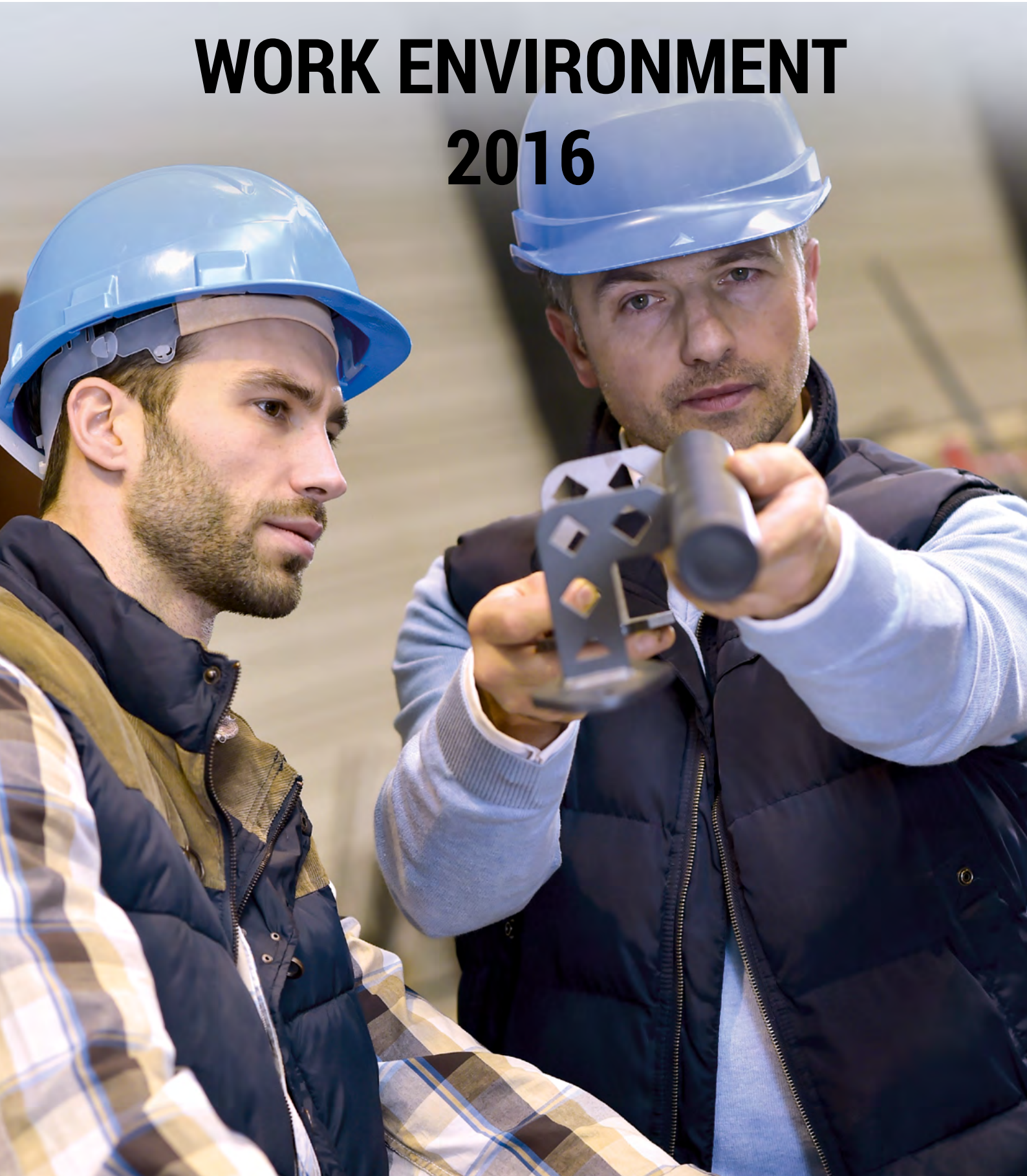
TÖÖINSPEKTSIOON

WORK ENVIRONMENT 2016



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FOREWORD

Maret Maripuu
Director General

Next year we will be celebrating the 100th anniversary of the Republic of Estonia, 26 years of which has been after the restoration of independence. In this short time, we have achieved a lot — we have built a well-functioning state, entrepreneurs have founded companies, many of which are also successful in international competition, and our economy has survived a very difficult economic crisis. We are members of the EU, NATO and OECD, we have adopted the euro. We will be holding the presidency of the EU Council in the second half of this year. Everything seems to be alright, except... While striving to reach those goals we pretty much neglected the environment, in which the people who have helped us ensure our economic success work. We are now seeing the results of that neglect. With 5000 accidents at work, last year was the most tragic year in the past decade. Twenty-six people lost their lives at work. These are unacceptably high figures for a country that is so proud of its technological pioneering and innovation. We are doing new and fascinating things, but our people are perishing and being crippled as if we were still working in large factories two centuries ago or aboard medieval galleys.

The attitude is quite different in the "real" Europe, where we desire to be. The following is an example: in November, two Estonian electricians died as a result of a work accident in the Tyfors power station, Sweden. The investigation is still going on, however Swedish company Ellevio has already said that since the Estonian subcontractor's workers failed to follow safety requirements, the subcontract will be terminated. The message from the Swedes is that there will be no cooperation with those who violate occupational safety. By the way, this was the only fatal accident with electricians in Sweden last year; however, this was not the case in Estonia. If we continue in this way, we will soon cease to be competitive, as who would want to associate themselves with us, if we carry a culture and tradition of neglecting workers' health and safety?

We cannot permit a situation, where working is a hazardous undertaking in Estonia. One of the most important activities is state supervision, carried out by the Labour Inspectorate, about which you can read in this overview. At the same time, it is clear that supervision alone is not enough, as it is not possible to place an inspector in every enterprise next to every employee. A safe working culture must become a natural part of life. If employers and employees fail to understand the advantages of safe and healthy working, even the most thorough supervision will fail to provide good results. An employment relationship has two sides, and a good and supporting work environment is possible if both parties cooperate. An employer has a number of obligations for securing a safe working place and occupational health. An employee must keep in mind that demanding compliance with occupational safety requirements is not meant as a form of harassment, but rather as protection for the employee. An employer may buy the best available helmet and harnesses; however, they are of no use if the employee simply "forgets" to use them and swings between earth and heaven relying only on the grace of God.

Often it takes very little to ensure occupational safety and it has to start by assessing the risks of the working environment. These risks should not be assessed merely to please the labour inspector, they are instead important for the employer as well as the employee. Obviously – if we don't know what could go wrong in the work process, we are also unable to manage the risks.

Working in a smart way does not concern only about robots who simplify the work process, but instead working in a way that prevents accidents and maintains health. I invite all employers and employees to do a restart, leaving behind negligence towards occupational safety. We will give Estonia a birthday present of safe workplaces, where health is protected and safety requirements are followed by all employees. Dear employee! While your employer expects you to be at work in the morning, then your family and friends expect you at home in the evening — in one piece and proud of the work you have done!

1. ESTONIAN WORK ENVIRONMENT THROUGH THE EYES OF THE LABOUR INSPECTORATE

The Labour Inspectorate (LI) carries out supervision over enterprises with at least one employee working under an employment contract or where the management board members perform the work. Enterprises, where the employee-employer relations are regulated under the Law of Obligations Act (LOA), are beyond the scope of our supervision. Below is a description of the work environment in enterprises supervised by us.

The work environment is growing year by year. The number of active enterprises[1] has significantly increased since 2010, i.e. after the recession. While in 2010, our database contained slightly more than 43,000 active enterprises, then as of today, the number has increased by around 11,000.

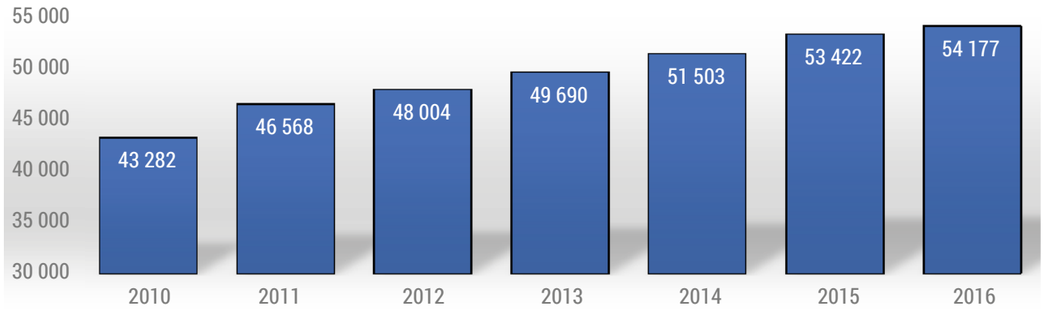
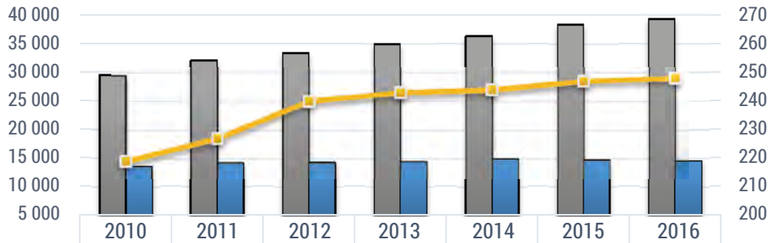


Figure 1. Number of enterprises subject to supervision in the LI database, 2010–2016

The micro and small enterprises add significance to the Estonian work environment – approximately 85% of enterprises have fewer than 10 workers. Medium-sized, in line with the European standards, but in the context of Estonia still large enterprises (with 50–249 employees), account for approximately 3% of the business environment and those with more than 250 employees account for only 0.5% (248 enterprises) of the total number of enterprises in our database.

The share of micro-enterprises, with up to 5 employees, has significantly increased. According to our information, such companies account for 73% of the total number of enterprises.



	2010	2011	2012	2013	2014	2015	2016
less than 5 employees	29,486	32,042	33,382	34,920	36,274	38,397	39,299
5-249 employees	13,577	14,299	14,382	14,527	14,985	14,778	14,630
more than 250 employees	219	227	240	243	244	247	248

Figure 2. Division of enterprises by size (2010–2016)

By fields of activity, the enterprises in Estonia are mostly engaged in the trade sector (approximately 9300), construction (6300) and real estate (6050)[2]. The number of enterprises in processing industry ranks fifth, on the whole, with nearly 5000 companies.

[1] Number of enterprises in LI database, with at least one employee according to the Tax and Customs Board

[2] Real estate also includes all apartment associations in Estonia

Figure 3. Enterprises by fields of activity, 2016

When looking at the fields of activity by the number of employees, then most of the employees, i.e. approximately 20%, are engaged in the processing industry sectors. Major fields are the manufacturing of metal products, the timber industry and the textile industry. A total of 13% of employed persons work in trade and 9% in construction.

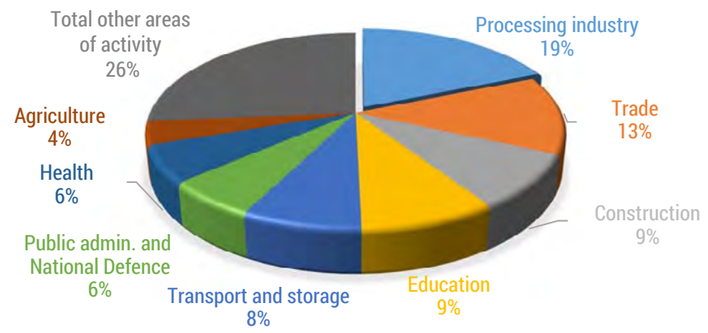


Figure 4. Share of employed persons by fields of activity, 2016 (source: Statistics Estonia)

According to the commercial register, more than 20,000 new enterprises were established in Estonia in 2016. Also, we can see the same trend here — in a year, most companies are added to the trade sector (approximately 3000), professional activity and research (approximately 2300) and construction sector (approximately 1700). By counties, more than one-half (57%) of new enterprises were established in Tallinn and Harju County.

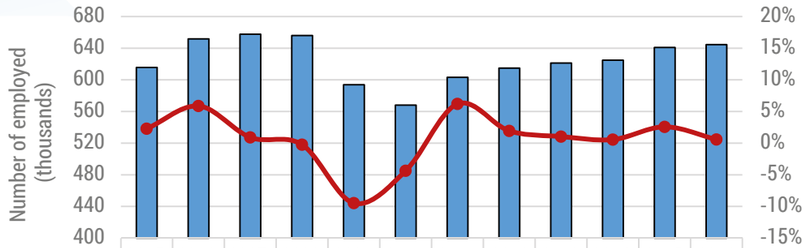
Employment in 2016 – the situation on the labour market remains stable

According to Statistics Estonia, the national unemployment rate in 2016 was 6.8%, employment rate 65.6%, and activity rate 70.4%. Over the year, 8300 people were added to the labour market. At the same time, the number of inactive people decreased – compared to 2015, the number of inactive people on the labour market has dropped by 9700.

In 2016, the estimated number of economically active people on the Estonian labour market was 691,400, with 644,600 of them employed and 46,700 unemployed. The unemployment rate increased by 0.6% in 2016. The activity rate, that is the share of workforce among 15–74-year-old population, increased one percentage point in 2016, compared to the last year. Although 2016 saw no major changes in the activity rate, as it still increased among both, men and women, decreasing the employment gap by 0.4%. In 2016, the number of inactive working-age employees,

that is 15–74-year-old persons, in Estonia was 290,800, being almost 10,000 less than in 2015. The main reasons for inactivity continue to be retirement age, unfinished studies and a disease or disability. /source: Statistics Estonia/

For us, it is important to monitor the changes among employed persons in the age group of 15–74.



	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
No of employed	615.6	651.7	657.6	656.0	593.9	568.0	603.2	614.9	621.3	624.8	640.9	644.6
Change relative to previous year	2%	6%	1%	0%	-9%	-4%	6%	2%	1%	1%	3%	1%

Figure 5. Number of employed persons (aged 15–74) and year-on-year change

Role of the Labour Inspectorate in Estonia's working environment

The work of the Labour Inspectorate is based on three fields — state supervision, counselling and information. Our goal is to reach each and every enterprise through the combination of these three types of activities — be it through supervision, consultation or the distribution of information on labour relations and about the possibility of a better working environment.

The number of employed persons shows a slight increase and a significant number of new companies have also been founded. This shows that Estonia's economy remains brisk. One of the goals of our activities is to increase fair competition. The work ability and commitment of people is the cornerstone of the productivity and competitiveness of the state as well as the enterprises. This is why we make sure that the working environment of all employees in Estonian enterprises and organisations is safe and healthy. This goal is an ambitious one and good results can only be achieved through the cooperation of employees, employers and the state.

The number of registered accidents at work has been increasing steadily for the past twenty years. However, this does not automatically mean that occupational safety has significantly deteriorated in Estonia compared to 1995. It is more likely a sign of increased awareness on the part of both employers as well as employees, and work-related accidents are no longer covered up or presented as everyday accidents. Last year, 79.5% of all work accidents were registered as minor accidents.

Significantly more serious or fatal work-related accidents were reported to us last year. The number of serious work accidents increased by 6% year-on-year. Twenty-six people lost their lives at work. Statistically, this is the same level as in 2006, but even one life lost to a work-related accident is too many. The sad fact is that in many cases, fatal consequences could have been avoided if more attention had been paid to occupational safety and instructing of employees. Inexperience as well as routine work and incorrect habits acquired over many years may prove fatal in an instant.

The law states that a work accident is an accident taking place with a person working under an employment contract. The landscape of Estonian labour relations is, however, much more diverse. Contracts for services, authorisation agreements and working as a self-employed person or through one's own small business are very common. It is important to understand that only an employment contract can provide protection in case of a work accident. Last year, we witnessed several cases where a worker died from an unexpected health problem. These cases did not qualify as work-related deaths, even though in some cases they could have been avoided by referring the employees to medical examination in a timely manner.

35% of all work accidents continue to take place with workers who have been employed for less than a year. These are either young people who have just begun their working life or those who have switched jobs and have not yet completely acquired the skills required for their new job.

The most common problems Estonian companies face are related to the training and instruction of workers, organisation of medical examination, and the selection and appointment of workers responsible for occupational health and safety. All three of these activities are, however, crucial in order to avoid work accidents and damage to workers' health.

Regarding the **advisory service,** we have received very positive feedback. People can ask for advice either by phone or e-mail, or by visiting our offices. The work environment consultation service launched in 2015, has been fully implemented. In 2016, the service was used by more than 200 enterprises. Entrepreneurs can invite a LI consultant to visit their enterprise, to give advice on both — the work environment as well as the required documentation. The consultant can also be asked to give advice on a specific sphere of working environment (e.g. the use of personal protective equipment). The service is free of charge for employers.

Information and prevention activities were also more visible last year through two campaigns: "Know Your Rights – precontractual negotiations" and "Know Your Rights - instructing and training". Also, the EU-OSHA campaign "Healthy Workplaces for All Ages" was launched. Our managed *Working Life* portal *Tööelu* provides work environment related information besides Estonian and Russian, also in English. Information on occupational health and safety is shared with children starting as early as nursery school, where our mascot NAPO tells kids about occupational safety. Participation rates in morning briefings remain high. At the end of the year we organised an international conference on occupational health and safety, with a large number of participants in attendance. At the conference, the Good Work Environment award was presented for the second year. This time we recognized AS Saku Metall in the category of small enterprises and in large enterprises, AS Harju Elekter Teletehnika.

Summing up the last year, we can state that the scope of work of the inspectorate has increased; however, the number of inspectors has not changed. The budget for carrying out state supervision has largely remained unchanged for several years, while the employment rate and the number of enterprises have increased significantly. Based on the situation with the work environment, the supervisory role of the inspectorate must be intensified even more.

1.1. Work accidents

In 2016, 5081 work accidents were reported, 4036 of which were related to a minor bodily injury, 1019 to a serious injury, and 26 of which proved fatal to the employee. Compared to 2015, the number of registered work accidents increased by 282 in all severity levels of damage. Most of the added cases were minor; however, there were also more serious work accidents in 2016 than before and the number of fatal accidents was the highest of the last decade.

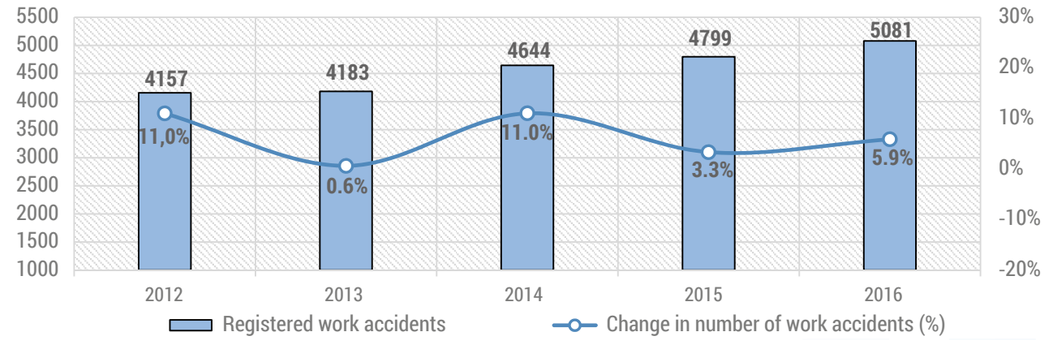


Figure 6. Registered work accidents and year-over-year change, 2012–2016.

Work accident statistics is based on work accident reports officially filed with us by employers. However, the number of officially reported work accidents is estimated to be slightly lower than the actual number of accidents. Thus, we must constantly work to improve the level of awareness of both employers and employees concerning the importance of reporting work accidents. At the same time, Figure 7 indicates that the number of registered work accidents has been steadily increasing over the last twenty years, with a few exceptions. This does not mean that occupational safety has significantly deteriorated in enterprises, compared to 1995. It is more likely a sign of improved awareness on the part of both employers as well as employees, and work-related accidents are no longer covered up or presented as everyday accidents.

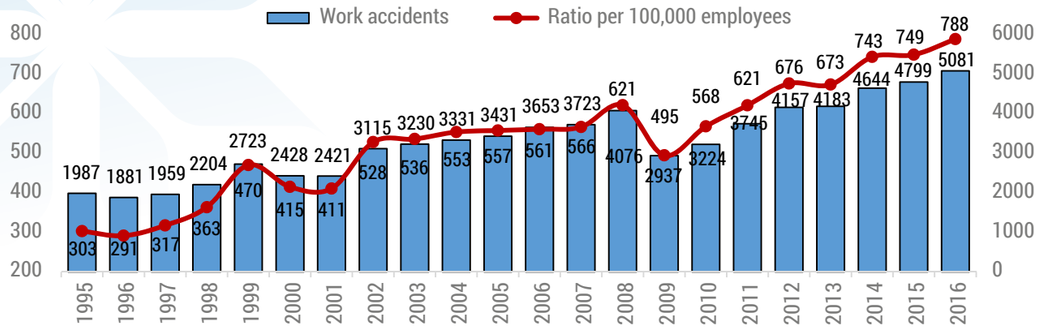
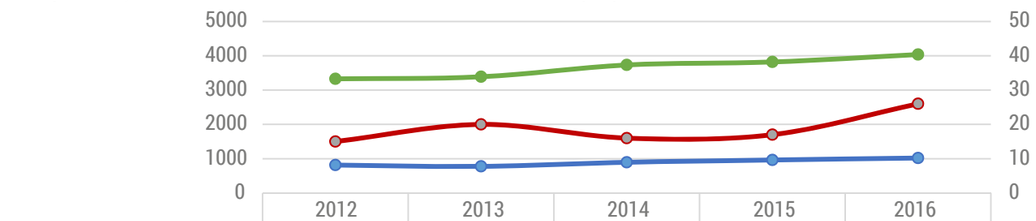


Figure 7. Registered work accidents and the ratio of accidents per 100,000 employees, 1995–2016

79.5% of all work accidents were registered as minor accidents in 2016. The number of serious work accidents increased by 6% year-on-year. In previous years, the share of serious work accidents increased 7–15%, so this time it is a minor, yet positive, development. This can be partly attributed to the increased scope of supervision and its better quality. The same, however, cannot be said about fatal work accidents. While during the last decade, the number of accidents at work registered in Estonia, has been 20 and even less in recent years, then 2016 was a very tragic year. The last time the number of fatal work accidents was this high was in 2006. There are also pending proceedings of two work accidents that happened in Sweden, which most likely will be added to the total number of work accidents; accordingly, we have to admit that 26 employees were killed at work in 2016.

These 26 cases qualified as deaths in the workplace for the purposes of the Occupational Health and Safety Act[3]. This tragic list excludes, however, cases where the employee died at the workplace from an unexpected health problem, worked as a self-employed person or on the basis of a contract under the Law of Obligations Act. During the year, ten cases due to health problems in the workplace were registered. Several of these fatal accidents could have probably been avoided with a medical examination at the proper time.



	2012	2013	2014	2015	2016
Minor work accidents	3329	3388	3733	3820	4036
Serious work accidents	813	775	895	962	1019
Fatalities	15	20	16	17	26

Figure 8. Registered work accidents by severity

Figure 9 shows the number of fatal work accidents and their ratio per 100,000 employees over 22 years. In the long-term perspective, the situation has considerably improved compared to 1995. However, a country the size of Estonia cannot afford even a single employee's death resulting from the failure of the employer or the worker to follow occupational safety requirements. Our first priority is to avoid fatal work accidents and to focus our activities on reaching this goal.

[3] A work accident in the meaning of the Occupational Health and Safety Act is damage to the health of an employee or death of an employee which occurred in the performance of a duty assigned by an employer or in other work performed with the employer's permission, during a break included in the working time, or during other activity in the interests of the employer. Damage to the health or death which occurred in the cases listed but which is not in a causal relation to the work of the employee or the work environment is not deemed to be a work accident. Accidents occurring in the performance of a contract of services, authorisation agreement or other agreement made for rendering services under the law of obligations also do not qualify as work accidents.

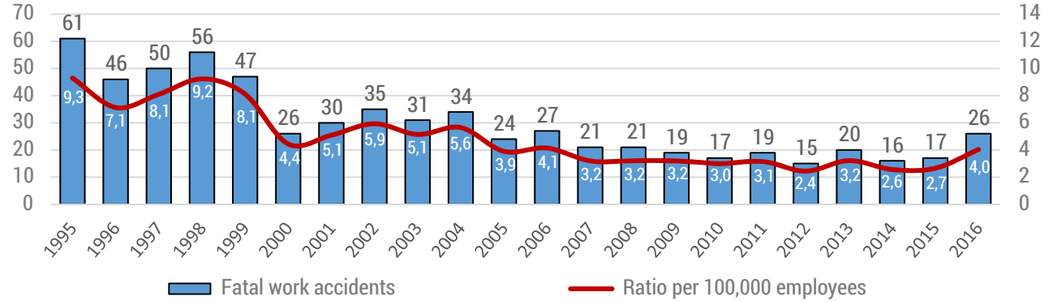


Figure 9. Fatal work accidents and ratio of fatal accidents per 100,000 employees, in 1995–2016

The ratio of work accidents per 100,000 employees grew in a year for work accidents as well as fatal work accidents. The ratio is related to the number of employed, aged 15–74. Thus, 788 work accidents were registered per 100,000 employees. This figure shows that the probability of being injured in the work environment has increased. Namely, special attention must be paid to the training and instructing of new employees, as a large portion of work accidents involve people who have been employed less than a year.

The majority of work accidents were registered in Tallinn and Harju and Tartu Counties. When broken down by counties, the number of registered work accidents increased in a majority, while decreasing in six. The highest growth was appeared in Tallinn, and in Harju and Võru counties. The main reason behind the increased work accidents in Võru County is the national defence sector, that is the defence forces, where notably more accidents with conscripts have been registered than before. The number of work accidents decreased the most in Tartu County; however, the number of work accidents with serious damage to health increased and this includes, in turn, a notably higher number of work accidents that need investigation. If possible, we investigate all work accidents with stationary equipment, which have resulted in serious injury of the employee. We also investigate cases where there is a reason to believe that the work processes have been adapted in such a way that it has led to the injuries suffered by the employee.

Table 1. Number of registered work accidents in Estonia, by county, 2012–2016

Work accidents in Estonian counties						
County of accident	**2012**	**2013**	**2014**	**2015**	**2016**	**Change vs 2015**
Tallinn	1269	1209	1293	1303	1484	181
Harju County	516	517	698	774	923	149
Tartu County	587	601	631	593	450	-143
Lääne-Viru County	362	333	338	444	421	-23
Ida-Viru County	246	272	285	317	295	-22
Pärnu County	205	196	236	257	274	17
Järva County	115	154	152	200	193	-7
Viljandi County	139	172	166	159	176	17
Võru County	48	92	111	79	152	73
Saare County	158	126	133	106	125	19
Jõgeva County	81	67	105	92	101	9
Lääne County	49	55	70	65	71	6
Põlva County	65	60	69	60	67	7
Rapla County	68	54	77	78	66	-12
Valga County	52	51	86	71	62	-9
Hiiu County	22	12	6	12	17	5
Estonia total	**3982**	**3971**	**4456**	**4610**	**4877**	**267**

*excluding work accidents occurring outside Estonia

Figure 10 provides the ratio of work accidents per 1000 employees. In terms of the above, Lääne-Viru County remains the county with the largest number of work accidents, with approximately 16 work accidents happening per 1000 employees. One of the reasons is definitely the fact that the county is home to large food and timber undertakings, where the number of work accidents unfortunately tends to be higher.

Compared to 2015, the number of work accidents per 1000 employees has increased the most in Tallinn, Harju County and Võru County, while decreasing in Tartu, Valga and Rapla counties. The statistical view is affected notably by the accidents involving conscripts. For example, the number of work accidents in Võru County increased namely due to registration of accidents with conscripts. At the same time, conscripts are not included in the workforce of Võru County. This, regrettably, draws an incorrect picture, as if there was a significantly greater risk of being involved in a work accident in Võru County. Therefore, this county needs to be viewed as a minor exception among other counties.

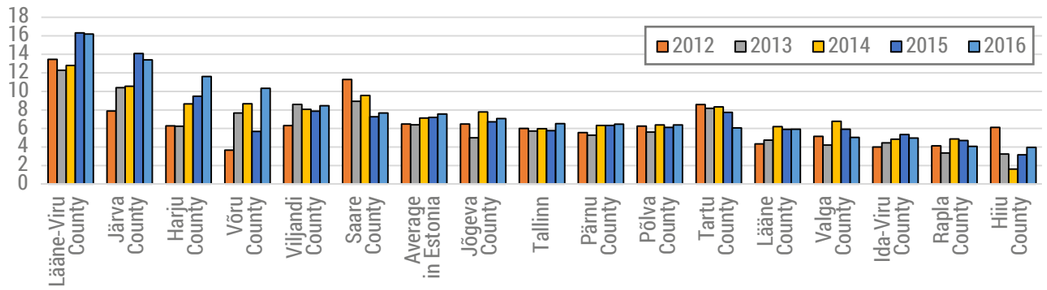


Figure 10. Ratio of work accidents per 1000 employees by county

In addition to work accidents in Estonia, we also recorded those events which occurred with Estonian employees outside Estonia. Table 2 confirms that the majority of work accidents happen in countries where the most Estonians work. Regrettably, the number of work accidents also increased in this perspective. This shows that when commencing work, for example, in Finland, the people do not accept the local occupational safety culture, but rather take along their shallow attitude towards occupational safety. While in 2015 no Estonian employees died in work accidents outside Estonia, then 2016 was regrettably much sadder here, with the outright death of 5 employees. Two of them died in a traffic accident, and one during repair works being performed on a fork-lift. In addition, the fatal accident with two electricians in Sweden is under investigation.

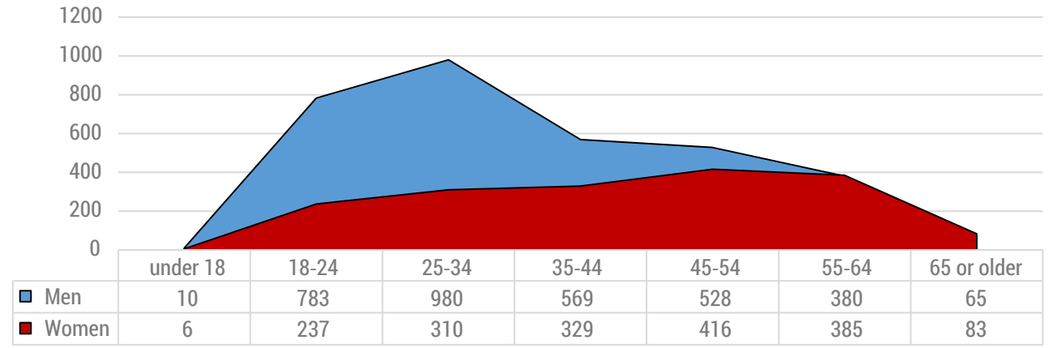
The majority of work accidents involve Estonian construction workers in Finland, and stewardesses-customer service providers on board ships cruising between Helsinki and Tallinn. The number of work accidents has also sharply increased in Sweden, where most of the registered accidents involved construction workers and truck drivers. The majority of work accidents outside of European Union Member States were traffic accidents involving Estonian employees in Russia.

Table 2. Registered work accidents involving Estonian employees outside the Republic of Estonia

Place of accident	2012	2013	2014	2015	2016	Change vs 2015
Finland	64	87	80	91	96	5
Sweden	18	15	26	20	36	16
Germany	3	8	4	10	17	7
Norway	3	11	8	12	13	1
Outside the EU (country not specified)	54	62	22	4	12	8
Latvia	16	14	27	19	12	-7
Denmark	3	1	2	1	5	4
Poland	3	3	0	4	2	-2
Other EU countries	11	11	15	22	8	-14
Total outside Estonia	**175**	**212**	**184**	**183**	**201**	**18**

Other statistical circumstances of work accidents

In 2016, more than a half, i.e. 65% of work accidents, involved men. A total of 3315 men and 1766 women were injured in work accidents (in 2015, 3161 men and 1638 women, respectively, with 66% of accidents occurring to men). The number of work accidents was the highest in the group of men aged 25–34. Regarding women, the number of work accidents was the highest in the 45–54 age group. While among men, the main risk group has remained the same, then among women, there has been a minor change – the number of work accidents a year before was the highest in the 55–64 age group.



	under 18	18-24	25-34	35-44	45-54	55-64	65 or older
Men	10	783	980	569	528	380	65
Women	6	237	310	329	416	385	83

Figure 11. People injured in work accidents by sex and age, 2016

We collect data on work accidents based on the methodology of the European Statistical Office (Eurostat). Work accidents are analysed based on the description of the circumstances which caused the accidents – what was the employee exactly doing when the accident happened; deviation – i.e. what went wrong, why did the work accident happen, and mode of injury i.e. contact, through which the employee was injured.

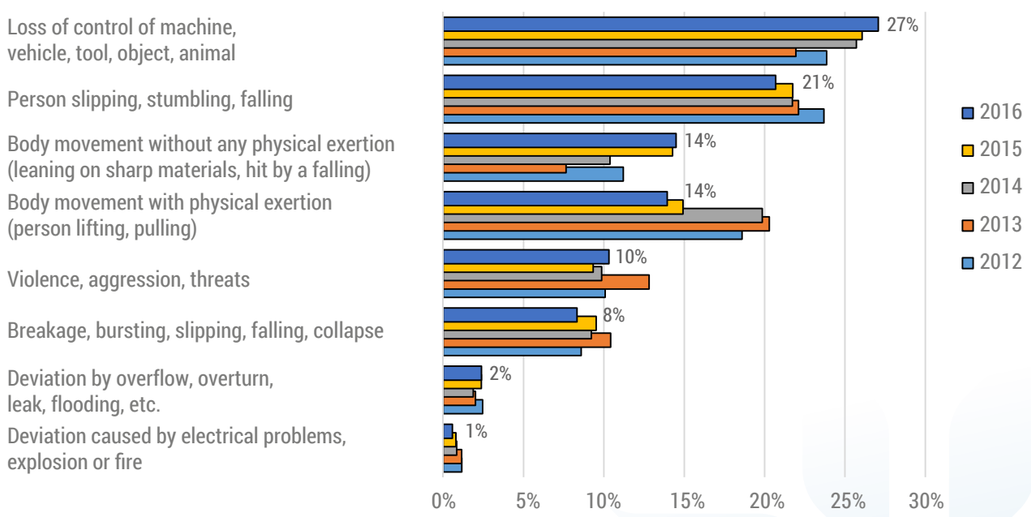


Figure 12. Deviation causing a work accident, 2012–2016

The first place is still held by work accidents caused by loss of control over machinery, work equipment, means of transport or animals. While in 2015, 26% of all registered work accidents were caused by these factors, then in 2016, the share of such accidents has increased even more. Above all, such accidents occur in the metal and timber industry, which use different machines, sharp tools or processed materials.

Second place is held by work accidents relating to slips, trips, and falls. These types of accidents account for 21% of the total number of work accidents and comprise almost one third in the case of serious work accidents. However, we can still observe a slight improvement in the situation. While in 2012, such accidents were just over one-third of all work accidents, then as of today, the situation has somewhat improved. Perhaps one of the factors has also been an extensive information campaign, during which we reminded people that movement paths must be cleared of excessive items and drew attention to the fact that an employee may suffer a serious fall on slippery and wet surfaces; typically resulting in a fracture, causing serious injury and a long period of incapacity for work.

Compared to previous year, this year saw a decline in accidents where the employee loses their concentration for a moment, slips on the working surface or leans on an unstably arranged object, which in turn falls on the worker. It is, however, worrying that the work accidents related to violence and assault have increased, particularly in the health and welfare sector, where vast numbers of women are employed.

Figure 13 shows how different factors cause bodily injuries of different severity. For instance, the largest number of minor injuries is caused by either slipping, stumbling or falling and coming in contact with sharp objects. Serious injuries or death are mainly caused by falling, being hit by different objects or by being crushed. The year was especially tragic due to the electricity related accidents in which five employees were killed.

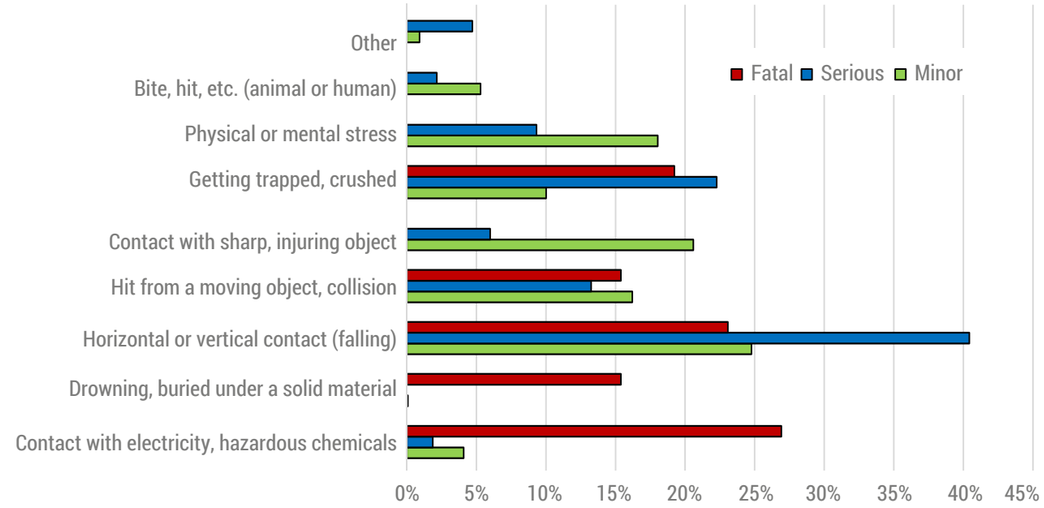


Figure 13. Types of contact causing injuries to employees (proportion by severity), 2016

Workdays lost due to work accidents

In Estonia, work accidents are divided into work accidents with minor or serious injury, based upon the severity diagnosed by a doctor, and fatal work accidents. This definition does not define the severity of the work accident itself.

Another possibility for determining the severity of a work accident is to consider the days of incapacity for work. Minor injuries do not lead to an incapacity for work, or it is of a very short duration. Serious work accidents or accidents with serious consequences are the cases where the employee was on sick leave for more than 30 days. This definition is used in most EU countries.

When looking at the work accidents registered in Estonia on the basis of incapacity for work, the results are the following:

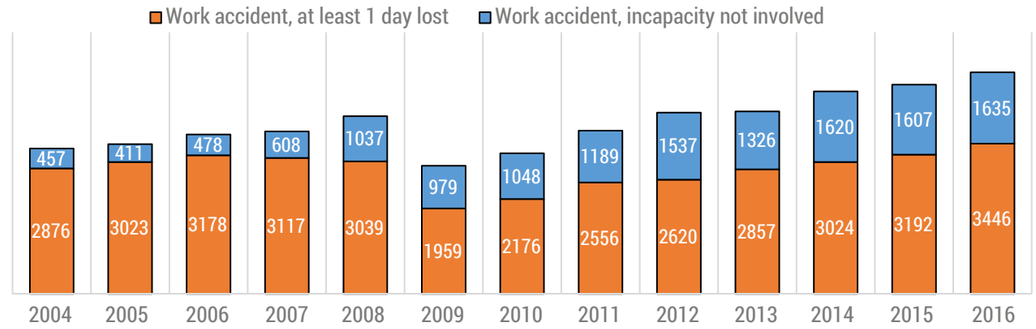


Figure 14. Division of work accidents based on incapacity for work

This figure shows that the number of cases which have not resulted in an incapacity of work has increased. Thus, we may conclude that there has also been a significant decrease in the covering up of work accidents.

EU consolidated work accident statistics includes only those work accidents as a result of which the employee was assigned four or more days of incapacity for work. While in 2004, the proportion of such cases was 84% of the total registered number of work accidents, then in 2016 it was 66%. We can also see more clearly that year by year the proportion of severe and serious injuries, the treatment of which takes more than 30 days, has decreased as well.

In conclusion, it may be said that despite of the fact that increasingly more work accidents are being registered, this is mainly due to a serious decline in the concealing of work accidents.

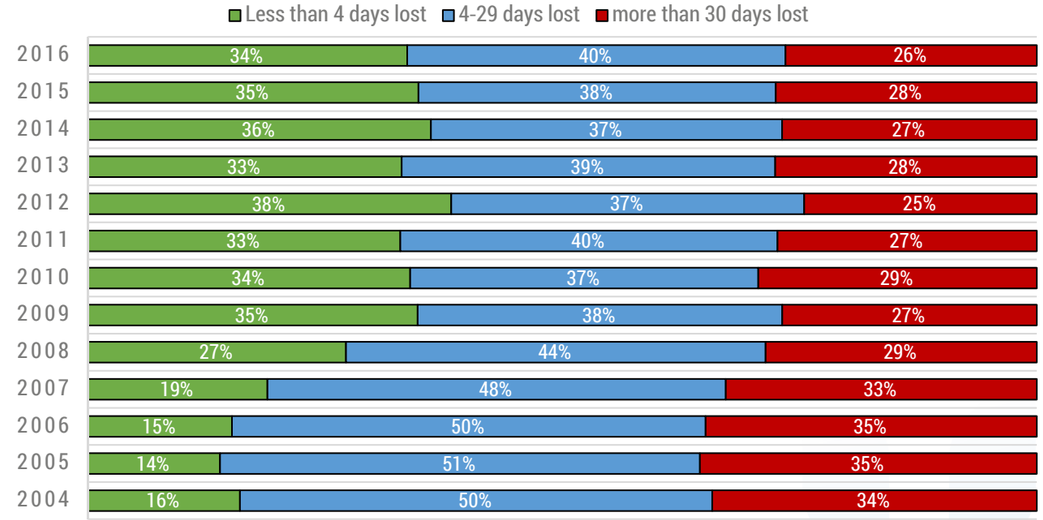


Figure 15. Proportion of days of incapacity for work, 2004–2016

Direct monetary and time loss resulting from work accidents for the state as a whole as well as for the employer and employee, can be assessed on the data of the Estonian Health Insurance Fund. As the table below indicates, both – the number of days compensated due to incapacity for work as well as the amount of compensation – have increased.

Table 3. Costs on work accident benefits in 2011–2016 according to Estonian Health Insurance Fund

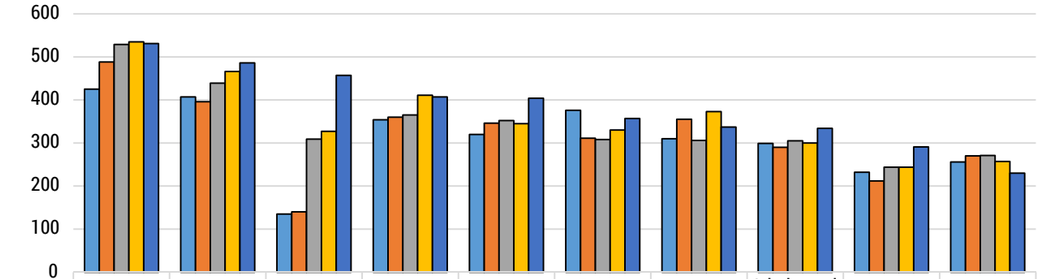
Work accident benefit	2011	2012	2013	2014	2015	2016
Number of certificates of incapacity for work	4796	5026	5469	5731	6158	7037
Days compensated by the Health Insurance Fund	101,848	107,547	118,109	124,114	137,096	139,848
Amount of benefits (thousands of euros)	2061	2337	2752	3144	3603	4010
Average benefit per day (EUR)	20.2	21.7	23.3	25.3	26.3	28.7
Average length of certificate	21.2	21.4	21.6	21.7	22.0	19.9

Most work accidents occur from 10.00 to 11.00 and around 14.00 during the working day. These results indicate that the recommendation to take breaks approximately after every 1.5 hours is not given without a reason, since the person becomes tired and attention gets distracted and accidents happen easily.

Work accidents and areas of activity

Regarding the areas of activity, the majority of accidents are still registered in the metal industry, trade, national defence and construction. While the number of work accidents in general remains approximately the same in all areas of activity, then in the timber and food industry and the water supply sector, the situation has somewhat improved. At the same time, an increasing number of accidents are being registered in the national defence sector, where compared to 2015, the number of accidents has grown by 130. Thus, in the area of national defence, the number of workplace accidents has nearly tripled compared to five years ago.

There were also more work accidents in the transport sector, with an increased number of minor as well as severe accidents at work, with six accidents being fatal. The large number of work accidents in traffic indicates a need for greater cooperation with authorities that are also contributing to traffic safety — Road Administration, Ministry of Economic Affairs and Communications and above all the Police and Border Guard Board. The number of work accidents has also increased in the administration and auxiliary activities and health sector, still mainly on the account of minor work accidents. Also, the public sector and national defence and areas of activity under the control of the state (such as health) are emerging in a negative way with an unjustified high number of accidents happening.



	Metal industry	Trade	National defence	Const-ruction	Transport, Storage	Public admin. (except National defence)	Wood industry	Admin. and auxiliary activities	Health	Food industry
2012	425	407	135	354	320	376	310	299	232	256
2013	488	396	140	360	346	311	355	290	212	270
2014	529	439	309	365	352	308	306	305	244	271
2015	535	466	327	411	345	330	373	300	244	257
2016	531	486	457	407	404	357	337	334	291	230

Figure 16. Areas of activity with the largest number of work accidents in Estonia

In 2016, 1019 work accidents resulting in serious injury were registered (in 2015, 962); in 204 cases, a decision was made to investigate the accident. Four cases were closed due to not qualifying as a work accidents. In these cases, work had been performed based on a contract under the law of obligations. A typical example here is the construction sector, where contracts for services are often concluded. Starting from 2016, we have begun re-evaluating contracts under the law of obligations as relationships based on an employment contract if the contract evinces the characteristics of an employment relationship.

The largest number of serious work accidents took place in the metal industry, transport and storage and the construction sector. Compared to the previous year, accidents in most of the areas of activity have seen an upsurge. The results are still slightly better in the construction and timber industry.

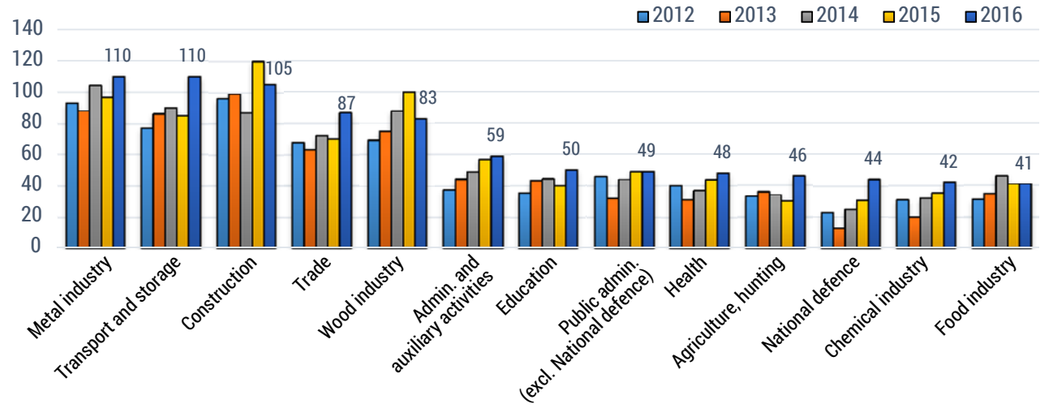


Figure 17. Areas of activity with the largest number of serious work accidents

The main causes of work accidents in the construction sector are falling from heights, loss of control over tools, being hit by construction material or other objects. The majority of serious accidents occured in the course of general building works, and also during finishing and roof works.

The main keywords in construction continue to be the same as in the previous years – ladders, scaffolding and other work surfaces must be installed in a safe manner and be in working order. Accidents related to the use of equipment can be best prevented by work organisational measures. Situations, where an employee is injured due to the activity or inactivity of another employee should be avoided on construction sites.

In a year, the most work accidents involve:

Sales staff – approx. 200 accidents in a year
Security guards – approx. 150 accidents
Conscripts – approx. 230 accidents
Wood processors – approx. 150 accidents
Truck drivers – approx. 150 accidents

The inspectors note that the issuing of safety equipment to employees has improved; however, the training how to use it, remains often inadequate. The problem is also a lack of anchors for safety harnesses. Safety and health plans are treated rather as formal documents, which do not depict the actual situation of the specific site. Even, if a safety and health plan has been prepared once, it is transferred from one site to another and actual measures for avoiding the risk of falling are not stipulated and the specific nature of the construction site is not considered in the safety and health plan. In many cases the plan fails to incorporate the time sequence of work stages, thereby creating conflicts between different employers.

In the construction sector, the number of injuries was the highest in the group of men aged between 25–34.

In the **metal industry,** most work accidents were related to the manufacturing of metal structures and other metal products, electric engines, and lifting and moving equipment. In this sector, the top of the list includes the same factors as the construction sector, however in a slightly different order. Ranked first is work with machines, followed by accidents due to falling and third, breakage of objects resulting in their falling on employees. Most often the descriptions of work accidents include the following machines and equipment: presses, rolls, guillotines,

milling machines, etc. The nature of accidents also reveals the accidental starting of machines, meaning that the employee's foot accidentally hits the pedal (due to negligence or fatigue) and the machines starts. Thus, when working with different machines and equipment, safety requirements must be followed without exception. Most injuries in this sector have happened to men over 45; however, the share of young men (25–34) is relatively the same.

The **transport and storage** area of activity is not just the transport sector, but it is in turn divided into three bigger groups. Most work accidents happen in road transport, that is carriage of goods by road (approx. one-half of all cases in the area), in general postal service (approx. 20% of accidents) and storage and cargo handling (also approx. 20% of cases). In the area as a whole we can witness an increase in the number of accidents due to falling, and breakage, falling or collapsing of materials.

When looked at separately, attention should be paid to the following:

- Road transport of goods – falling from heights comes first – from a ladder, cargo area of truck, i.e. accidents are caused when loading the goods or fixing the tent. People jump off or fall from a trailer, ladders slip, etc. Second place is held by losing control over the means of transport, where the main factor is traffic accidents. This also includes accidents with hoists at loading areas, when loading and unloading cargo.

The Labour Inspectorate would like to remind everyone that different employers must sign a joint activity agreement on how to safely load and unload cargo; the handler must know the rules of work organisation in order to handle the cargo in a safer manner.

- General postage service — 75% of serious accidents are related to falling on the same level. At the same time, the majority of accidents happened not on the territory of the employer, but rather with mail carriers on the streets, on the property of clients, etc.

At this point, choosing the proper footwear could help to decrease the number of accidents — meaning anti-skid soles in winter, avoiding heels, etc.

- Loading, cargo handling – the causes of accidents were ladders, loading bays and hoists, meaning negligence when working on them.

To sum up, greater attention should be paid in this area to falling – when stepping down the ladders, trailers, and on the organisation of work when working with hoists. As a rule, a lot of similar accidents happen in the companies of this area. The situation can be first and foremost improved by the employer itself, by mapping these hazardous situations and implementing measures to avoid similar accidents.

In the **timber industry**, first place is held by accidents with various woodworking machines. There are also more falls and accidents, where the employee stands beside the machine/equipment and is hit by material being processed by the machine, etc. Meaning that the employee is only physically observing; however, an error occurs in the work process or machine, resulting in injuries.

An employer in the timber industry should pay attention to the entire production process and territory, meaning that the main keyword is still risk analysis encompassing the company as a whole and an internal control, if performed consistently, should result in elimination of the visible deficiencies. It is important to adhere to safe work practices and make sure that there are no objects in a walkway over which employees could trip.

An interesting and cautionary fact — statistical data of work accidents reveals that there may be as many as five minor work accidents or similar dangerous situations in a company before a serious work accident happens.

Incidents related to falling make up one-third of serious work accidents. The second most common type of accidents includes incidents where the worker is either injured as a result of the actions of another employee or is hit by a falling object. The third most common type of accidents is related to using machinery and handling processed materials.

Based on profession, most of the serious work accidents in the last five years have occurred to truck drivers in the transport and construction sector (approx. 220); with wood processors in timber and furniture industry (approx. 140); with unskilled production workers – timber and metal industry (approx. 120); cleaners in the administration and auxiliary activities, education, accommodation and catering companies (approx. 110) and to transport workers and loaders – in trade, transport sectors, and the metal industry (approx.100).

A better overview of the frequency of work accidents is provided by the ratio of work accidents per 100,000 employees. Based on 2016 data, the areas of activity with the highest risk of work accidents are still the timber industry, food industry and administration and auxiliary activities. The most significant change for the worse over the period of 6 months has occurred in accommodation and catering, electricity, public administration, and the national defence and health sectors. However, the risk of a work accident in the area of water supply has decreased, with a notable drop in the number of accidents. The number of accidents in such large areas such as timber, metal and chemical industries is high; however, there were already signs of improvement over the last year.

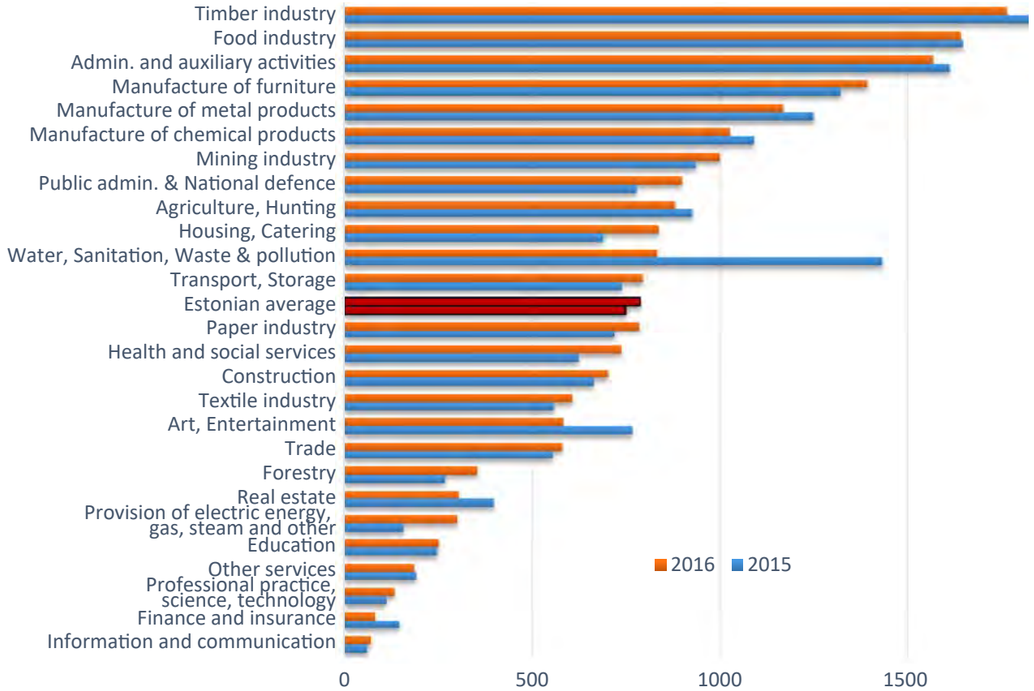


Figure 18. Ratio of work accidents per 100,000 employees in the field of activity

The ratio is affected by changes in the number of people employed in the field as well as each work accident. The lower the number of employees in the specific industry, the more each work accident affects the ratio of accidents in this field.

There were 26 fatal work accidents in 2016. Accordingly, there were four fatal work accidents per 100,000 employees (in 2015, these numbers were 17 and 2.7, respectively). Altogether we registered 36 fatal incidents. In 10 cases, the investigation was terminated due to the incident not qualifying as a work accident within the meaning of the Occupational Health and Safety Act. No single cause can be highlighted in fatal accidents. In many cases, a dangerous situation could have been avoided through the timely intervention of the employer. In number of occasions, the human factor also played a significant role, making it difficult for the employer to foresee the work accident. In these cases, the employee made an impulsive decision with tragic consequences. All who died were men. In three work accidents, two employees died together.

For 2017, we made it a goal to inspect even more thoroughly the enterprises engaged in electrical works, transport and warehousing companies and companies using hoists as tools or engaged in other lifting works. In addition to ordinary supervision, we will continue to perform target inspections in the construction sector, manufacture of metal products, timber industry and agriculture. In addition, cooperation with employers, that is professional

Falling from heights:

- When unloading the goods in the warehouse yard, a 54-year-old man fell from a trailer of a vehicle onto the concrete surface below;
- A heavy truck hit a cage lift. A 56-year-old man fell from the cage onto the ground;
- A 29-year-old man fell from the 7th floor of a building as his safety equipment was not fastened;
- A 28-year-old man fell from a mobile scaffolding with no boundaries;
- A 24-year-old man was changing power line conductors on a post with a height of 9m; the post broke and the worker fell to the ground together with the post;
- A 71-year-old man fell from a height of approx. 2m, since the ladder sank;
- A 27-year-old man fell from the height of 7m during the construction of a hangar;

Electrical works:

- A 49-year-olf man fell when the cage of the lift he was in approached a live line; the worker's shoulder touched the live line conductor, as a result of which the employee was struck unconscious and died;
- A 58-year-old man received an electrical shock from a live electric installation;
- A 46-year-old man got an electrical shock from a live line conductor and fell from the cage;
- There are also pending proceedings involving the fatal accident with two employees in Sweden, on the territory of the Tyfors substation, in which a 23-year-old and a 59-year old man were killed by high voltage;

Chemicals or explosion in a work environment:

- A 56-year-old man died as a result of ammonia leakage during repair works;
- A 59-year-old man died when utilising shale oil residues in the boiler furnace of the boiler department. Flames burst out from the furnace through the service hatch; the employee suffered serious burns;
- A 60-year-old man died as a result of an explosion during welding works of a fuel tank;

Lifting works:

- A 51-year-old man was killed during lifting works, when the slinging device broke and the cargo fell on the worker;
- A 70-year-old man suffered serious injuries as a result of being crushed by a cage lift;
- A 42-year-old man was killed during slinging works, by being hit from the cargo to be moved and was crushed by the basket;

Traffic accidents:

- A 54-year-old man got killed in a fatal traffic accident in Germany;
- A van driven by a 51-year-old man hit a passenger car. As a result of the traffic accident, the employee died;

Tools and other factors:

- A motor boat belonging to two drowned border guards was found; a 53- and a 44-year-old man died.
- A 40- and a 51-year old man died in grain during the cleaning of a grain bin;
- A 56-year-old man was killed when a wheel of a power cutter broke and a piece of it penetrated the worker's chest;
- A 62-year-old man was repairing a forklift brought into the repair shop. The forklift was not supported and fell on the worker.

associations, should be enhanced, to improve the safety culture as a whole and develop cooperation and communication between different supervision authorities. We have also prepared for a new type of supervision — a control arising from work accidents. Since the resources of our investigators enable investigation of approx. 300 work accidents per year, then in the near future the labour inspectors will engage in assessments of companies where work accidents occur repeatedly.

The reasons for work accidents, including fatal work accidents, can be divided broadly into two. In half of the cases, the employer performs insufficient control over correspondence of the work equipment to safety requirements and the company has no systemic organisation of the internal control of the work environment, that is management of occupational safety and health. On the other hand, however, the responsibility for the prevention of work accidents lies also with the employees themselves, who must adhere to the safety requirements or refuse to perform works that could have potentially adverse health effects.

In conclusion, the most important factor is cooperation between employees and employers. Safety requirements must be constantly monitored. Work environment risks must be evaluated and internal work environment control must be functional, ensuring, inter alia, that adequate measures are taken if occupational safety requirements are found to be violated. Workers must receive appropriate training and instruction before they start work and, if necessary, it must be repeated at regular intervals.

1.2. Occupational and work-related diseases

In 2016, 39 new cases of occupational disease were[4] registered. In 31 of these cases, an occupational disease investigation was conducted and investigation was not initiated[5]. A total of 15 men and 24 women were diagnosed with an occupational disease. 95 notifications of work-related diseases were registered.

The shortest time for developing an occupational disease has been less than one year; the longest period is 43 years. The youngest person having an occupational disease in 2016 was aged 37, the oldest, aged 64. At the same time, the youngest person diagnosed with work-related disease was just 26, whose disease developed in only six years. Accordingly, a relatively short period of working in an improper working position or contact with dangerous hazards is also enough for a work-related disease to develop. Damage to health, however, is permanent.

The main cause of occupational disease is the physiological risk factor (overly excessive physical exertion). Five cases were caused by a chemical risk factor and four cases by a physical risk factor. No occupational diseases caused by biological risk factors were diagnosed in 2016.

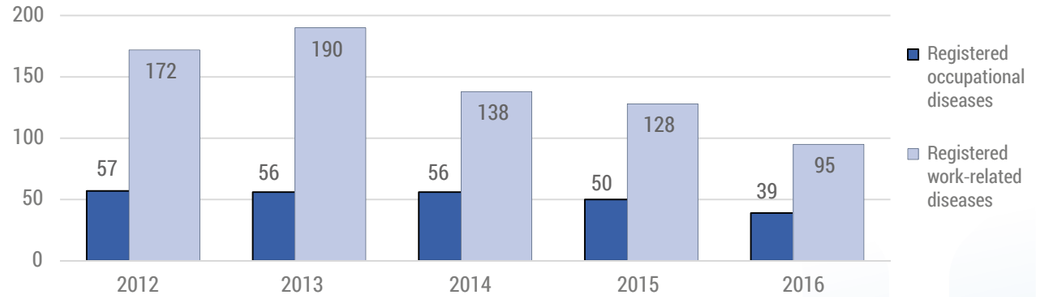


Figure 19. Registered cases of occupational disease and work-related diseases, 2012–2016

[4] An occupational disease is a disease caused by a work environment risk factor enumerated in the list of occupational diseases or by the nature of the work. The list of occupational diseases is established by Regulation No. 66 of the Minister of Social Affairs of 09.05.2005. A work-related disease is a disease caused by a work environment risk factor that is not considered an occupational disease.

[5] The regulation establishes that a labour inspector shall investigate all fatal work accidents and, if necessary, cases of occupational disease and other work accidents. The necessity of initiating an investigation is established based on the circumstances of the case and whether the investigation can yield recommendations for preventing similar cases of occupational disease in the future.

When looking at diseases by years, we can see that the number of diagnosed cases of occupational diseases as well as work-related diseases has constantly declined starting from 2014. Unfortunately, this cannot be considered to have resulted from an improvement in the work environment. Causes should rather be searched from procedures related to diagnosis of occupational diseases. And the lenient attitude of occupational health physicians towards allowing a person with health damage back to work is also becoming somewhat problematic. As a result of medical examination, the employee is allowed to continue working in the same conditions and limiting their activities is rather an exception. The number of work-related diseases (WRD), which in most cases, although not always, can serve as an early diagnosis for an occupational disease, has dropped. WRDs are mostly diagnosed in the course of regular medical examinations that the employers are required to organise based on the procedure for the medical examination of employees. The occurrence of WRDs is still a warning sign, indicating that work-related diseases are nowhere near disappearing from the workforce.

The results by different areas of activity of enterprises show that occupational diseases have been diagnosed the most for employees in the food industry and agriculture, and work-related diseases for the employees in the trade, metal and timber industry.

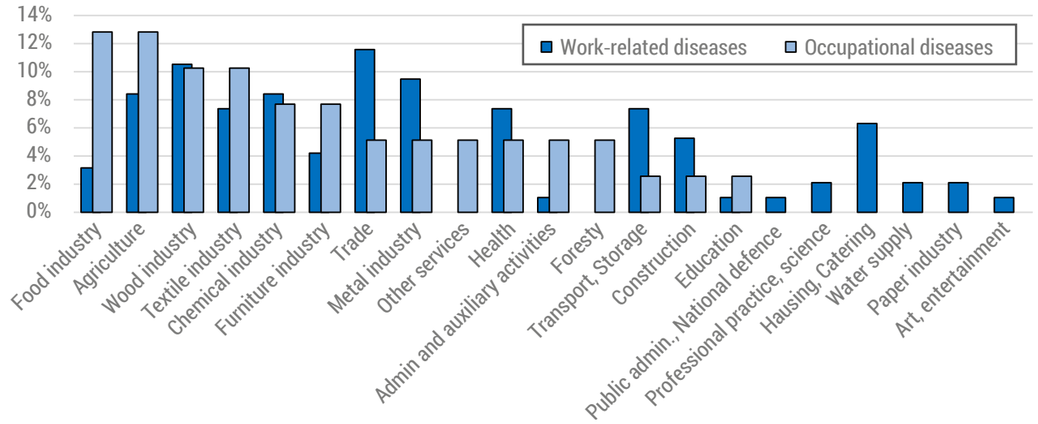


Figure 20. Proportion of people with WRDs by area of activity (2016)

The conclusions of occupational disease investigations show that employers fail to evaluate properly the effect of working environment risk factors on people's health. Health risks are usually underestimated. The biggest problem continues to be physical overexertion. While there is an instruction for risk assessment for manual handling of loads, then the risks affecting other bones and muscles are mostly not assessed at all. This way, a labour inspector, who investigated the occupational disease, has repeatedly had to write in its investigation summary that working in a forced position with forced movements, load on single muscle groups, etc., has not been taken into account.

Also, the work environment does not consider the combined effect of different hazards. For example, the dangerous effect of physical exertion is bigger if employees work in too cold premises. The muscles being tense enough, try to maintain also the overall body temperature by raising the muscular tone, increasing the muscular effort even more.

It may be stated that still no attention is paid to risk factors, whose effect is not visible immediately but only after a certain period of time.

Another problem area alongside the lack of risk assessment or underestimation of risks is the lack of an action plan or the insufficiency of measures taken for removing risk factors. Often the action plan is too general and does not help to avoid damage to health. This shows that the employer has not associated work environment risk analysis with establishing an action plan and is unable to perceive the usefulness of the information gained from the risk assessment.

For example, an employee in an enterprise worked the entire working day mainly on his/her feet – accordingly, standing. In the risk assessment, however working on one's feet was considered as low risk, occurring only from time to time. As a risk mitigating measure, it was provided that the employee could lean on the shelves, if necessary.

It is extremely important to follow the requirement for the medical examination of employees. While medical examination does not allow avoiding damage to health, it facilitates quicker detection of work-related health risks. Measures for avoiding the development or worsening of damage to employees' health can be planned in cooperation with an occupational health physician and the enterprise's working environment specialist.

Too often the occupational health labour inspectors discover when investigating the occupational disease cases that a medical examination of the employee has been organised only after ten years of working or the enterprise has not followed the term for re-examination established by the occupational health physician.

The last problem we should highlight here is the deficiencies occuring when instructing the employees. Employees often admit that they have not been shown safety instructions on how to avoid health disorders that may result from physical overexertion. In some cases, the instructions are not appropriate for the circumstances and contain excessive unrelated information. In other cases, the instructions are available but the worker has forgotten its requirements. A single instruction session is clearly insufficient and the employer should hold more frequent trainings where the employees are informed of the effect of work environment risk factors on health and the necessary measures and means that can be used for preventing or reducing the effect of risk factors.

To reduce any work-related diseases, also the workload of employees should be evaluated to judge whether all tasks can be performed by the available workforce. The workload will increase if the number of employees is insufficient. Also, breaks and relaxation exercises will not be enough if the workload is too high and the number of employees too small. Thus, managing occupational health and safety in the work environment is a complex task requiring an in-depth analysis, where all the aspects of work are objectively analysed and evaluated.

Main work environment risk factors resulting in occupational diseases still include repetitive stereotypical movements and incorrect working posture. Unfortunately, the employees themselves also fail to understand that repetitive movements or unsuitable working position can have a negative effect on their health. They often fail to see the connection between physical overexertion and the resulting health disorders. Instead, they tend to associate back or neck pain with age, rather than working conditions. But the main cause of diseases related to physical overexertion is in fact excessive workload and incorrect work practices.

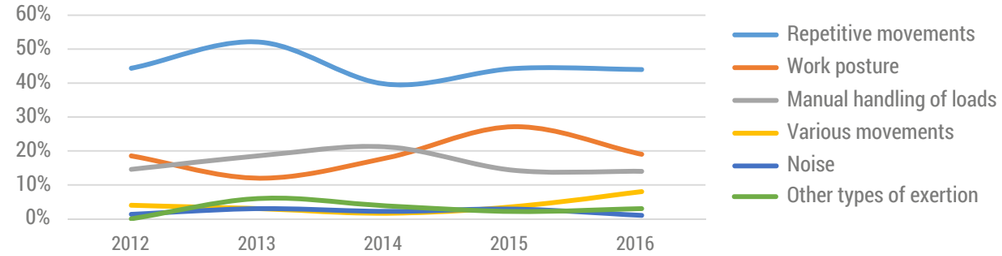


Figure 21. Main work environment risk factors causing occupational diseases

The diagnoses of work-related diseases show that also here the workers' health is affected the most by physiological risk factors: repetitive stereotypical movements and forced postures leading to exhaustion. Also, manual handling of loads is becoming a problem again.

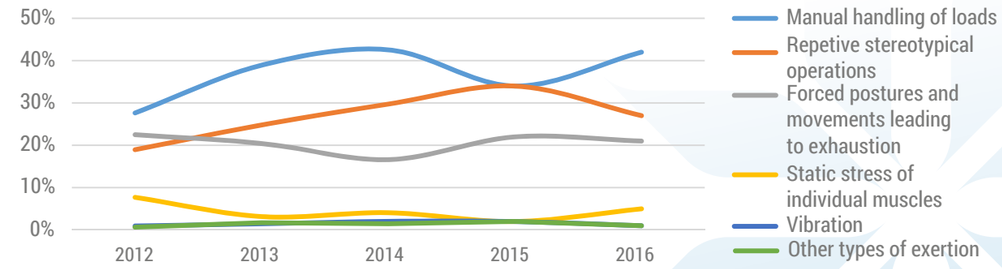


Figure 22. Main work environment risk factors causing work-related diseases

When five years ago, occupational diseases were diagnosed most frequently in workers from the 45–54 age group, then from 2013 on, however, the number of diagnosed occupational diseases has been the highest in the 55–64 age group. This indicates that the average age of employed persons has increased, but also points out the age group, whose occupational health awareness needs to be improved.

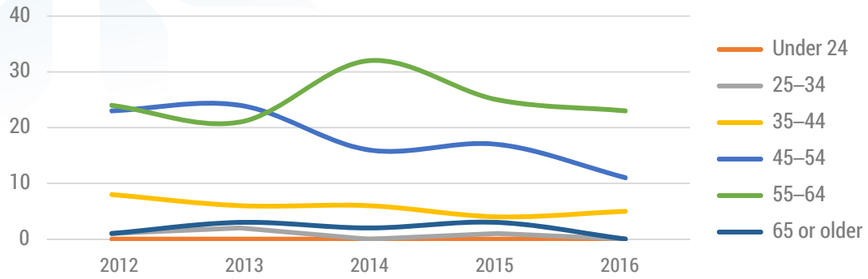


Figure 23. Number of employees suffering from occupational diseases by age group

Last year, the largest number of work-related diseases was diagnosed in the 55–64 age group. Although the number of older workers suffering from WRDs has decreased over the last years, their ratio has not. At the same time, work-related disease is diagnosed already in young employees, who have not managed to be on the labour market that long. This, in turn, means that the work environment of these young people has been very poorly organised, since the reason cannot be found from the long-term impact of their work environment.

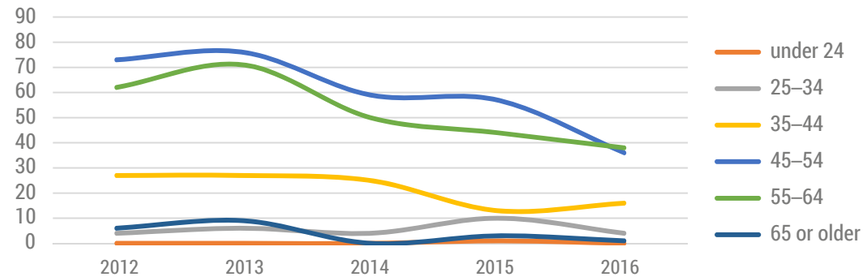


Figure 24. Number of employees suffering from WRDs according to age group

The gender statistics of work-related diseases shows that women are more likely to be diagnosed with an occupational or work-related disease at a younger age than men. Women either undergo medical examination earlier or take their health problems more seriously and are not afraid to discuss them with the person doing the medical examination.

In addition, we should bear in mind the fact that the number of women working in occupations with higher risk of work-related diseases is bigger. A survey conducted in Sweden on the differences of jobs held by women and men has shown that women tolerate better monotonous tasks (such as routine movements at work) and are accordingly more open to the risk of work-related diseases. For example, a woman working in stock farming is generally a milker, whose work is affected by handling of loads, repeated monotonous movements as well as work in an inconvenient position. A man, working in stock farming however, is rather a driver of mobile machinery, whose work environment risk factor could be instead noise and only then physical exertion.

Such differences between the jobs of men and women could be highlighted also in other areas of activity. For example, occupational diseases were diagnosed often among employees of food industry. Once again it must be admitted that the line workers there are mostly women and maintenance workers of mechanisms are men.

More detailed overviews of different types of occupational and work-related diseases are prepared by the Estonian Health Board since 2011. Summaries of work-related disease statistics can be found at: http://terviseamet.ee/tervishoid/toeoetervishoid/aruanded.html.

2. STATE SUPERVISION

In relation to the previous years the number of employed people was once again higher in 2016; also, the number of enterprises increased. The Labour Inspectorate itself was also more visible in 2016 than the year before – we performed more inspections and thematic target inspections, to draw the attention on more problematic areas. Even though we detected a larger number of violations in the course of state supervision than a year before, we also inspected more enterprises. The volume of supervision over enterprises increased approx. 16% in a year.

Figure 25. Number of enterprises subject to state supervision, 2005–2016

Our supervisory activities are generally divided into four. Largest volume of supervision is assigned to work environment and safety, supervision of labour relations makes approx. 9% and supervision of working and rest time of drivers of motor vehicles makes approx. 2% of the entire supervision. It also happens sometimes that we inspect the work environment and labour relations together in an enterprise. This kind of supervision was conducted in 162 enterprises.

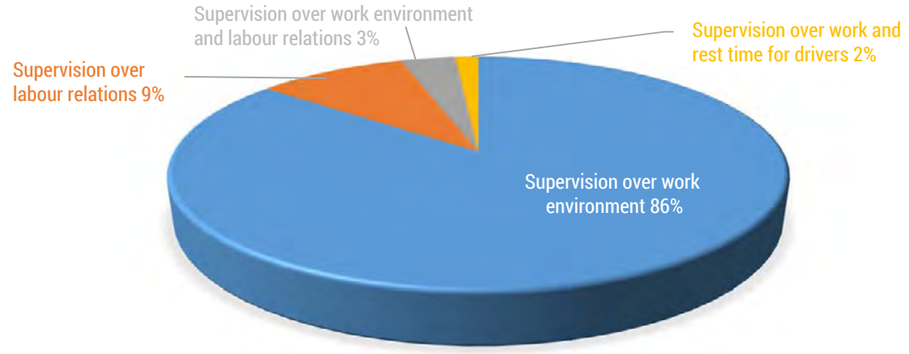


Figure 26. Supervision proportions of the Labour Inspectorate by areas of activity (2016)

Violations were detected in 85% of enterprises during supervision. Every third inspected enterprise had problems with preparing a risk analysis of the work environment or training and instructing the employees. Every fourth enterprise lacked safety instructions and every fifth had not appointed a work environment specialist. At the same time, all these activities are crucial in order to avoid work accidents in an enterprise and damage to workers' health. There are still problems with clear walking paths, as due to the latter the number of work accidents related to falling and stumbling in Estonia remains too high.

Labour inspectors find that a significant number of employers fail to contribute to their work environment before the labour inspector's visit. On the positive side, it can be noted that the work environment in most enterprises has significantly improved after the inspector's visit. In 2016, 81% of labour inspector's precepts were complied with on time (in 2015, it was 88%).

Comparing different counties, most of the enterprises and authorities were inspected in Tallinn and Harju County (1990 visits in total, that is one-third of the total supervision). In a year-on-year basis, the volume of inspections increased significantly in Tallinn and Harju County, Lääne-Viru County and Tartu County, decreased, however, in Hiiu County, Ida-Viru County and Pärnu County. Changes usually result from the location of enterprises.

Based on complaints, supervision proceedings were commenced on 211 occasions. The number of complaints is increasing year by year. For example, in 2015, we made 199 visits following a complaint and in 2014, 159 visits. This means that both workers and fellow citizens are informing of various problems in the work environment. In the long run, increasing awareness and highlighting problems will improve the work environment as a whole and shape society's opinion of safety culture.

There are also situations, where a tip appeared to be incorrect after inspecting the enterprise. For example, it was claimed that construction works are carried out in a dangerous manner and the surrounding of the territory is not safe. When examining the circumstances, no violations were detected and what was described in the tip was rather a communication problem between the builder and the client. From the other side, however, some work situations might appear dangerous for an incompetent eye; still, the labour inspector did not detect any deficiencies.

Every professional tip may help prevent injuries at work and allow the worker to go home safely.

2.1. Occupational safety supervision

The main priority of our activities is the reduction of the number of serious or fatal work accidents. For this purpose, we are constantly increasing the volume of state supervision and improving its efficiency as well as quality. Work environment inspections are conducted based on the risk rate of the enterprise. The latter is calculated according to the risk level attributed to the respective area of activity of the enterprise, the time of the last visit, the results of previous inspections, the number of employees, and the work accidents, occupational diseases and work-related diseases. Each enterprise will have an individual risk rate and the enterprises and institutions with the highest risk rate are chosen for inspection. Starting from 2017, we inspect separately those enterprises, where work accidents happen repeatedly and the employer has not ascertained the circumstances of work accidents with a higher quality level.

Within the supervision of compliance with occupational health and safety requirements we commenced supervision proceedings on 4,053 occasions in 2016. The number of proceedings as a result of supervision of both, work environment as well as work relations in one enterprise, was 162. The number of different enterprises subject to inspection was 3839 (in 2015, 3408). Occupational health and safety supervision volume increased by 16% compared to 2015, even though the number of labour inspectors remained on the same level with last year.

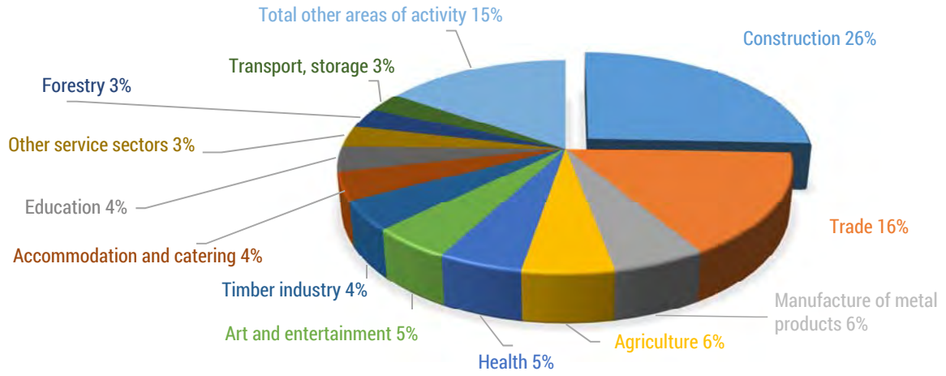
> An enterprise had a first-aid cabinet, painted white and with a red cross on it. The cabinet contained Spiritus Vini in a dark bottle with expiry date 1988 and Citramon pills in a plastic bag with expiry date 1989. What is particularly sad and dangerous, is the fact that the first-aid cabinet was in the crafts classroom of a school. The expired medicines were accessible to students, so we are only fortunate that it never occurred to anyone to try these pills. It was also amazing that almost in 30 years nobody had looked inside the first aid cabinet.

Supervision over small enterprises with less than five employees increased the most. Unfortunately, we must admit that we are not able to visit all small enterprises with adequate frequency. Accordingly, we are planning other solutions to reach every new or small enterprise with adequate frequency. For example, we launched as a pilot project anonymous survey inspections last year, focusing mainly on the employer's obligations in the area of occupational health and safety — performing the risk analysis of work environment, availability of a work environment specialist and medical examination of employees by an occupational health physician. We selected the surveyed enterprises by field of activity, interviewing tourism enterprises, insurance firms, passenger travel companies and print shops. The objective of the entire survey inspection was to make respondents pay more attention to the obligations of employer in the field of occupational health and safety. A summary was prepared of each survey inspection, sent to all those, who were asked to answer to the questions. Regrettably, it must be admitted that the percentage of respondents was not high.

Accordingly, we plan to continue with such surveys also in 2017, however these will not be anonymous anymore, but will be used as a base of our subsequent visits, the list of which will be prepared rather of those companies, who ignored the survey.

Looking at different areas of activity, enterprises from the sectors construction (1,107), trade (678) and metal industry (245) were under the most intensive supervision. Also other bigger areas were covered with approx. 100 inspections per area.

Figure 27. Proportion of areas of activity subject to occupational safety inspection, 2016



Assessments of labour inspectors to enterprises

As a rule, during occupational safety inspection, the labour inspectors assess the entire work environment based on 26 different aspects. They assess the work environment activity of the employer, risk factors in the work environment and whether or not these have been mitigated.

Also as a result of 2016 inspections it appeared that approx. 80% of assessments were still positive. However, if we look separately at the assessments given to the work environment activity of the employers, the labour inspectors were not satisfied with the activity of approx. 30% of employers. Even, if the risk factors had been mitigated and there was no direct hazard in the work environment, the employers had neglected the employees themselves. The inspector was satisfied with the training and instructing of employees in just 48% inspected enterprises. Another bigger problem is the organisation of medical examination, which was rated as good only in slightly more than one-half of the enterprises. Such situation of a work environment is in no way acceptable and there is a lot of room for improvement in the occupational safety culture.

Although, the majority of employers are interested in creating a safer work environment independent of inspections, then unfortunately, there are still employers who tend to neglect occupational safety until the labour inspector's intervention. Employers list lack of knowledge in this area or lack of time as the main reasons for ignoring occupational health and safety issues.

Assessments of risk factors present in the work environment of enterprises are relatively similar to the previous years. The percentages shown in Figure 28 are calculated based on the number of assessed enterprises where this risk factor was present. Areas that have previously posed the biggest problem were still the most problematic also in 2016: handling of hazardous chemicals, risk of exposure to moving parts of equipment, risk of falling from height, and problems concerning movement paths. At the same time, there have been some improvements in most of the risk factors. The situation was however considered poorer in working in a forced position, manual handling of loads, falling from the height and risk of structural collapse. All these risk factors are crucial from the viewpoint of protecting the employees' health.

Namely based on such results the themes for annual targeted inspections and main areas of the notification activities are being formed. Our common goal with the social partners is to continue informing the employees and employers especially of bone and muscle disorders and their causes. In addition, we distribute various instructional materials to enterprises in the course of the information activities.

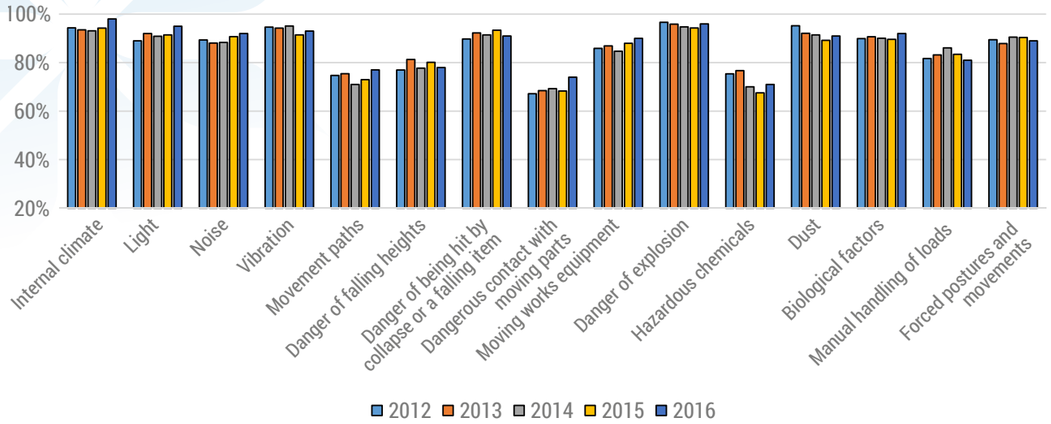


Figure 28. Assessments of risk factors present in work environment (positive assessment – % of enterprises assessed)

Labour inspectors continue to identify many problems related to movement paths and the danger of falling from heights. In many enterprises, guard rails are lacking, loose openings are not properly labelled or protective covers are missing, movement paths are not properly marked and maintained, etc. Also, wires, cables or other objects are found in movement paths or raw materials or products are temporarily stored there. These, however, obstruct the movement of employees and may cause work accidents related to falls.

Problematic aspects and activities highlighted in the assessments of employers' activities (Figure 29) have also remained unchanged. Employers' actions related to the training and instruction of employees were most often (in more than half of the cases) assessed as bad or rather bad by labour inspectors. Compared to the previous year this assessment has somewhat improved, however it is currently still problem number one, as deficient training and instructing is one of the main causes of work accidents.

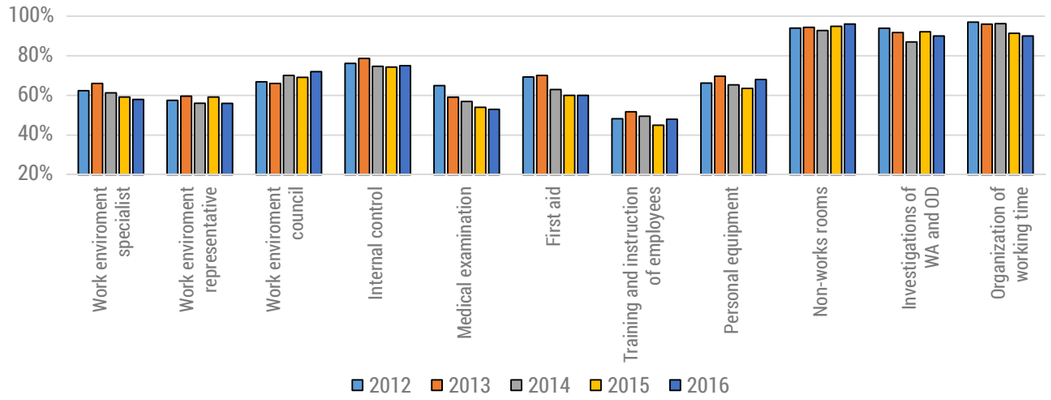


Figure 29. Assessments to employers' activity (positive assessment – % of evaluated enterprises)

We are still dissatisfied with the referral of employees to medical examination and organising first aid in the enterprise. In the last three years, inspections have uncovered a significantly increased number of enterprises with no identified first aid provider or with deficiencies in the organisation of first aid. The number of enterprises and institutions with no work environment specialist and representative appointed has also gone up.

Increasingly more problems have been detected also regarding the organisation of work time. When only some years ago, the labour inspectors rated the organisation of working time in the enterprises predominantly as good, then today there are deficiencies already in 10% of enterprises. Hereby we draw the attention to the proper organisation of working and rest time, which prevent the employees from becoming excessively fatigued and inattentive during working. Too intensive work organisation without breaks regrettably leads to the likelihood of work accidents, not to mention other forms of damage to health, which might develop over a longer period of time.

Half of the aspects evaluated in the activities of employers have unfortunately received a worse assessment than in the prior year. On the one hand, it is true that supervision has become more thorough. On the other hand, however, thanks to the risk evaluation of enterprises we are visiting increasingly more enterprises with a larger number of problems. From 2014 on, the number of micro and small enterprises has increased among the inspected companies. At the same time, this is the very group of enterprises that lists the lack of funds and time as the reason for not following occupational health and safety requirements.

Occupational health and safety violations

Violations of different legal acts concerning occupational health and safety were identified in the course of inspection 20,004 times, 48% of which were registered in precepts. The number of identified violations has significantly increased compared to 2015; however, also the number of enterprises, which had never been inspected before, has also gone up. The number of precepts has significantly dropped. This means that compared to the past, the inspector uncovers more such violations in the course of inspection which the employer could eliminate in five days and therefore no precept is issued.

Violations were detected at 95% of all visited enterprises (91% in 2015). No occupational safety violations were detected only in 201 enterprises (in 2015 the number of such enterprises was 321). On average, 5.5 violations per enterprise were identified during visits. As a rule, there are not many violations in one enterprise, but rather some in almost every inspected enterprise. There are always exceptions, such as the enterprise with the highest number of violations in 2016 was a retail trade company, where a total of 149 occupational safety violations was found in all its shops. This result, however, indicates genuinely that there is absolutely no occupational safety activity going on in the enterprise and there is no common management system of occupational safety.

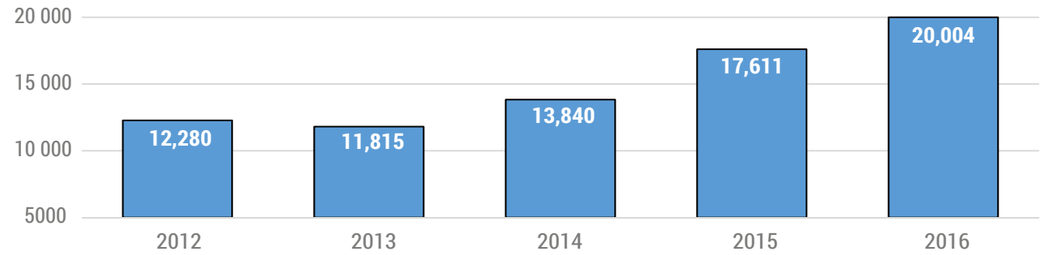


Figure 30. Number of identified OHS violations

Violations by legal acts

The table below lists the most commonly violated laws and regulations and the number of violations over the last five years. While the "Top 3" violations has remained the same through the years, then in 2016, the number of these violations increased even more. The number of violations has seen an upsurge, especially in the construction sector due to a violation of the regulation on "Occupational health and safety requirements in construction".

Table 4. Legislation, the most violations are detected against

Legal act	2012	2013	2014	2015	2016
Occupational Health and Safety Act	3534	3353	3630	5143	5837
Procedure for Training Regarding Occupational Health and Safety	1483	1589	1668	2875	3102
OHS Requirements in Construction	989	908	952	1056	2085
OHS Requirements for Use of Work Equipment	1723	1571	1635	1633	1793
Occupational Health and Safety Requirements Set for a Workplace	1195	1048	1736	1642	1609
Procedure for Selection of Personal Protective Equipment	777	741	1051	1238	1249
Procedure for Medical Examination	458	527	548	914	1095
Procedure for First Aid	309	375	464	892	930
Require-ments for Use of Safety Signals	582	559	872	791	924
Procedure for Use of Chemicals	158	256	224	287	505
OHS Require-ments for Manual Handling of Loads	233	222	234	284	356
OHS Require-ments for Work with Display Screen Equipment	304	234	199	322	204

A more detailed analysis of violations by legal acts shows that problems with organising the risk analysis of work environment still rank first. The number of such violations has soared in the last two years. Risk assessment is either completely lacking, is not properly organised or needs to be updated, as it no longer corresponds to the changed work environment. This kind of violations were detected in almost every third enterprise. We would like to remind that a work environment risk assessment is not just a one-time written document but it must be in line with the development and evolution of the enterprise. Its benefits are the greatest when the assessment is done by specialists inside the enterprise. To simplify the preparation of enterprise's risk assessments, the state has created the free environment for it — Tööbik (www.toobik.ee).

The figure below reveals the most common occupational health and safety violations regardless of which legal act they are based on. The figure shows a significant increase in 2016 in the number of violations related to nearly all criteria. This may be caused by both the increased number of inspected enterprises as well as a certain improvement in the quality of supervision. Also, the fact that the sample of inspected enterprises included more enterprises that were inspected for the first time, most definitely had an effect on it.

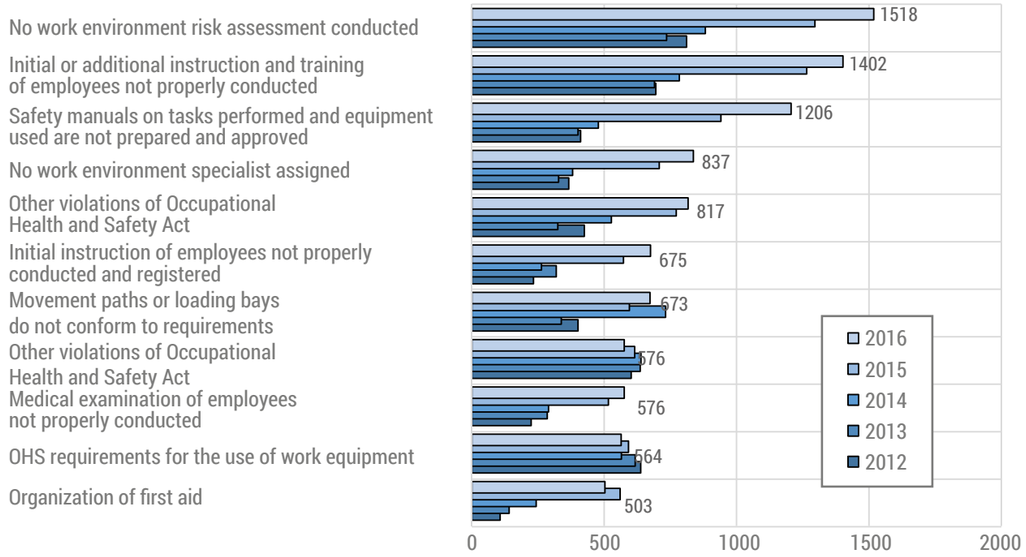


Figure 31. Most frequent occupational health and safety violations

To eliminate violations, the labour inspectors suspended work on 171 occasions and the use of work equipment was forbidden on 173 occasions in 2016 (in 2015 – 149 and 270, respectively). The use of work equipment was most frequently forbidden in cases where the devices ensuring the safety of the equipment, lifting devices, or equipment meant for temporary work at heights did not conform to the requirements or broken power tools were used for work.

Work was most frequently suspended at construction works, due to insufficient safety measures while working at heights or the lack of personal protective equipment. In other fields of activity, work was suspended most often due to the safety devices (protective covers) of work equipment not meeting requirements or being removed.

Warnings of penalty payment for non-compliance with the requirements were issued to 189 enterprises, out of which, the decision for penalty payment was made in relation to 22 enterprises, in total amount of 12,120 euros. For comparison, in 2015, penalty payment was enforced 38 times in amount of 7,940 euros.

Fulfilment of market supervision programme

Supervision over products is carried out in Estonia by altogether seven authorities: Consumer Protection Board, Health Board, Technical Regulatory Authority, Maritime Administration, Environmental Inspectorate, Agricultural Board and the Labour Inspectorate. In 2017, also Road Administration will be added.

We are carrying out market supervision over the safety and protective qualities of personal protective equipment used in the work environment when preparing and selling these, to ensure that personal protective equipment not corresponding to requirements does not reach the market and is not used. We proceed from an annual work plan, which considers the available resources and obligations established with legislation and development plans. The basis is the danger prognosis of an enterprise, which is prepared considering the country of origin of products, the work accidents related to them, deficiencies detected in the course of inspections, complaints, awareness of target group and other factors that are important from the supervision viewpoint. Within the market supervision, we cooperate primarily with the Tax and Customs Board.

2.2. Occupational health supervision

In occupational health supervision, the inspectors carry out large volumes of target inspections. In 2016, 357 inspections were conducted for monitoring compliance with occupational health requirements, in the course of which, 812 violations were identified and precepts issued to 60 enterprises.

In 2016, occupational health target inspections focused on the following areas of activity: trade chains, dry cleaning, kitchens of large hospitals, small ships, night-work in gas stations and financial institutions.

The target inspections show that focusing on a single area of activity provides a relatively good means for organising occupational health and safety in a specific field. The inspections resulted in improved employer awareness, but also increased responsibility in improving the work conditions of employees and preventing work-related health risks.

The aim of occupational health-related target inspections was to change the mind-sets of both the employers and the employees at the inspected enterprises. Different tasks must be conducted in such a way that an employee is still healthy decades later; it is also important to recognise that physical overexertion usually appears without notice. Once your health has deteriorated, it might not be possible to restore it.

In selecting the target inspections aimed at occupational health, we always proceed from risk factors, in which case the likelihood of damaging one's health is always there, however its realisation is a long-term process.

The main cause for the diseases of employees is physical overexertion of the body – be it the neck, hands, back or feet. Employees work in long shifts, in inconvenient postures. If, however, the work process of an employee depends on that of their co-worker, it adds even more stress to the work. Also internal climate of work rooms is important. If this is unsuitable for working, the likelihood of diseases is even higher.

In addition to physical overexertion, we pay more attention to the use of hazardous chemicals. Target inspections and campaigns have shown that the awareness of both, the employers as well as employees of the impact of different chemicals on human health is low. As a main problem we can list inability to foresee health problems, the

impact of which does not disclose itself immediately, but instead may become evident even after years. Normally these are different allergic diseases, inflammations and in more serious cases also tumours.

This is why it is important to ensure that the employers are able to see and properly evaluate different health risks affecting the employees. Upon proper assessment of risks, it is possible to implement appropriate protection measures on collective and single employee level. Each conducted internal inspection ends with the sending of a memorandum to the enterprises of the same area, in which we give recommendations on how to make the work environment even safer for the health of employee. We have also received answers from some enterprises, where they express their appreciation for the recommendations and try to implement these.

Summaries of target inspections are available on the homepage of the Labour Inspectorate or by clicking the link:

Target inspection – Construction site	**Target inspection 2016 Small shops of trade centres**
Target inspection 2016 Trade chains	**Target inspection 2016 Dry cleaning**
Target inspection 2016 Wooden houses	**Target inspection 2016 Libraries**
Target inspection 2016 Kitchens of large hospitals	**Target inspection 2016 Road construction**
Target inspection 2016 Lifting equipment of metal industry	**Target inspection 2016 Small shops**
Target inspection 2016 Night work at gas stations	**Target inspection 2016 All-Estonian construction**
Target inspection 2016 Nursery schools	**Target inspection 2016 Museums**
Target inspection 2016 Boiler plants	**Target inspection 2016 Financial institutions**
Target inspection 2016 Wholesale trade	

2.3. Supervision of labour relations

2016 brought with it significant changes to the work organisation of the labour relations department and now the labour inspectors-lawyers also inspect the fulfilment of requirements related to the work environment. The change was necessary, since the number of work accidents continued to increase from year to year and in all enterprises subject to inspection, attention needs to be drawn to the need to fulfil work environment requirements. The results of supervision indicate that the decision has justified itself, since almost all enterprises inspected by a lawyer also experienced problems with the organisation of the work environment.

Labour inspectors-lawyers are people with legal training, meaning they are focused primarily on inspecting the adherence to formal requirements of the work environment as established by law, when carrying out the supervision. Although the labour inspector-lawyer examines all documents when visiting an enterprise — such as employment contracts, time schedules, recording of working time, documents certifying the payment of remuneration, work organisation rules — they also check whether the enterprise has appointed a work environment specialist, elected a work environment representative, if necessary, formed a work environment council, determining also how the functioning of the internal control of the work environment is organised, whether the employer has organised a medical examination for employees, implemented training and instruction necessary for the work, appointed the provider of first aid, and provided them with the necessary training.

Since the competence of supervision was changed and supplemented, the violations detected by the labour inspectors-lawyers and their proportions also naturally changed. Altogether, nine labour inspectors-lawyers discovered 1940 violations. A total of 1145 violations of the requirements of the Employment Contracts Act were detected, compared to the 1761 detected the year prior.

Compared to the previous years, the most violations discovered by the labour inspectors-lawyers were related to the failure to inform of the conditions of the employment contract, that is violations of subsection 5 (1) of the Employment Contracts Act (ECA). When looking at the proportions, only 35% are violations of the Employment Contracts Act; the rest, however, are related to the violations of the Occupational Health and Safety Act.

It should also be noted that 60 enterprises lacked the documents requested by the labour inspector during the inspection and these were submitted to the inspectors either later or a precept followed for preparing the stipulated documents.

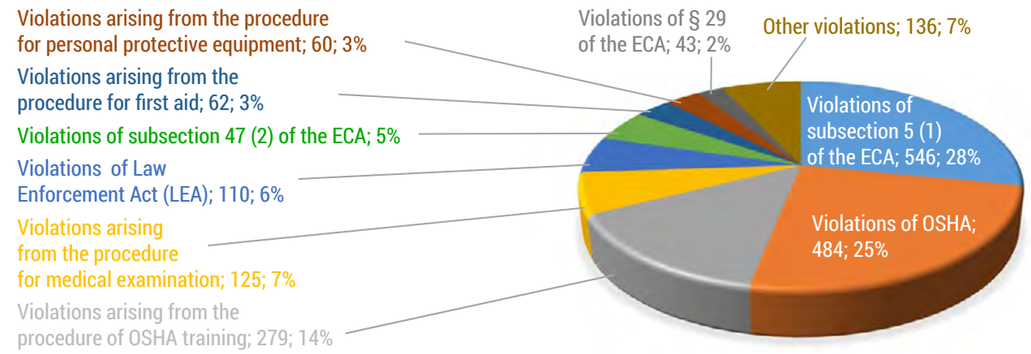


Figure 32. Violations discovered by labour inspectors-lawyers (2016)

Supervision of working and rest time and important judicial decision

One of the priorities in the supervision of labour relations in 2016 was supervision of working and rest time, as the organisation of working and rest time is directly related to the organisation of work environment and affects the health of the worker. The number of detected violations related to working and rest time last year was smaller compared to the previous year. At the same time, the discovered violations are related to workdays exceeding 13 hours and working during night-time. A long working day and working during night-time may lead to constant exhaustion, this in turn to the development of occupational diseases. Organisation of working time often also affects the risk of occurrence of work accidents.Thus, the organisation of working and rest time requires special attention and compliance with the law. Still, the law is not always unambiguous and disputes arise. The dispute with OÜ VKG Kaevandused began in this way, as a result of the Labour Inspectorate's supervision in 2015, where the main issues were planning of night-work and the possibility of using the total working time of the employees. The court heard the administrative case, No. 3-15-2607, until January 2017, when the Supreme Court refused to accept the appeals in cessation of both parties and the decision of the Tallinn District Court from 28.09.2016 entered into force in the same administrative case.

Court's findings from the decision of the Tallinn District Court from 28.09.2016 in administrative case No. 3-15-2607.

Competence of labour inspector

- There is no dispute about the right of the Labour Inspectorate to inspect adherence to the requirement regarding notification of working time under clause 5 (1) 7) of the ECA, and granting weekly rest time (§ 52 of the ECA), since this obligation is vested in them clearly by § 115 of the ECA. Clause 6 (6) of the ECA stipulates that if the working time is divided within the recording period unequally (summarised working time), the employer shall, in addition to what has been specified in § 5 of the ECA, notify the employee of the conditions of communicating the working time schedule. Since the working time also includes summarised working time, the obligation to communicate the working time, stipulated in clause 5 (1) 7) of the ECA, also the obligation to provide notification of the summarised working time, the conditions of communicating the working time schedule and communicating the changes in the working time. Accordingly, the Labour Inspectorate did not exceed its powers with clause 5 of its precept.

Definition of night worker

- Also, an employee who works (based on a summarised working time) a total of 15 hours at night-time in one period of seven days is to be considered a night worker.

- When considering the above interpretation of a night worker, also the employees, specified in the precept, who worked more than an aggregated 15 hours at night in a period of seven days, shall be considered night workers. The working time schedule indicates that during the period under review these people worked a part of their working time regularly at night. The Labour Inspectorate was correct in finding that these are night workers, whose health is affected by work environment risk factor or the nature of work – in this case, lack of daylight,

air humidity, constant use of personal protective equipment to protect themselves against noise and dust in the work environment. According to clause 50 (2) of the ECA, such person may not work more than eight hours over a period of 24 hours. The respondent established that the said workers had worked in 12-hour shifts and accordingly, the issuing a precept to the appellant was legitimate.

Summarised working time and shift work

- The ECA does not contain a definition of shift work; still, this definition has been disclosed in Directive 2003/88/EC, Article 2, Clause 5, according to which shift work means any method of organising work in shifts whereby workers succeed each other at the same work stations according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for workers to work at different times over a given period of days or weeks. From this definition it cannot be concluded whether the working time cannot be summarised in the case of shift work. Also, with respect to shift work, a need to apply summarised recording of working time may arise. This follows inter alia from the comparative table of the directive 2003/88/EC and the draft ECA, provided in the explanatory letter to the draft ECA, in which next to the Directive's Article 2, Clause 5, subsection 43 (3) of the ECA had been indicated, which stipulates that in the case of calculation of the summarised working time, the agreed working time of the employee per a period of seven days during the calculation period is taken into account. This directive does not use the definition of summarised working time; ECA, in turn does not use the definition of shift work. Accordingly, subsection 43 (3) of the ECA also regulates the organisation of working time (for the purpose of the directive) in the case of shift work.

If there are no grounds for summarising the working time (even, if it has been agreed with the employment contract), the employee shall be ensured at least 48 hours of consecutive rest time within a period of seven days. The possibility of applying summarised working time has been stipulated in law in order to enable the employer to regulate the working time in a more flexible manner, if so requested by the nature of work and if it is not possible, when concluding the employment contract, to agree on the working time per unit of time or on the time for doing the work. This possibility may not be used for deviating from the requirements of the law to the detriment of the employee and not guaranteeing the employee 48 consecutive hours of rest time.

Undeclared work, joint verification visits and cross-border cooperation

The second priority in the supervision of labour relations in cooperation with the Police and Border Guard Board and Tax and Customer Board was the establishment of people working in Estonia illegally and people not declaring their work. For all three supervision authorities this is a priority issue in association with other topics, such as work-related exploitation and possible human trafficking. The basis for joint activities is the Strategy for Preventing Violence for 2015–2020: http://www.kriminaalpoliitika.ee/et/vagivalla-vahendamise-arengukava/vagivalla-ennetamise-strateegia-2015-2020 and the cooperation agreement between the Police and Border Guard Board and the Labour Inspectorate.

The topic is important, since an undeclared and/or illegal worker has a greater risk of falling victim to work-related exploitation or human trafficking. In 2015 and 2016, we participated in 18 joint verification visits, in the course of which both, undeclared workers as well as workers illegally staying in Estonia were discovered. During the joint verification visits we inspected the activity and employees of 91 different enterprises. In 2015, we established 31 enterprises with persons working without legal grounds and written contract; in 2016, however, 14 enterprises.

The joint verification visits also revealed several cases where an entrepreneur, organising work in Estonia, claimed that the employees at the site are posted workers for the purposes of the EU directive, whose employer is a company of another member state. These are employees who are not registered in the employment register of Estonia, and accordingly, the migration department of the Police and Border Guard Board will first ascertain whether the person even has the requisite residence and/or work permit to stay and work in Estonia. However, in addition to that a confirmation needs to be obtained that this is really a posted worker within the meaning of the directive, to whom the Working Conditions of Employees Posted to Estonia Act applies. For this, the Labour Inspectorate makes an inquiry to another state through the European Commission's Internal Market Information System (IMI).

In 2016, we sent 13 inquiries to other countries, out of which 11 were new inquiries and 2 were additional inquiries concerning one and the same enterprise. To compare with the previous years: In 2012, we made two inquiries (both to Poland), in 2013, only one inquiry to Latvia, in 2014 we made no inquiries at all and in 2015, four inquiries (2 to Finland, 1 to Germany and 1 to Poland). We also received 13 inquiries about Estonian enterprises from other countries. This means that on 13 occasions, proceedings had also been commenced against Estonian enterprises, in the course of which they established whose employees they were and whether and on which legal grounds they were working in the foreign country. Upon receiving an IMI inquiry from a supervision authority of another country we commence proceedings against the Estonian enterprise, to gather the necessary data and information for making a decision for the foreign authority.

Estonia received 7 inquiries from Finland, 2 from Norway, 2 from Latvia, 1 from Romania and 1 from Lithuania. For comparison: in 2012, 16 inquiries were sent to Estonia; in 2013, 14 inquiries; in 2014, 5 inquiries; and in 2015, 12 inquiries. In conclusion, in 2012–2016, most frequently Estonia received inquiries from Finland – 30 inquiries; Norway – 7 inquiries; Latvia – 7 inquiries; Belgium – 5 inquiries; Lithuania – 4 inquiries; and the Netherlands – 2 inquiries. One inquiry was sent to Estonia by Romania, Slovakia, Austria, Poland and Portugal.

A major problem in responding to IMI inquiries is the fact that we are not able to find the employer who posted their workers to the territory of another member state. Often, the company is fictitiously registered in Estonia; however, in reality, no business activity is carried out here. Another reason is that the enterprise has entered either false or incorrect information about their means of communication (such as phone, e-mail, is not located at the seat entered in the commercial register) in the official registries (register of employees, commercial register), which serve as the main sources of information to use. In addition, the management board members often fail to cooperate with the Labour Inspectorate. Nevertheless, in 2016, we responded to all inquiries received through IMI; this above all thanks to different databases and the cooperation with the Tax and Customs Board, Police and Border Guard Board and Estonian Academy of Security Sciences.

Labour inspector's permission for work by a child under 15 years of age

We also paid special attention this year to the work of youth in summer months. Although we did not carry out a separate target inspection, we selected those enterprises for inspection during the summer months where minors were employed. Yet, the number of violations related to the work of minors is small, as we have also carried out enhanced information activities on the topic. As a result, the number of applications sent to the labour inspector for obtaining permission has also increased. In 2016, the inspectorate received 189 applications for hiring 2358 minors. Permission was given to hiring 2284 children under 15 years of age; in the case of the remaining 74 minors, the labour inspector either made a decision to refuse or dismissed the application, as the child had already reached the age of 15.

The labour inspector refused to give permission for hiring a minor for the following reasons:

- an enterprise wanted to hire a 12-year-old as a restaurant waiter. This is not light work in the field of culture, art, sports or advertising, as permitted with law;
- an enterprise wanted to hire a 12-year-old for performing maintenance works (raking, tiding, picking up litter, etc.). Also, in this case it is not light work in the field of culture, art, sports or advertising, permitted with law;
- an enterprise wanted to hire 13- and 14-year-olds for auxiliary works, where their task would have been to lift loads of 25–50 kilograms and carrying these with trolleys. Keeping in mind the age of the child and physical development, this cannot be considered a suitable job and the consequences would have been clearly immediate of future damage to health;
- an enterprise wanted to hire a 13-year-old to monitor, feed and care for a 7-year-old child with special needs, without the presence of an adult;
- an enterprise wanted to hire a 13-year-old to sell bicycles, without the instruction or presence of an adult;
- Enterprises often wanted to hire a 10–14-year-old for independent sales work, incl. for cash settlements without the presence and instruction of an adult;
- enterprises wanted to send 12–14-year-olds alone to a market to sell strawberries, incl. to lift boxes, display

everything for the sale, organise the sale and finally, count the cash. This work could be done from the age of 13, if the employer organised the work in a way that there would be at least one adult to support the minor, who would count the cash at the end of the day;

- an enterprise wanted to hire 13–14-year-olds to work in the area of trampolines as responsible workers, without the presence of an adult. The enterprise who submitted the application found the work not to be dangerous and accordingly, not requiring instructing and training or even safety instructions.

When processing the applications for hiring a minor, there were several cases, where in the course of processing the application the employer was given guidelines to change the work practices (picking strawberries on a stove-bench or without it), not to permit certain works for a child (works related to lifting or carrying loads), use other work equipment or also a harmless chemical (for cleaning and painting works). One employer wanted the minors to use paint that contained a hazardous chemical; however, the employer itself was unable to read the chemical safety data sheet for the paint. After drawing attention to it, they bought a new, water-based paint, which the children were allowed to work with. There were also enterprises to whom it came as a surprise that an employment contract is still be to concluded with a minor, and that a contract for services or authorisation contract is not at all appropriate, considering the circumstances.

Supervision of maritime work

On 1 July 2014, the new Seafarers Employment Act entered into force and as of 2015, we could already begin conducting real inspection work. A total of 225 violations related to seafarers' contracts of employment or other violations were identified in 42 different companies. The most frequent omission detected was the failure to notify the employees of the additional data to be contained in a written document of a seafarer's employment contract.

Employers' awareness of the new Seafarers Employment Act is still low; changes brought on by new law have gone unnoticed. There are problems with the submission of data on seafarers' contracts of employment, as well as the organization of working and rest time.

Often people cannot distinguish the situations, when the Seafarers Employment Act is applied and when the Employment Contracts Act. The Seafarers Employment Act regulates to whom the Act applies and inter alia stipulates that the Act is not applied to employment on fishing vessels under 24 metres in length. The problem of what to do with workers sailing aboard ships under and over 24 metres in length is a major headache for the owners of fishing vessels — is it allowed to apply the specifications of the Seafarers Employment Act in every case or should the work conditions be clearly separated on fishing vessels under 24 metres (in this case, only the Employment Contracts Act would apply) and on those ships, where we can talk about a crew member and their rights and obligations.

In November 2016, the labour inspector of maritime work participated in a joint verification visit together with other authorities, examining the interior works of a vessel in Port of Muuga.

Although, this was not a situation subject to the Seafarers Employment Act, it should be noted that the interior works were carried out for the Estonian enterprise by a Finnish company, who in turn ordered the works from Lithuanian, Polish and US enterprises.

Since the works were performed in Estonian waters and aboard a ship sailing under the Estonian flag, Estonian authorities have the supervisory competence.

Although the captain of the ship initially found that the supervisors could not be allowed aboard, as they have not been trained in the safety requirements of ships, he finally understood that preventing the supervision would be separately punished.

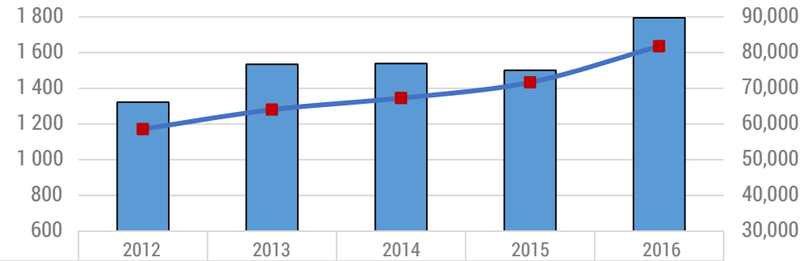
Unfortunately, undeclared workers as well as a number of work environment violations were detected in the course of the joint verification visit.

The Labour Inspectorate has one maritime work inspector, who inspects the vessels sailing under the Estonian flag in different Estonian ports. The scope of authority of the labour inspector of maritime work is wide, as they must be able to examine adherence to the requirements of the Seafarers Employment Act, the Employment Contracts Act as well as the Occupational Health and Safety Act in the course of performing their tasks.

Out of the violations detected by the labour inspector of maritime work in 2016, only 23% are violations of the Seafarers Employment Act. The remaining violations arise from other legislation.

2.4. Supervision of working and rest time of drivers of motor vehicles

With the inspection of the working and rest time we ascertain how the working and rest time is organised by enterprises and whether the established driving and rest periods are observed to ensure traffic safety on roads. We inspect the organisation of working time at enterprises, drivers' daily driving hours and rest periods, breaks and weekly working, driving and rest time, bi-weekly driving time limits, conformity of data recorded by tachographs with requirements, and also compliance of remuneration with the collective pay agreement.



	2012	2013	2014	2015	2016
Inspected drivers	1322	1535	1539	1501	1795
Inspected working days	58,576	64,021	67,256	71,664	81,792

Figure 33. Number of drivers of vehicles inspected and their workdays, 2012–2016

By type of transportation, goods transporters were most frequently inspected in 2016.

Table 5. Number of drivers of vehicles and workdays inspected by type of transportation, 2016

Type of transportation	Number of inspected drivers	Number of inspected working days
Passenger transport	197	11,518
Transport of goods	1598	70,274
Total	**1795**	**81,792**

Storage and copying of data on working and rest time

In 2016, the number of violations of requirements for the storage and copying of data was high in transport enterprises, although at the beginning of the year we sent a memorandum that we are planning to inspect them in 2016. Based on the relevant regulation and the Traffic Act, data must be stored for 365 days. Storage of data specifically from analogue tachographs was a major problem. Downloading data from the driver's card of a vehicle equipped with digital tachographs at least every 28 days and at least every 90 days from the vehicle and presenting these to the inspector was also a problem.

Daily rest time of the vehicles drivers

Main violations related to daily rest time result from the carrier's inability to plan the length of the drivers' workday. Their workdays often tend to last over 13 or even 15 hours. However, the vehicles drivers must have either 11 hours of resting time inside a 24-hour period or as an exception, three rest periods of at least 9 hours. Rest periods can be taken also in two parts (at least 3 hours + at least 9 hours). Many violations occurred due to the interruption of daily rest time on ferries. As an exception, a driver accompanying their vehicle transported on a ferry may interrupt their regular daily rest period with other activities (driving on and off the ferry) no more than twice for a maximum duration of one hour. During this regular daily rest period, the driver shall have access to a bunk or couchette. The daily rest time of the vehicles drivers was basically shorter than 11 hours with interruptions; the rest time was interrupted three times instead of twice, or the total duration of other activities exceeded one hour.

Consecutive driving time

Also, the requirement of consecutive driving time was violated. After a 4.5-hour driving period, the driver must take

an uninterrupted break of at least 45-minutes. This break may be substituted with at least a 15-minute break and the next break must be at least 30 minutes long. The number of cases, where the break was less than 45 minutes or the second break was shorter than 30 minutes was the highest.

Weekly rest time

Between any two consecutive weeks, the driver must use at least two regular, that is, 45-hour weekly rest periods or one regular weekly rest period and one reduced (at least 24-hour) weekly rest period. Generally, the 45-hour rule was violated. Mainly, this requirement was violated especially by the enterprises engaged in transportation in Scandinavia. There are also cases where the driver starts their weekly rest period too late, that is 144 hours after beginning their workweek. For instance, if the vehicle driver begins their workweek at 07.00 on Monday, they are required to begin their weekly rest period no later than 07.00 on Sunday.

Daily driving time

On many occasions, the vehicles drivers also violated the requirements of daily driving time. Daily driving time may not exceed 9 hours; however, it may be extended to 10 hours twice a week, at a maximum. Often, the drivers used their two up to 10-hour exceptions at the beginning of the week and in the second half of the week they violated the requirements of driving time to arrive at the destination on time.

Use of tachographs

There were still many violations in relation to using tachographs. In most of the cases, the switches were not appropriately used, that is the vehicles drivers left the switch in the position "other work" for the daily rest time.

- The recording sheet was kept in the tachograph for more than 24 hours. This way the stored data was over-written and cannot be connected to any specific day or time.
- For a digital tachograph, the drivers did not enter manually the country where the working time was started and ended.

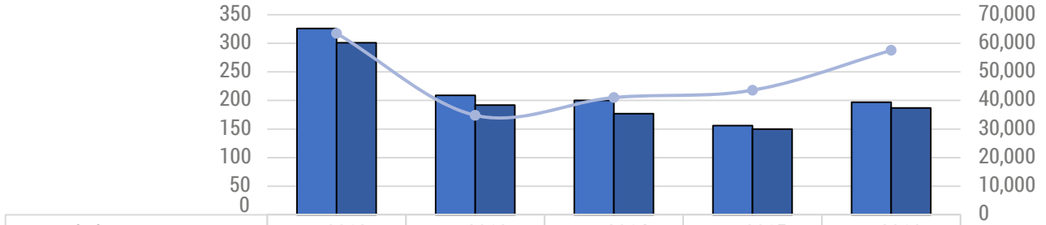
Inspection of OHSA documents

In March 2016, we also began to inspect the OSHA documents. The main violated OSHA requirements were:

- work environment risk analysis has not been performed;
- lack of internal control of work environment, meaning that in essence the work environment related activities are not analysed;
- safety instructions have not been prepared or approved;
- a work environment specialist has not been appointed in the enterprise;
- the enterprise has not performed initial instructing and training of employees;
- an employee was not sent to a medical examination, since the employer thought that periodical health check of the driver is enough;
- due accounting, storage and maintenance of personal protective equipment was not ensured in the enterprise.

2.5. Misdemeanour proceedings, fines

In 2016, misdemeanour proceedings were conducted on 197 occasions in the course of the supervision of occupational health, occupational safety, and labour relations, out of which 187 misdemeanour proceedings ended with a fine in amount of EUR 57,542; of which 100 were issued to legal persons for a total of EUR 39,370 and 87 issued to natural persons for a total of EUR 18,172. Compared to the previous year, the number of misdemeanour proceedings as well as fines has increased in terms of both, legal as well as natural persons.



	2012	2013	2014	2015	2016
Misdemeanour proceedings conducted	326	209	200	156	197
Fines issued	301	192	177	150	187
Total fines issued (€)	63,473	34,812	41,020	43,575	57,542

Figure 34. Number of misdemeanour proceedings and fines

When is it most likely that supervision ends with misdemeanour proceedings or fine?

The main basis for legal and natural persons has been violation of the requirements, § 271 of the OSHA, i.e. violation of the requirements of occupational health and safety on a combined 122 occasions. As a result of violations of occupational health and safety requirements, penalties were imposed in the course of misdemeanour proceedings primarily for three types of violations:

- Failure to comply with occupational health and safety requirements for workplaces;
- Failure of the employer to comply with occupational health and safety requirements;
- Unprotected dangerous exposure to moving parts of work equipment or inappropriate work equipment provided for the performance of work.

Misdemeanour cases resulting from the Employment Contracts Act were heard on 20 occasions:

- Under § 126 and subsection 127 (1) of the ECA, i.e. for violations of daily or weekly rest time requirements;
- Under subsection 128 (1) of the ECA, i.e. for failure by an employer to perform the obligation to inform and consult upon collective cancellation of employment contracts.

Based on the Traffic Act (TA), most fines were issued under subsection 243 (1) of the TA, i.e. for the violation of requirements for copying the data of digital tachograph or driver's card – on 23 occasions.

The largest fine imposed to a legal person was EUR 900, since the employer failed to ensure use of safe work equipment. A natural person was issued a fine of EUR 440 for the violation of the requirements of working and rest time.

Table 6. Misdemeanour cases by legal acts

	2012	2013	2014	2015	2016
Employment Contracts Act	81	52	57	37	27
Occupational Health and Safety Act	221	120	106	84	124
Employees' Trustee Act	3	2	2	1	0
Penal Code	3	1	0	0	0
Traffic Act	18	30	32	33	45
Trade Unions Act	0	3	1	1	1
Code of Misdemeanour Procedure	0	1	1	0	0
Chemicals Act	0	0	1	0	0
Total number of mis-demeanour proceedings conducted	326	209	200	156	197

3. RESOLUTION OF LABOUR DISPUTES

In 2016, the labour disputes statistics have not changed significantly, neither has the number of labour disputes fluctuated notably during the last five years. Their number has rather slightly decreased.

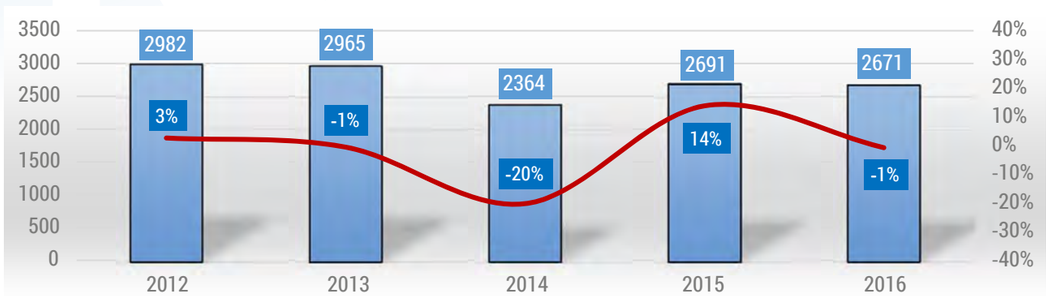


Figure 35. Number of labour dispute petitions received, 2012–2016

In terms of counties, we can say that similar to enterprises, labour disputes tend to be consolidated in Tallinn and Harju County, since approx. 57% of labour disputes are registered namely in the labour dispute committees of Tallinn and Harju County. In other major counties, such as Tartu, Ida-Viru and Pärnu counties, the number of labour disputes decreased; however, they increased in Lääne-Viru County, where there were more problems in the furniture industry, accommodation and catering companies, and in construction.

Table 7. Number of labour dispute petitions by counties, 2012–2016

County	2012	2013	2014	2015	2016	change vs 2015
Tallinn ja Harju County	1532	1800	1321	1527	1529	2
Tartu County	455	328	266	332	322	-10
Ida-Viru County	295	222	234	280	259	-21
Pärnu County	164	151	129	160	124	-36
Lääne-Viru County	99	76	71	70	96	26
Rapla County	39	41	33	47	47	0
Jõgeva County	55	39	41	41	34	-7
Saare County	152	102	64	37	39	2
Järva County	30	58	36	36	37	1
Valga County	34	26	16	36	46	10
Viljandi County	49	41	63	33	42	9
Põlva County	14	18	30	31	20	-11
Võru County	28	41	22	27	40	13
Lääne County	22	17	22	25	31	6
Hiiu County	14	5	16	9	5	-4
Total	**2982**	**2965**	**2364**	**2691**	**2671**	**-20**

The areas of activity in Estonia with the largest number of labour disputes are construction, trade, transport and accommodation and catering. Almost half of all labour disputes are received from these four areas, from both, the employers' as well as the employees' side. These sectors will also remain under the more watchful supervision of labour relations in the future. The Labour Inspectorate will also perform more inspections for increasing awareness, to make sure that the number of labour disputes drops.

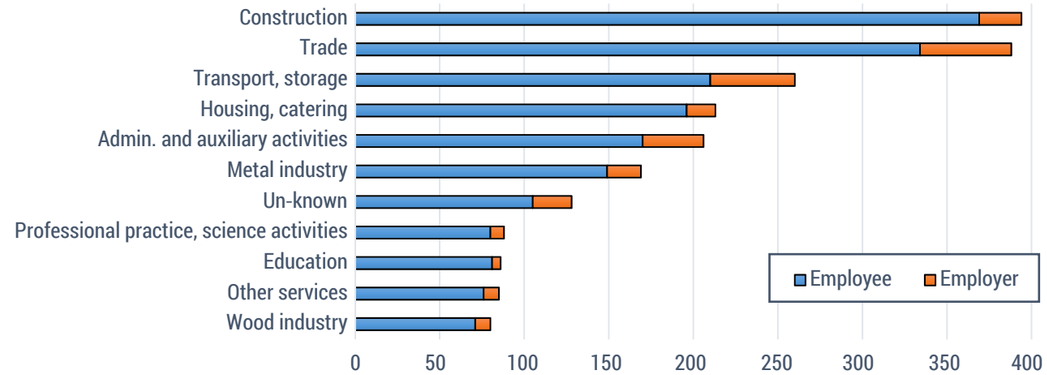


Figure 36. The areas of activity with the largest number of labour disputes in Estonia in 2016

Labour dispute committees (LDC) are still not used for resolving labour disputes during a labour relationship. The majority of labour disputes heard by LDCs are still heard after the termination of the labour relationship. Considering the experience of LDCs in satisfying the claims of employees, one should consider contacting a labour dispute resolution body, for example, for obtaining remuneration and overtime upon the expiry of the summarised working time recording period, if negotiations with the employer fail.

When looking at the labour disputes of 2016, we can see that the parties to disputes are simultaneously filing an increasing number of different claims. For instance, several different monetary claims, identification claims, for the compensation of entries in the employment register or rather non-patrimonial, i.e. moral, damage.

Employers submitted a total of 317 petitions containing 447 claims, accounting for almost 12% of all received petitions. Most of these are:

1) Contesting the cancellation of an employment contract due to a breach of the employer's obligation under subsection 91 (2) of the ECA – 110 claims;

2) Claims for compensation of damage to property caused by the employee under subsection 74 (3) of the ECA – 105 claims;

3) Claims for compensation related to an employee resigning their job under subsection 74 (3), and subsection 100 (5) of the ECA – 104 claims;

4) Other claims related to contesting the cancellation of an employment contract – 26 claims;

5) Contractual penalty and claims for compensation of damage exceeding the amount of the contractual penalty – 24 claims;

6) Other claims – 78 claims.

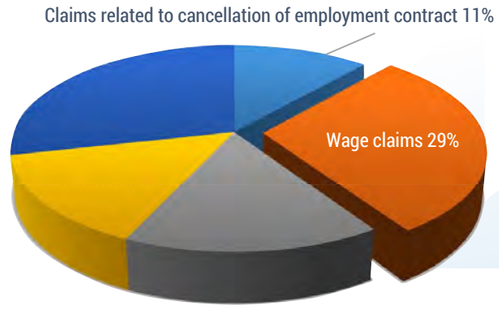


Figure 37. Claims filed by employees (2016)

Claims made by employees have not changed much over the years; however, labour disputes related to entries in the employment register have firmly established themselves. Employees continue to turn to the labour dispute committee to claim unreceived wages (about 30%), including compensation for overtime work.

The limit of financial claims in the Individual Labour Dispute Resolution Act has remained practically unchanged for six years, i.e. EUR 10,000. Raising the limit, however, is necessary as the amounts of filed wage claims have increased. An increase in the number of claims exceeding EUR 3200 has been noticeable. This can be explained by increased wages as well as claiming several months' wages

together. There are also situations, where the agreement on wages in the employment contract (or as declared with the Tax and Customs Board) differs from the actual agreement, which the parties try to establish in the labour dispute body. If the employer does not respond to the labour dispute committee and does not turn up at the hearing, the labour dispute resolution body has used data from Statistics Estonia on average wages in the industry in the relevant quarter for determining the likely amount of wages.

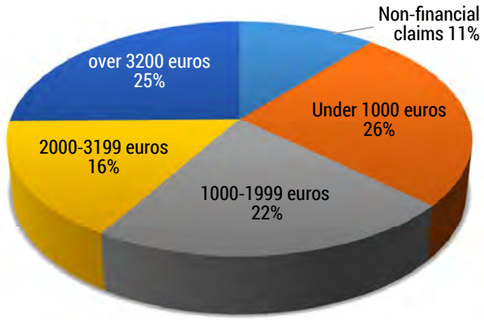


Figure 38. Division of claims by amount of money

A critical problem is certifying the claims of parties in the LDC, which is why many claims are not satisfied. Often, employees do not understand when turning to the LDC that the underlying circumstances of the claim must be certified. There still exist situations, where the employees do not submit any documents or other evidence, which would certify their relationship with the employer, existence of agreements or other facts, such as termination of the employment contract.

To establish the agreement on the amount of wages, also e-mail correspondence, SMS messages, bank account statements are submitted besides a written employment contract. Wage claims "pursuant to oral agreement" might not be satisfied to the benefit of the employee. Arguing parties have a completely different opinion about the wage agreement. If the employment contract was not formalised or the contract shows smaller wages, which occurs most often in the construction and service sector, the outcome may be different for the employee. As an example, we may highlight a labour dispute filed against an employer of the construction sector, where the employees filed petitions at different times in the second half of 2016.

We could mention another labour dispute related to the construction companies. The LDC receives cases where companies engaged primarily in construction fail to follow the conditions of collective agreement when paying wages in a foreign country or the law of the country applicable to the employment contract; instead, the wages are paid within the minimum rate applicable in Estonia. If a worker is posted to a foreign country by the employer, the minimum wages effective in the specific area must be complied with, which may have been established with the law or collective agreement.

The LDC often satisfies claims where the employer has, without the employee's consent, withheld a certain sum from the employee's wages, as though the employee had allegedly caused proprietary damage.

Increased awareness of the parties regarding the employment relationship does not only improve the working culture, but also causes more claims to be brought against the other party. The latter is demonstrated by the increased number of claims filed with the LDC. The LDC carefully weighs which claim is justified and which not. Some petitioners submit a claim for a lot of different things at a time. For example, a person sent their CV to the organiser of summer camps, wishing to participate as a teacher in the work of three camps in July and in August every other week. A male candidate was given an answer that he will be gladly hired, he was sent an overview of the work of a teacher, list of the required documents and was promised to notify of the time of interview at a later date. During the work interview at the end of May, however, his candidature was rejected, since another male candidate withdraw his application and accordingly, he could not be accommodated, as the other candidates were women. The person requested identification of an employment relationship starting from the end of March until the end of the last shift of the camp: wages, pay foreseen for lunch, since dining had to be free of charge; identification of discrimination; compensation for train tickets, fee for the hours he spent at a library reading educational literature and law; compensation for phone calls made to the Gender Equality and Equal Treatment Commissioner and compensation for causing overall mental damage. The labour dispute committee had to end the proceedings, since the petitioner failed to show up at the session.

The basis for monetary and other claims is the existing employment contract relationship or a claim for establishing the same, for which evidence must be presented. For example, the employees have asked to identify that the employment relationship exists at all, that it has commenced at a completely different time from what was noted by the employer. As curious as it may seem, there have also been cases, where the employees have asked to identify that actually they do not have an employment relationship with the specific association. Images, videos as well as entries in the employment register have become a type of evidence of an employment relationship, besides documents and the oral testimony of witnesses.

Entries in the employment register are made and changed by employers, sometimes rather arbitrarily, which in quite a few cases leads to problems. Often, the entries do not correspond to reality, e.g. the time of commencing the work does not coincide with the employment contract and/or factual commencement of work. Cases, where the employee has not been entered in the employment register, have decreased. Disputes, in which the employee learned about the termination of their employment relationship from an entry of the employment register, have become more frequent. Also, the number of disputes, where the employee contests the termination of the contract upon agreement between the parties, has increased. The problem here is that contesting the cancellation of an employment contract and the consequences of disputing the agreement of parties are different. Within contesting the agreement of parties, the employee's employment relationship will continue and the LDC is not entitled to deem the employment contract terminated under subsection 107 (2) of the Employment Contracts Act. Often, neither the employees nor the employers understand this. Upon receipt of a petition, the LDC shall make a printout of the entry in the employment register. However, by the time of the session, the entry may have already been deleted by the employer. The labour dispute committee establishes the grounds for cancelling the employment contract and ascertains the nature of the entry. The entry terminating the employment contract must coincide with the actual conditions of cancelling the employment contract. For example, on one occasion the employer deliberately did not make the entry in the employment register, although it had cancelled the employment contract on the grounds of § 88 of the ECA. The employer's intention was to make sure that the employee would not register themselves with the Unemployment Insurance Fund and would not get health insurance cover. It is interesting though, how different parties assign different meaning to the entry: on the one hand, they find it to have no legal meaning, on the other hand, however, they consider that the employee had to see themselves from the employment register that the employment contract was extraordinarily cancelled a long time ago and, accordingly, the right to file a claim to establish the voidness of the cancellation of the employment contract has expired. This way we can see that the counterparty interprets entries in the employment register differently, in one way or another, based on its own interests. Certifying the cancellation of an employment contract is of decisive importance when contesting it. Even here we can find interesting cases from 2016. For example, an employer certified the cancellation of an employment contract with an extract of a payment order in a format which can be reproduced in writing, in the description field of which it announced the cancellation of the employment contract providing minimum explanation, i.e. referring to the Employment Contracts Act and the date of termination and transfer of final settlement. The employee, however, claimed to have seen the explanation only, when the LDC forwarded it together with the employer's answer. The labour dispute committee found that the employee did not receive the cancellation note before commencement of the labour dispute proceeding. Since the employee had also filed a cancellation request with the employer before the commencement of the labour dispute proceedings, which the employer did receive, the committee deemed the employment contract terminated on the employee's initiative. From this case it may be concluded that a person, who submits the cancellation petition, must choose a reasonable manner for forwarding it and make sure that the other party receives it.

The employees turn to the LDC with a request to establish the voidness of extraordinary cancellation of the employment contract, so that they could get the unemployment insurance benefit. This means that they find the employer has not properly selected the clauses in subsection 88 (1) of the ECA, which indicate an undue act by the employee. From the other side, the employees are requesting that the LDC establish the termination of the employment contract with extraordinary cancellation under subsection 91 (2) of the ECA. The reason here could be that in the entry of the employment register the employer noted other, e.g. termination upon agreement of parties or it failed to pay the foreseen benefit. The employees have become more precise with cancellation of the employment agreement due to the violations by the employer and are increasingly justifying the cancellation. This basis for cancellation enables to order the payment of three months' average wages of the employee from the employer according to subsection 100 (4) of the ECA. There were cases in 2016, where the employee filed a claim for compensation under subsection 100 (4) of the ECA; however, within the labour dispute proceedings of the LDC, it appeared that the employer had contested the cancellation of the employment contract under subsection 91 (2) of the ECA in court. Two parallel proceedings are actually related to one disputed object – cancellation of the employment contract. The problem is that the proceedings of the LDC must be resolved quickly (generally, within one month); however, court proceedings last longer. At the same time, it is obvious that the decision of the LDC is connected with the court judgement. The LDC cannot end the proceedings only due to the fact that the cancellation serving as a basis to the claim has been

disputed in the court. We can also see that some employees wait until the term for disputing the cancellation of the employment contract has expired and only then submit a claim for compensation to the LDC.

The inquiries of employers are primarily related either to the claims for the compensation of proprietary damage, establishment of the voidness of extraordinary cancellation by the employee or the claims for the compensation of the time notified less in advance than stipulated in subsection 100 (5) of the ECA. These petitions continue to decrease due to the dissemination of information about the Supreme Court's opinion[6]. According to the decision, compensation cannot be claimed within the remuneration, which should have been paid to the employee for the less notified time, but instead, it is possible to claim compensation which corresponds to the amount of damage. Subsection 100 (5) of the ECA is indeed the basis for the employer's claim; still, as regards the extent of the claim, subsections 74 (1) or (2) of the ECA should be followed.

The reason for contacting the LDC might be resolving of the labour dispute petition of the employee at the LDC. The counterclaim of employers is, above all, related to the compensation for the proprietary damage. While the two labour dispute cases are potentially discussed at the same hearing, the cases are not merged, as such a possibility is not foreseen by the Individual Labour Dispute Resolution Act. For example, on one occasion the employer filed an extensive compensation for damages exceeding 7,800 euros and contractual penalty claim of EUR 1000 as a counterclaim to the wage claim of the employee, which was close to EUR 5700. The LDC demanded a payment of more than EUR 3200 from the employer in favour of the employee and EUR 2400 from the employee in favour of the employer.

In 2016, LDCs resolved 25 disputes in connection with discrimination or unequal treatment, and on three occasions the unequal treatment or discrimination of an employee by the employer was established. Similarily to the previous years, the employees still often fail to specify the reasons as to why they find themselves being discriminated against. Also, proving the existence of unequal treatment is a problem. Compensation amounts for non-proprietary damage, requested in the discrimination petitions, vary widely: from EUR 1000 up to EUR 10,000. The payment of benefits was demanded on two occasions, EUR 660 and EUR 3000, the latter of which was later annulled by the county court.

An interesting labour dispute occurred under clause 28 (2) 9) of the ECA. The employee's employment contract ended due to expiry of its term. The employee demanded two-month's wages due to the violation of the notification obligation by the employer. The petitioner found that when terminating the fixed-term contract, the employer did not offer a possibility to stay in employment. In its resolution, the LDC explained that the notification obligation does not mean an obligation for the employer to offer a job to the employee and did not satisfy the employee's claim.

Also, last year there were some claims for the establishment or cancellation of voidness of a warning. The labour dispute committee, however, cannot cancel the employer's warning. The aim of warning an employee is not to punish, but rather to draw the employee's attention. As a rule, a warning is a precondition to the cancellation of an employment contract, which is considered when assessing the legitimacy of cancellation. Thus, the issues with the existence of warnings have appeared upon cancellation of the employment contract. On the other hand, the employers have problems with certifying the fulfilment of the obligation to warn. Often the employer claims to have spoken to the employee; the latter, however, is not able to deduce from it a warning concerning violation of a work obligation. As an example of a quite unorthodox warning, we could point out a situation, where the employer warned the employee for long time that if the employee fails to show up at work by a specific date, the employment contract will be cancelled under subsection 88 (1) of the ECA.

Unfortunately, a large number of labour dispute petitions not duly submitted is still high. It is not rare that the submitted petitions are loosely worded, lack supporting evidence, amounts claimed and justifications. To process such petitions, the labour dispute resolution body has to request for the mitigation of significant deficiencies, which extends the time of labour disputed proceedings. At the same time it is good to see that in quite a few cases the parties have come to an agreement in the disputed matters during the labour dispute proceedings. Unfortunately, the Labour Inspectorate has no information on how many agreements remain unfulfilled.

About 10% of all labour dispute cases continue to be heard again in the court. New statements and new evidence can be presented there that could affect the resolution of the labour dispute. However, quite frequently the resolution of the labour dispute committee will substantially stand in court.

[6] Decision No. 3-2-1-126-14 of Supreme Court from 15.04.2015 and No. 3-2-1-111-14 from 22.04.2015.

4. ADVISORY SERVICE

4.1. Labour Inspectorate's advisory service

The advisory service plays an important role in increasing the safety and quality of working life. The advisory service is directed to all parties of labour relations (hereinafter also clients): employees, employers, and professional associations. We give advice over the information line (640-6000), respond to clarification requests received on the e-mail address jurist@ti.ee, advise during face-to-face counselling sessions and consult at the sites of enterprises. The counsellors mainly include counselling lawyers and work environment consultants, or labour inspectors and labour inspector-lawyers advising at the office.

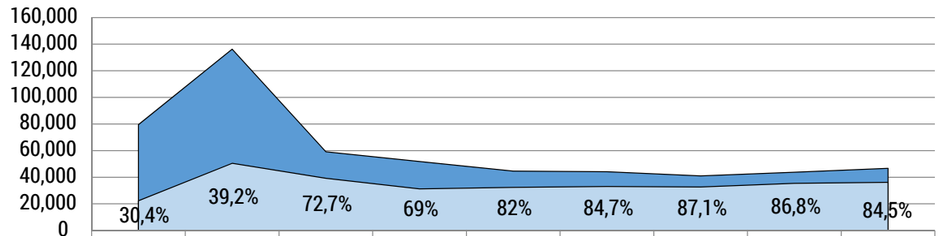
The purpose of the advisory service is to enable parties to labour relations to act consciously in compliance with legal acts regulating labour relations and occupational health and safety; to promote law-abiding behaviour in labour relations and thereby prevent the violation of legal acts, damage to health, and labour disputes. Another goal is maintaining and improving the work ability of employees, supporting the employer in developing the work environment, increasing participation in the labour market of persons with reduced work ability, preventing early retirement, and ensuring the sustainability of work ability support scheme.

Our advisory service is accessible, professional and the counsellors are ethical. Each year, we examine the satisfaction of clients with the quality of the advisory service to maintain or improve the quality of the service. In 2016, 1587 clients using the service participated in the survey.

To ensure the quality of the service, we conduct regular internal quality control of the advisory service.

4.2. Labour Inspectorate's information line

Ninth year of operation of the information line 640-6000 shows that there is a continuing extensive need for our service, which is also demonstrated by statistics. The number of calls has remained practically the same over the last five years, slightly increasing. Although the number of persons answering the calls has dropped year-by-year, the accessibility still remains on a stable high level despite the proportions.



	2008	2009	2010	2011	2012	2013	2014	2015	2016
Calls	79,521	136,250	59,140	51,819	44,644	44,133	40,954	43,778	46,720
Answered calls	22,306	50,461	39,235	31,202	32,359	32,985	32,652	35,423	36,128

Figure 39. Number of calls to information line and percentage of calls answered

In 2016, 46,720 calls were made to the information line[7], out of which 36,128 were answered by lawyers (84.5% of queued calls). This represents an average of 3010 calls each month (last year the average was 2952 calls a month).

The information line satisfaction survey showed that likewise to the previous years, the representatives of the employers had used the information line more frequently than the employees; also, women and non-Estonian speakers are more frequent users.

[7] incl. calls outside business hours.

An important change in the organisation of work in 2016 enabled the lawyers to redirect the calls based on content, either to the work environment consultant or a secretary, and since October, to the Labour Inspectorate's customer support as well. Nearly 1500, that is 4% of all calls answered, were directed to the work environment consultants. Approximately 200, i.e., 0.6% of all calls were forwarded to the secretaries and 26 calls to the customer support of the Labour Inspectorate.

The statistics for 2016 shows that the language range added from November 2014 has completely justified itself – 29% of callers want the service in the Russian language. The satisfaction survey reveals that most satisfied with the advisory service are Russian-speaking people.

The questions of callers are varied. The main concern of a caller is termination and cancellation of the employment contract and lost remuneration. Regarding the work environment, most questions are about work accidents. Satisfaction with the clarity of information given over the phone is on the same level with the previous year – 91% of the users of service are satisfied; 7%, however, are dissatisfied. 89% of clients are satisfied with the expertise of the information and 8% are rather dissatisfied.

The survey indicated that the service provided through the information line was highly valued and the satisfaction has remained the same or has even increased. The service is still considered very friendly and helpful – 94% are satisfied, including 60% being very satisfied with it. The usefulness of information was assessed slightly less than other aspects. To be precise, 87% of participants were satisfied with the usefulness of information (generally, all indicators were above 90%). This is probably due to the fact that the expectations for the services vary from what we are able to offer. Our consultants do not provide legal assistance – they do not compile agreements, petitions or actions and do not issue opinions, but instead explain the laws and options. The decision on how to act must be made by the client itself.

4.3. Counselling by e-mail

In 2016 our counsellors answered 6284 inquiries received by e-mails. This is approximately 11% more than in the previous year. Approximately 8%, that is 500 e-mails, were related to the work environment, that is, in a year-on-year comparison, the number of work environment questions has almost doubled.

The satisfaction survey revealed that the employers use the advisory service by e-mail more than the employees – most of them (55%) use the service more than once a year.

Our goal is to answer all the e-mails at least within seven calendar days. Generally, this is the way. The speed of responding depends definitely on the number of persons answering, the workload, the number of incoming letters and their complexity. When in 2013, approximately 92% of letters received an answer in seven calendar days, then in 2016, already 96%. On a positive note, 56% of all e-mails received an answer as fast as in one working day. The survey also indicates that the speed of answering to e-mails has constantly improved — the share of those dissatisfied, has decreased 2% compared to the last year and those very satisfied has slightly increased. Total satisfaction with accessibility is 90%.

Also this year, people mostly asked about the cancellation of the employment contract, holiday, wages and working time. Regarding cancellations, people enquire primarily about the terms, grounds and compensations. In terms of holidays, people asked about using their holiday (incl. conditions of study leave), and about compensation and wages, about changing wages, and unreceived wages.

Regarding the work environment, a lot of interest was shown towards organising a medical examination and when and to what extent the employer must compensate for the cost of glasses when working with display screen equipment. A lot was asked about whether a certain accident can be considered a work accident and how should a claim for health damages be submitted. During the warm period in summer and cold period in winter, people often enquire about the permitted temperature range. More inquiries are also being received about breaks during the working day, and about jobs where an employee is entitled to breaks that are included in the working time.

All these topics serve as a good input for better organisation of our information activities.

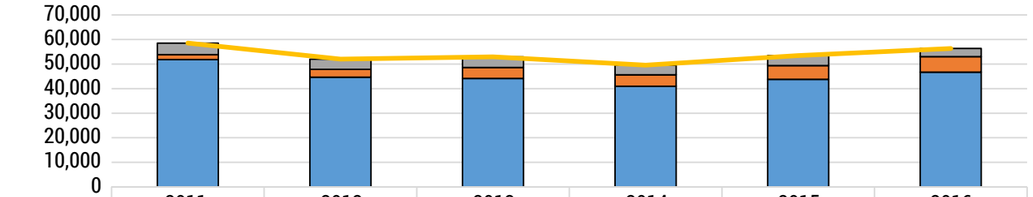
4.4. Counselling at office

A part of our advisory service is also reception at the offices or in counselling offices. In 2016, the lawyers received clients slightly more than 3300 times, approximately 18% less than a year ago. The reception in labour law and occupational safety related matters took place in our regional offices and counselling offices in the following towns: Avinurme, Haapsalu, Jõgeva, Jõhvi, Karksi-Nuia, Kilingi-Nõmme, Kuressaare, Kärdla (only work environment), Märjamaa, Narva, Paide, Paldiski, Põltsamaa, Põlva, Pärnu, Rakvere, Rapla, Räpina, Tallinn, Tapa, Tartu, Valga, Viljandi, Võru and Vändra. Unfortunately, all counselling offices will be gradually closed in 2017, due to the low number of visitors.

The satisfaction survey revealed that the majority of those who visited a counsellor (44%) did so just once. A total of 15%, however, visited the office less than once a year and 18%, a couple of times in a year. The customers were most pleased with the location of the reception room and the friendliness of service. Lower scores were given to the suitability of reception times; while, in general, even this opinion was good.

Interest towards work environment issues was low and people asked mainly about labour relations.

In conclusion, it may be said that in 2016, we advised the employees and employers in matters related to labour relations in more than 56,000 occasions. This is an increase of 5%, compared to last year and 12% more than a year before. Counselling by e-mail as well as by phone has increased. Counselling at receptions has decreased as people prefer writing or calling.



	2011	2012	2013	2014	2015	2016
face to face	4679	4177	4325	3931	4099	3348
e-mail	2040	3181	4475	4664	5586	6284
No of calls	51,819	44,644	44,133	40,954	43,778	46,720
TOTAL	58,538	52,002	52,933	49,549	53,463	56,352

Figure 40. Advisory service in figures

The advisory service of the Labour Inspectorate is popular and needed and greatly appreciated by customers. This suggestion is also supported by the client satisfaction survey, as the customers were usually very pleased with the service. As many as 87% of all users of the service would recommend it to other employees or employers. The result has even slightly improved compared to the last year.

4.5. Consultation service

The work environment consultation service, launched in 2015, has become well established in 2016. Over the year we consulted 212 enterprises. In 134 cases out of these, the consultant visited the company upon an employer's request. More active were the employers in Tallinn and Harju County, and Tartu and Tartu County. On several occasions, the invitor was the work environment specialist, who had only recently commenced work or had been appointed as the work environment specialist, to first make sure what had been done in the company and what not, and what should be changed.

The consultations included a comprehensive overview of the work environment of the entire enterprise and occupational health and safety documentation, but also consultations on a specific area. For example, a consultant was invited to the enterprise to review the employees instructing and training system, safety of equipment used in the enterprise, etc. Consultations were also given in respect of the electromagnetic fields. The consultations involved approximately 8900 workplaces. A little more than 1500 proposals were made to improve the work

environment and 760 recommendations were given. At an average, approximately 10 recommendations or proposals were made per enterprise. For example, when comparing the number of violations detected by the inspectors in an enterprise, average of 5 per enterprise, then the number of recommendations is significantly higher. The biggest number of proposals to one company was 29; in addition, also 4 recommendations were made to the same enterprise.

Proposals about the situation of the work environment are made in case of the violations of the legislative requirements (if the enterprise has not prepared risk analysis of the work environment or places with high risk of falling or stumbling have not been marked). Recommendations are given in a situation, where the legislative requirement has been fulfilled, although the situation could be better organised based on sound practice (for example, the enterprise has established internal control of work environment; however, it is not really appropriate and does not give a clear overview of the work environment) or general recommendations for improving the work environment (e.g. involve an occupational physiotherapist to mitigate the physiological hazard or use the web environment Tööbik).

What use does a consultant have?

An enterprise in the business of car wash and polish invited a consultant to improve the level of work and service environment. Together with the consultant they reviewed the work environment, conditions of non-work rooms and work organisation. The consultant recommended using a well-ventilated drying room or cabinet for drying the wet or damp working clothes, towels and footwear. To fulfil the lighting requirements, the consultant recommended installation of some lighting fittings also on the walls to illuminate the vehicles from the sides and paint the walls in a light colour. The 5s method was recommended to organising the workplaces. Since the employer was motivated to implement changes, they also made their own suggestions and together several other solutions were reached. The employer had no risk analysis document of the work environment. The consultant advised on why and how to arrange the risk analysis of work environment and gave directions as to where they could find the relevant instructional material.

5. NATIONAL PREVENTION AND INFORMATION ACTIVITIES

One of our main tasks, in addition to supervision and counselling, is carrying out also prevention and information activities, to increase the awareness of the employers and the employees in relation to occupational health and safety and labour relations and enhance the quality of working life. Prevention and information activities include media communication and informing the public of the conditions of work environment, managing the Labour Inspectorate website, social channels and the Tööelu portal, publication of printed matter, gathering the best articles, organising and conducting the information days, morning briefings, conferences and conducting the information campaigns. Also, cooperation with the European institutions and inspections and coordinating information exchange with the European Agency for Safety and Health at Work (EU-OSHA). Information and prevention activities were financed in 2016 from the European Social Fund (ESF) conditions for granting support under "Development of a sustainable work environment and retaining the work ability 2014–2020".

5.1. Prevention and information campaigns

Campaigns – "Know Your Rights"

Last year, we conducted two information campaigns under the aegis of "Know your rights." The spring campaign focused on labour relations and was called "Know your rights — negotiate every provision of contract". The autumn campaign "Know Your Rights — instructing and training" was aimed at occupational safety. With the first campaign we encouraged the employees and employers to negotiate the conditions of the employment contract before commencing the work. We shared information with rural publications, online media and traditional media; in addition, an article was published in the portal Tööelu (in Estonian and Russian). The advertisements of the campaign were published in different outdoor media channels and in the buses of public transport throughout Estonia, radio clips were broadcasted over the radio in Estonian and Russian languages and three humorous videos were spread on the Internet.

With the instructing and training campaigns we convinced the employer about the necessity for instructing and training in order to avoid subsequent work accidents. Instructing and training helps to prevent painful lessons, to improve the efficiency of work and save costs. The main message of the campaign was "Instructing takes just a moment. A work accident may take a life.", to which an invitation was added "Contribute to safety, now!". The campaign was held in Estonian as well as Russian. We focused on rural publications, online media and on traditional media. A lot of information was published in channels targeted to businesses, specialised e-mail lists and in channels of various professional associations. The main information channel for the campaign was the Tööelu portal, from where people can find information about instructing and training also in the future. In addition, we prepared radio and TV ads.

Findings and recommendations of consultants from the last year:

- The enterprise has prepared a risk analysis, however this still needs supplementing and specifying, as it was prepared ten years ago and changes have occurred in the work environment over time. In the course of the risk analysis, the hazards of the work environment (such as noise, vibration, temperature) have not been measured. Some risks have not been identified and accordingly, also not assessed. Some enterprises lacked the risk analysis, mostly starting and small companies.
- No action plan has been prepared on the basis of the risk analysis for mitigating the impact of or eliminating the risk factors. At times, the same activities are repeated year after year in the action plan, meaning that in essence the action plan is not reviewed and fulfilment not monitored.
- The enterprises mostly have safety instructions, however these need supplementing and specifying, to make sure that these correspond to the actual work situation and process. A lot of standardised instructions are used, which are loosely worded and long, with a lot of repeated text. The instructions are visually poor and thus boring and barely legible for the employees. Often, there are no safety instructions of the equipment.
- There are deficiencies in organising instructing and training. Main problems are that instructing has not been organised, has been partly organised or there are problems with registration of instruction, training and permission to work independently.
- The enterprise has not properly thought through how to perform systemic internal control over the work environment. Inadequate organisation of internal control is demonstrated also if the problem is detected by the consultant during routine internal control and not by the employee.
- Organisation of medical examination is insufficient; given deadlines are not met neither for the initial nor for the periodical medical examination. Medical examination is not organised based on the risk analysis.
- Deficiencies in handling hazardous chemicals. The enterprise has no information concerning the properties of chemicals and how to use them safely. There are no safety data sheets available or in case there are, they have not been introduced to the employees, the used personal protective equipment has not been chosen based on the safety data sheets and may not protect the employee. Chemicals are poured into handier tare, which is not labelled or has an incorrect label (incl. food packaging).
- Office work indicates problems with the workplace ergonomics – people work with laptops throughout the day, the chairs and tables are not properly adjusted, there are no necessary aids, such as footrests.

EU-OSHA campaign "Healthy Workplaces for All Ages"

In 2016, the two-year campaign of the European Agency for Safety and Health at Work (EU-OSHA) "Healthy Workplaces for All Ages" was launched. The objective of the campaign is to promote sustainable work and healthy ageing from the start of the working life, to protect the health of employees before and after retirement and thereby also the productivity of the organisations. In Estonia, the campaign focused on the importance of medical examination in working life and maintaining the work ability in the work environment. The campaign was launched with a press conference on 28th of April. In August, seminars were held on "Maintenance of work ability"; during the pan-European occupational health and safety week, the traditional occupational health day and two movie nights in different towns were organised.

More information about the campaigns is available here:
http://www.ti.ee/est/meedia-truekised-statistika/teavitustegevus/kampaaniad/

5.2. Morning briefings, round tables, conference, NAPO and participation in fairs

Round tables in the counties

In 2016, we organised 33 round tables with 692 participants. We also attended four round tables organised by the local governments.

At the beginning of the year, all the counties held round tables for the representatives of all Estonian local authorities and entrepreneurs, where we introduced our activities and discussed the possibilities of a good work environment in institutions and companies in today's Estonia. We also made an overview of the current situation in the Estonian work environment, causes of work accidents, possibilities of making the work environment safer and how we could assist here. The participants in the discussion confirmed that the work environment is playing an ever-increasing role in the assessments of employees given to the activity of the enterprise. The participants in the round table were mostly the representatives of small and medium sized companies and local authorities.

Medical examination was the topic of three round tables. First time the talk was about work-related diseases — what is a work-related disease, why are these diagnosed, what usually follows a diagnosis of a work-related disease. The second topic was occupational diseases, their investigation by the employer and the filling of the report of occupational illnesses. We introduced the procedural acts associated with the occupational diseases, which are the responsibility of the employer when investigating the latter. During the round tables focusing on the night work, we draw the attention of the employers, work environment specialists and work environment representatives onto the health hazards related to night work.

The problems identified during the supervision carried out on the basis of the Seafarers Employment Act were discussed during a round table, targeted to the employees of the enterprises engaged in marine activities. We shared practical examples and debated actively on the issues faced by the marine enterprises on daily basis.

With the round table, held at the beginning of September, we celebrated the 20th anniversary of the labour dispute committees. We gave an overview of the work of labour dispute committees and discussed with the participants the role of these committee at the time, when both, the labour relations as well as forms of working are changing.

Morning briefings on labour relations and work environment

Last year we organised 43 morning briefings with a total of 621 people attending. Thirteen morning briefings on "What should you know about labour relations?"; 13 on "Occupational health and safety in timber and furniture industry", and 17 on "Success through work environment management". Morning briefing took place in 25 towns. Our morning briefings continue to be popular, as we share practical information to participants, people can ask questions and share their experience and problems.

During morning briefings on labour relations we informed the employees and employers of the main things one should know about an employment relationship – what kind of contract to conclude, how to amend the contract, what regulation is established for working and rest time, how is the use of holidays regulated and how to end an employment relationship properly. According to the lecturers, the participants were most keen about agreeing on the remuneration (additional pay and other remuneration components), application and payment for overtime, extraordinary cancellation of an employment contract (advance notification terms and failure to follow these, warnings). In addition, the participants were also interested about how to cancel an employment contract.

During morning briefings on occupational health and safety in timber industry we introduced the factors that could lead to health hazards in the timber and furniture industry, we gave advise for the prevention of work accidents and work-related diseases and talked about the work environment of the employees with reduced work ability (incl. as a result of a work accident). Morning briefings were held in areas where the majority of timber and furniture industries are.

Success to be achieved through work environment management was discussed at the morning briefings with the heads of small and medium-sized enterprises and work environment specialists. We shared theoretical information and practical recommendations for the development or improvement of occupational health and safety management system and on the improvement of internal control. We also advised on the exceptions of the work environment in case of employees with reduced work ability. Morning briefings were conducted by the work environment consultants. The interest of participants was great, a lot of questions were asked and a discussion about the roles and responsibility, instructing and medical examination of employees emerged.

Napo and exhibitions of children's drawings

On 28th of April, the World Day of Safety and Health at Work, we invited all nursery school children to draw pictures on the topic of the "World's Best Job". The children mostly drew pictures of ballerinas, policemen and builders. Pictures were sent by the Tallinn Luha nursery school, Põltsamaa nursery school Mari, nursery school Rukkilill, Tallinn nursery school Südameke, and the Tartu nursery school Sass. We collected the pictures by children into an exhibit, shown in the Võru Children's Library, the Ministry of Social Affairs, and the Käina Library.

Throughout the year, mascot Napo from the European Agency of Health and Safety at Work conducted safety classes in nursery and primary schools. Napo urged the children to think of the occurrence of potential dangerous situations in nursery school and at home, but also on the street. Altogether, Napo gave 34 safety classes in 2016, participated in 4 outdoor events (primer party, opening of brigade summer, Rakvere safety day, Viimsi nursery school's family event) and on Occupational Health Day, on 25 October, at the Art Museum Kumu.

More information about the activities of Napo is available here: http://www.ti.ee/est/meedia-truekised-statistika/teavitustegevus/ueritused/napo/

Participating in fairs

In 2016, we attended 30 trade fairs (in 14 towns), including in a couple of information events. We participated seven times in major fairs (education, agriculture, construction) in the Tallinn and Tartu fair centres, 15 times in the job fairs organised by the Unemployment Insurance Fund throughout Estonia and in 8 smaller outdoor or information events. We gave advice, distributed printed matter and souvenirs. The highest interest towards the Labour Inspectorate was shown at the job fairs of the Unemployment Insurance Fund, where the participants were mainly job seekers. We actively introduced the free advisory service of the Labour Inspectorate.

International conference

On 15th of November, the second international conference on occupational health and safety was held in Tallinn, where experts from Estonia, Norway, the OECD and Europe discussed the occupational health topics in the renewed work environment. The conference focused on the occupational health issues in a situation of changed working conditions due to the technology and different labour market. The Director General, Maret Maripuu, stressed in her opening speech that the occupational health system must proceed from the needs of the specific work environment and the employee. "The health of a working-age person depends to a large extent on how well the occupational health supports the health of the person. It is up to us, whether we retire posthumously or are able to significantly mitigate these risks," Maripuu said. The keynote speaker of the conference, Dr Tim Carter, professor of the Norwegian Centre for Maritime Medicine and Haukeland University Hospital, focused on the future of occupational health in the changed work environment and the need to concentrate first and foremost on the risk management and not so much on the consequences of the accidents. New health risks of new workplaces were talked about by Veerle Miranda from OECD and Julia Flintrop from the European Agency for Safety and Health at Work. An overview of the current situation of occupational health in Estonian enterprises was given by Marina Järvis from the Tallinn University of Technology, followed by a debated on "Who is responsible for occupational health?". The parties to the debate were Dr Viktor Vassiljev, member of the Riigikogu Social Committee, Qvalitas Arstikeskus AS chief doctor Toomas Põld, Chairman of the Management Board of AS Wendre, Vahur Roosaar and Chairman of the Estonian Central Federation of Trade Unions, Peep Peterson.

At the conference, we presented the Good Work Environment award to the enterprises valuing occupational health and safety of their employees. In 2016, the award was given to AS Harju Elekter Teletehnika and AS Saku Metall.

Information about the conference is available here: http://www.ti.ee/est/meedia-truekised-statistika/teavitustegevus/ueritused/rahvusvaheline-toeoeohutuse-jatoeoetervishoiu-konverents/rahvusvaheline-toeoeohutuse-ja-toeoetervishoiu-konverents-2016/

5.3. Information materials

Publications

Last year, we published three new brochures and booklets; also several materials were reprinted. The publications were in Estonian and Russian and some also in English. All publications are available in pdf-format on the homepage of the Labour Inspectorate and in the portal Tööelu and in the Issuu environment. New brochures: "Occupational safety in trade and service", "Hazards in road construction" and "Memorandum for employees" (for people with mild mental or intellectual disability). New booklets: "Service of consultants for enterprises", "Night work" and "Medical examination".

The publications are available here: http://www.ti.ee/est/meedia-truekised-statistika/teavitustegevus/truekised/

Newsletter for start-up enterprises

We send a newsletter to starting enterprises to help the young entrepreneurs understand the need of managing the work environment, establishing safe and healthy working conditions and creating the proper labour relations. The newsletter is distributed electronically on a quarterly basis to new registered enterprises. In 2016, the newsletter was sent to 18,392 enterprises.

Journal Tööelu

The journal Tööelu was published six times a year, where we discussed currently important working life issues and news, gave advice on labour relations and work environment. Last year, the journal underwent a facelift and is now sharing significantly more experience of Estonian entrepreneurs in developing a good working environment. 3,966 readers subscribed to Tööelu and in addition, we also made a print copy of it and distributed it to the libraries, the partners and other participants in working life.

All past editions are available on our homepage, where it is also possible to subscribe to the journal Tööelu: http://www.ti.ee/est/meedia-truekised-statistika/teavitustegevus/toeoeinspektsiooni-infokiri/

Collection of the best work environment practices

Each year we collect the best work environment practices from the enterprises, which in turn can be shared with other companies through homepage and Tööelu portal. Last year we collected 17 best practices, the best three received awards on 25th of November, the Occupational Health Day.

The three winners of the best practice competition were:

• Swedbank, practice "Running account and health mile",

• Saint-Gobain Glass Estonia SE, practice "Bluespot on lifts",

• Elisa Estonia, practice "Raised worktables".

The best practices are available on our homepage and Tööelu portal. The best practices are available here: http://www.ti.ee/est/meedia-trukised-statistika/tookeskkonna-parimad-praktikad/milline-on-parim-praktika/

5.4. Media and information channels

The communication of the Labour Inspectorate aimes to reach a wide target group through different channels as possible. With various media activities, we support the mission of the Labour Inspectorate to create the feeling of security for participating in working life and help to promote the occupational safety culture in Estonia.

In 2016, our activities were covered by media altogether on 2421 occasions (in 2015, the figure was 2033). Compared to the last year, media coverage has increased in Russian media. Since the last year, we are informing about the sectors subjected to the target inspections. The questions-answers sent out on Mondays by a lawyer or consultant, where a reader has asked for advice or explanation on a problem concerning labour relations or work environment, to which our specialist answers, continue to be popular.

Tööelu Portal

In 2016, the Tööelu portal was visited 265,063 times, which was 26.06% less than in 2015. This decrease was due to technical reorganisations in the portal. Yet, the visitors spent more time in the portal, even by 13.8% more when compared to 2015. The number of those visitors (altogether 323%), who were referred to the Tööelu portal through Facebook, increased significantly. The visitors were mainly interested in cancellation of the employment contract on the employer's or employee's own initiative and special cases of paying the remuneration. The employers were more keen about instructing and in-service training, risk assessment and management and information concerning the work environment specialist.

5.5. International and national cooperation and participation in work groups

The priorities for the international cooperation of the Labour Inspectorate are related to Estonia's membership in the European Union, in the European Committee of Senior Labour Inspectors (SLIC), and the European Agency for Health and Safety at Work (EU-OSHA). Our specialists participate in meetings, projects and exchange information with other member states.

Close cooperation with Baltic inspection bodies continued. An annual meeting took place, along with training visits for inspectors and exchange of knowledge and experience in the fields of occupational safety, occupational health as well as labour relations. We also enjoy good and continuous cooperation with the regional labour inspectorate of Southern Finland when it comes to exchanging information related to posted employees, developing the supervision of posted employees conducted by Estonian inspectors, and raising the awareness of Estonian workers posted to Finland of the legislation applying to posted employees. Within the cooperation, we translated also the occupational health and safety materials into Estonian, organised study trips, occupational safety inspections and held discussions on the cases and future activities concerning Estonian enterprises.

Our employees participate as experts in numerous international and national working groups to share experience, exchange information, discuss bottlenecks, etc. For instance, we participate in several projects and working groups related to posted employees (the INTEPF project "Learning by Doing", the SLIC WG Cross-Border Enforcement working group, the European Commission's expert committee on posted employees, the European Commission's working group "Transposition of the Enforcement Directive of the Posting of Workers Directive 2014/67/EU (TREND)"). We also participate actively in different SLIC working groups and the EU-OSHA network. The exchange of information on the international level takes place through the European Commission's Internal Market Information System (IMI) and individual queries, as well as the Senior Labour Inspectors' Committee information system, KSS. The queries are mainly related to the law applied in the Republic of Estonia.

As to national working groups, our employees participate in the human trafficking round table, strategy network of preventing violence, Road Freight Committee and steering group of the National Health Development Plan. In addition to the above, the Labour Inspectorate together with the Tax and Customs Board participates in the work group of the European Commission's European Platform on undeclared work.

6. ABOUT LABOUR INSPECTORATE

In 2016, the members of the work group formed by the European Committee of Senior Labour Inspectors (SLIC) evaluated the correspondence of the work organisation and work environment supervision of the Labour Inspectorate to the EU legislation. While in general, the activity of the inspectorate and the entire Estonia was acknowledged in securing occupational safety and maintaining the employees' health, then we also received more than 10 recommendations to help us improve the system. Among other things it was noted that the legislation regulating occupational health and safety is outdated in Estonia and needs updating. The employers must be given responsibility for the implementation of a well-functioning occupational health and safety management system. In addition, it was established that unreasonable amount of working time is spend on paperwork rather than inspecting the physical environment. Also, it was highlighted that the wages of inspectors are still lower than the other officials/employees working in the same area.

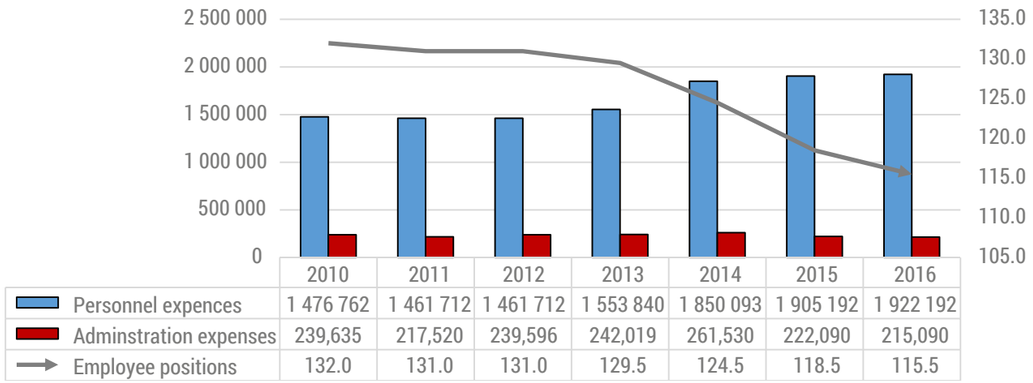
The work group recommended changes to the work principles of labour inspectors. Currently, our inspectors generally try to inspect the entire enterprise in order to find out all possible hazards. The audit team of the representatives of seven EU member states suggested to change the rules and train the inspectors to assess rather the occupational health and safety management system of enterprises as a whole and not deal with single hazards. However, the responsibility for mapping, evaluating and mitigating the single risks, should rather be placed onto the responsible employees of the companies.

Finances and staff of the Labour Inspectorate

Compared to 2015, the personnel expenses in the 2016 budget of the Labour Inspectorate increased 0.9% and the administration costs decreased 3.15%. Up to 2020, we can use the funds of the European Social Fund in amount of EUR 813,202, from which we finance activities aimed at increasing the capacity of the Labour Inspectorate as well as the training of employees and the activities, which increase the awareness of the enterprises and the employees in the possibilities of maintaining the work ability.

In 2016, we hired 21 new employees and 16 employees left. As at the end of the year, the number of staff was 115.5, 3% less than a year before. State supervision over occupational health and safety and labour relations was daily carried out by 46 inspectors. Work environment consultations were provided by 4 consultants and 9 counselling lawyers responded to the queries of employees and employers at the advisory service. The investigation service of work accidents had 6 offices. Owing to the increasing number of work accidents, another office for the labour inspector-investigator was established at the end of 2016. Labour disputes are settled by 17 officials and employees.

77% of the employees of the Labour Inspectorate have higher education, 15% have secondary specialized education and 8% have secondary education. The remuneration of labour inspectors and labour inspector-lawyers ranges from 1,030 to 1,150 euros.



	2010	2011	2012	2013	2014	2015	2016
Personnel expences	1 476 762	1 461 712	1 461 712	1 553 840	1 850 093	1 905 192	1 922 192
Adminstration expenses	239,635	217,520	239,596	242,019	261,530	222,090	215,090
Employee positions	132.0	131.0	131.0	129.5	124.5	118.5	115.5

Figure 41. Budget and staff of the Labour Inspectorate, 2010–2016

Work environment in figures, 2015 vs 2016

	2016	2015	muutus
Employed persons	644,600	640,900	i.e. 1%, approx. 4000 more
Unemployment rate	6.8%	6.2%	Increased
Enterprises with at least one employee * In Labour Inspectorate's database, according to Tax Board	54,177	53,422	i.e. approx. 750 more
Registered work accidents	5081	4799	+6%, i.e. 282 more
Minor	4036	3820	Growth 6%, i.e. 216 more
Severe	1019	962	Growth 6%, i.e. 57 more
Fatal	26	17	Growth 53%, i.e. 9 more
Work accidents per 100,000 employees	788	749	Increased
Fatal work accidents per 100,000 employees	4	2.7	Increased
Number of enterprises subject to state supervision	4436	3838	i.e. approx. 600 more enterprises
Detected violations of OHS legislation	20,004	17,611	Increased
Enterprises where labour relations were inspected	489	523	Decreased
Violations of Employment Contracts Act	1145	1761	Decreased
Misdemeanour proceedings conducted	197	156	Increased
Number and amount of fines	187 / 57 542	150 / 43 575	Increased
Lawyers of the Labour Inspectorate gave advice:	56,352	53,463	Increased
By phone	46,720	43,778	Increased
By e-mail	6284	5586	Increased
At office	3348	4099	Decreased
Companies counselled by a work environment consultant	212	61	Increased
Petitions to labour dispute committee	2671	2691	Similar
Employees of the Labour Inspectorate:			
Occupational health and safety and labour relations inspectors	46	46	Same
Consultants	4	3	
Counselling lawyers	10	7	
Work accident inspectors-investigators	6	6	
Labour dispute committees	8	8	

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