TÖÖINSPEKTSIOON

OVERVIEW OF WORKING ENVIRONMENT 2018

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Compiled by the Estonian Labour Inspectorate

Information may be used with he reference to Labour Inspectorate

Design: Oskar Viires

AT THE BEGINNING OF A NEW CENTURY OF INDEPENDENCE

Last year, the Labour Inspectorate celebrated its 100th anniversary as did the Republic of Estonia. It seems unbelievable that only some months after the establishment of own state, amongst the first fiery battles of the Estonian War of Independence, the government of the day considered occupational health and safety so important that it appointed occupational safety commissioners.

Last year was an active year on the Estonian labour market. Employment rate continued to grow and more than 2,000 new companies with at least one employee employed under an employment contract were founded last year. Our counselling service celebrated its tenth year of advising parties about labour relations. At our inception, we gave advice only a few hours a day, now we answer our information line all day long in the Estonian, Russian, and English languages. Last year, we began giving advice in social media. The satisfaction survey conducted at the end of the year gives reason to be proud, as 92 percent of our service users are always ready to recommend us to everyone who may have any questions about working life. In 2018, the new Labour Dispute Resolution Act entered into force and notably changed the framework of labour dispute resolution by adding written proceedings, approving of the compromise, and conciliation proceedings.

Even though 5,000 occupational accidents took place last year, we can still say that the working environment in Estonian companies has improved slightly. Last year, the number of occupational accidents due to which employees were issued a certificate of incapacity for work decreased. Although a slight decrease was also observed in the number of serious occupational accidents, it is not enough and we have to strive to ensure a better working environment for all.

We have turned the first page in the chapter of the new century of our independence. For the Labour Inspectorate, it means preparing for the launch of the digital Labour Inspectorate. We wish to be closer to employees and employers and support them in promoting occupational safety culture and creating a good working environment. Our objective remains the same – ensuring that everyone comes home from work as healthy and and happy as they left for work.

Maret Maripuu
Director General

1. ABOUT THE LABOUR INSPECTORATE

The Labour Inspectorate supports the parties of an employment relationship in creating a safe and healthy working environment. Our set of tools include state supervision, counselling, information dissemination measures, and resolution of labour disputes.

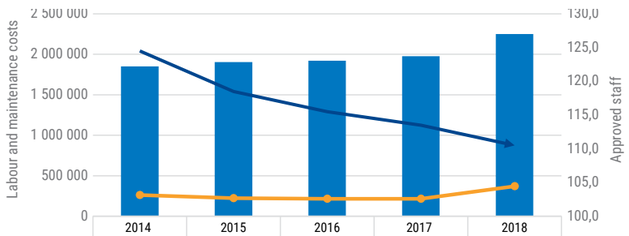
Last year, Estonian economy continued to be active. The number of employed people is increasing and a significant number of new companies were founded. At the Labour Inspectorate, we wish to reach every company through a set of activities, be it an inspection, consultation, or notification about employment relations and the possibility of a better working environment.

We monitor the situation to ensure safe and healthy working environment for all employees in Estonian companies and organisations. For that purpose, we exercise state supervision and investigate occupational accidents to avoid similar events in future. The share of contactless supervision is increasing, we counsel the parties of an employment relationship and share information on how to create a good working environment in the specific company.

One of the keywords of our activity is ensuring fair competition between companies. People's capacity for work and contribution is the cornerstone of productivity and competitiveness of public authorities as well as companies.

The Labour Inspectorate operates under the area of government of the Ministry of Social Affairs. In 2018, the budget of our operational expenses was 2,621,000 euros, which was added 728,000 euros from the European Social Fund. Compared to 2017, labour costs increased significantly last year, which was mainly due to the change in the amount of salary of labour dispute committee chairmen. Maintenance costs grew primarily due to the increase in rentals.

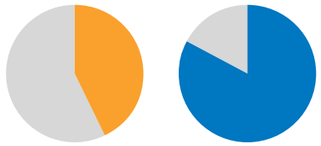
We have the resources of the European Social Fund to use until 2020. These funds are used to improve the capability of the Inspectorate, provide training for public servants as well as organise activities that help increase awareness of entrepreneurs and employees about the opportunities to keep and maintain their capacity for work. The Department of Prevention and Legal Affairs shares explanations regarding the implementation of legal acts regulating the requirements of different employment relationships and occupational health and safety. We counsel employers and employees on the subject of working environment and offer employers consulting service



	2014	2015	2016	2017	2018
Labour costs	1 850 093	1 905 192	1 922 192	1 976 013	2 251 000
Maintenance costs	261 530	222 090	215 090	215 090	370 000
Approved staff	124,5	118,5	115,5	113,5	110,5

Diagram 1. LI budget and personnel

2. THE LABOUR INSPECTORATE IN NUMBERS



We exercise supervision over 43% of Estonian labour market and 83% of employees

There is one inspector for 1,133 companies and one inspector for 11,083 employees

As at 31 December 2018, the Labour Inspectorate employed 107 people. There were 50 inspectors (3,5 positions were vacant)

In 2018, 15 people left and 19 people were hired

Breakdown of employees: supervision 50; advising, councelling, communication 18; labour dispute committees 16; support functions 22

Education – 73% higher education, 14% secondary specialised education, 12% secondary education

83 women, average age 42

24 men, average age of men 52

The salary of labour inspectors and labour inspectors-lawyers is between 1,100–1,420 euros

The employees of the Labour Inspectorate have 86 children

Last year, we received 45,870 counselling requests – one lawyer advised 4,587 people

One labour dispute committee resolved 339 petitions

3. OVERVIEW OF WORKING ENVIRONMENT IN ESTONIA

There are over 131,000 organisations/companies (according to Statistics Estonia data from 2018) in the Estonian working environment.

The Labour Inspectorate exercises supervision over companies where at least one employee works under an employment contract or the members of the management board work as employees. There were 56,683 companies that met these criteria in 2018. Companies where the relationship between employees and employers is regulated by the Law of Obligations Act do not belong in the scope of our supervision. Hence, around 57% of registered companies along with ca 110,000 employees and their workplace do not fall under our supervision.

The number of active companies[1] has been notably growing since 2010, following the economic downturn. When in 2010, our database included a little more than 43,000 active companies, today, the number of companies has grown by one third.

In the Estonian working environment, the majority of companies are micro and small companies, i.e. ca 86% of companies employ less than ten employees. Companies considered large in Estonia but middle-sized in Europe (50–249 employees) account for ca 2.3% of the business environment and there are only 265 companies with more than 250 employees, or 0.5% of the total number of companies, in our database.

The share of micro companies with up to

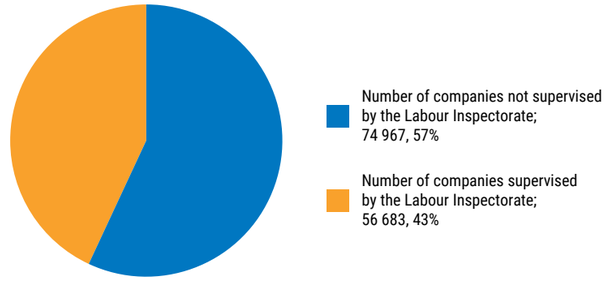


Diagram 2. Number and share of companies (2018)

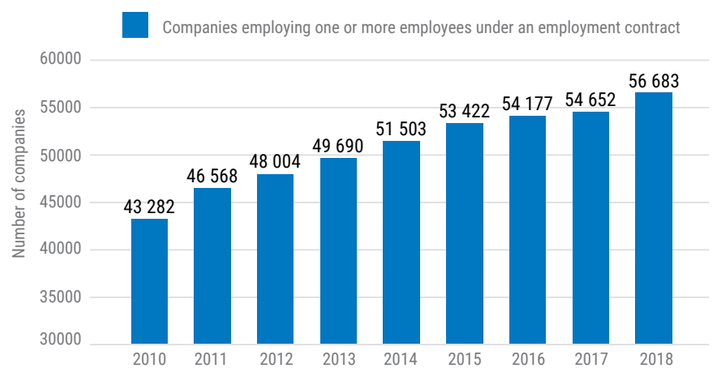


Diagram 3. Number of companies supervised in the Labour Inspectorate database(2010-2018)

1 The number of companies in the Labour Inspectorate database where at least one employee works according to the data of the Tax and Customs Board

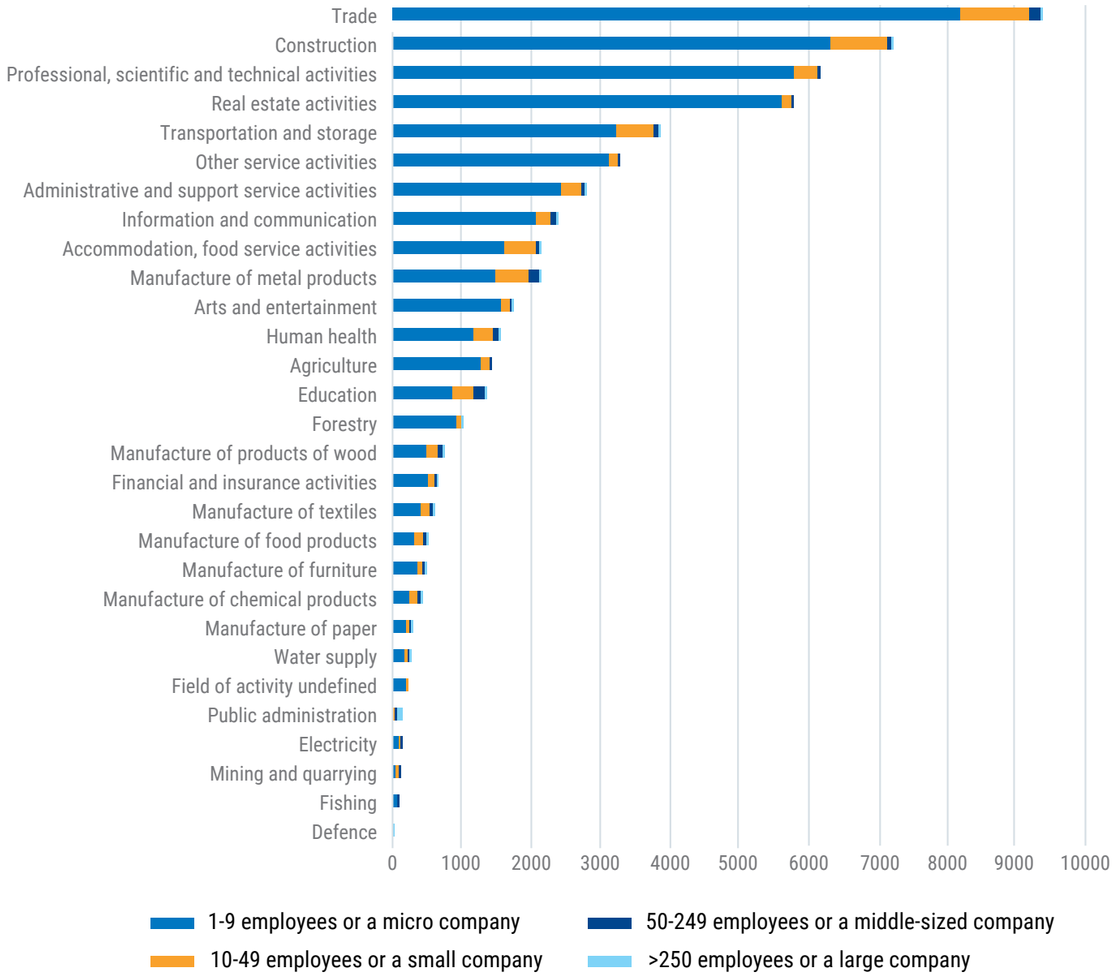
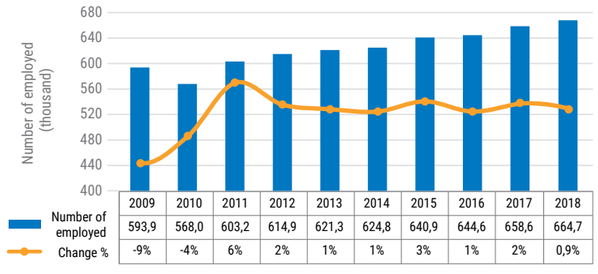


Diagram 4. Number of companies by sectors (LI database)

five employees is growing. According to our data, companies of this size account for 74% of the total number of companies.

By field of activity, the majority of companies in Estonia are active in the retail and wholesale trade sector (ca 9,400), construction (7,200), and real estate (5,700) . The number of companies in the manufacturing sector holds the fifth place with around 5,100 companies.



	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of employed	593,9	568,0	603,2	614,9	621,3	624,8	640,9	644,6	658,6	664,7
Change %	-9%	-4%	6%	2%	1%	1%	3%	1%	2%	0,9%

Diagram 5. Number of employed people (15–74 years) and the change in the number of employed compared to the previous year

With the help of Statistics Estonia data, we can get an overview of all employees, including employees working under a Law of Obligations Act contract. It is revealed that 19% of employees are active in the manufacturing sector. The largest industries are the manufacture of metal and wood products and textile. Of employed people, 13% work in wholesale and retail trade and 9% in construction.

During the year, 1,623 new companies were added to the database of companies that belong under the supervision of the Labour Inspectorate. The majority of these new companies are involved in construction, wholesale and retail trade, and professional and scientific activities. By counties, almost half of new companies were established in Tallinn and Harju County.

Labour market indicators have improved in a year.

In 2018, the activity rate was 71.9%, employment rate was 68.1% and unemployment rate was 5.4%. The number of long-term unemployed people is the lowest of the last 20 years.

On average, 702,400 people were active in the labour market in the year. This indicator increased compared to 2017 by 3,600. In 2018, the number of employed was 664,700, which is 6,100 more than the year before. The number of unemployed was 37,700 on an average, which is 2,600 lower than in the previous year. Source: Statistics Estonia

The diagram 7 shows, as comparison, workplaces belonging and not belonging under the supervision of the Labour Inspectorate.

3.1 Occupational accidents

In 2018, 5,134 occupational accidents were registered. Most of these incidents ended in lighter injuries for the employees; however, 1,105 of these accidents resulted in serious injuries and nine people lost their lives at their workplace while performing their duties. Circumstances of other 26 incidents are being identified, but if these cases were added to the number of occupational accidents, the number of occupational accidents in 2018 could rise to 5,160.

Occupational accidents statistics are based on occupational accident reports submitted officially by employers. It is estimated that the number of officially registered occupational accidents in Estonia is smaller than the actual number of accidents, as is the case in other countries of the European Union.

During last two decades, the number of registered occupational accidents has been increasing; however, it does not mean that the situation of occupational safety has substantially worsened in Estonia compared to 1999. This illustrates the better awareness of employers and employees and the fact that accidents occurring at workplace are not any more concealed or registered as accidents at home. We can say that based on the registered incidents around 8 occupational accidents happen per 1,000 employees in Estonia.

Pursuant to law, occupational accidents are incidents that happen with persons

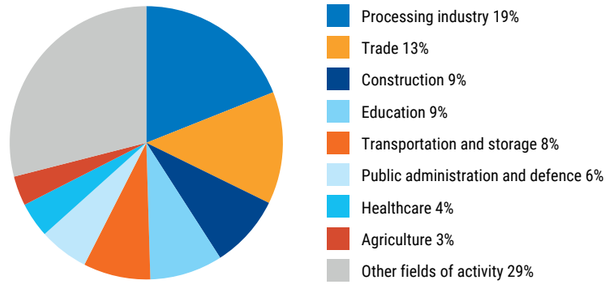


Diagram 6. Share of employed people by field of activity in 2018 (according to Statistics Estonia data)

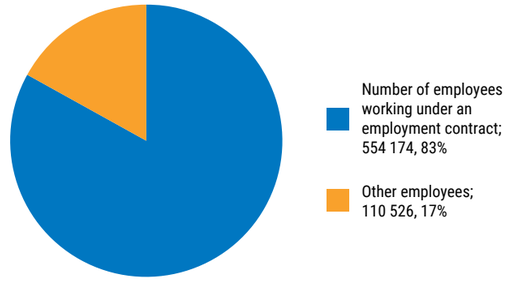


Diagram 7. Number and share of employed people (2018)

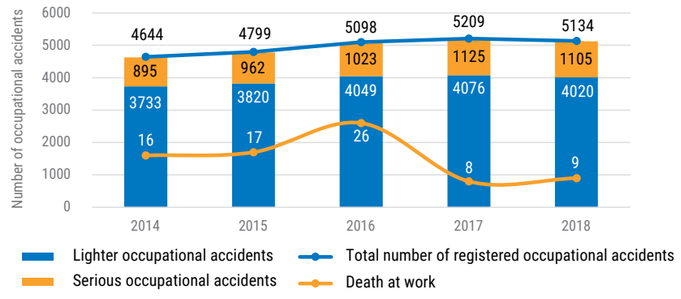


Diagram 8. Number of occupational accidents

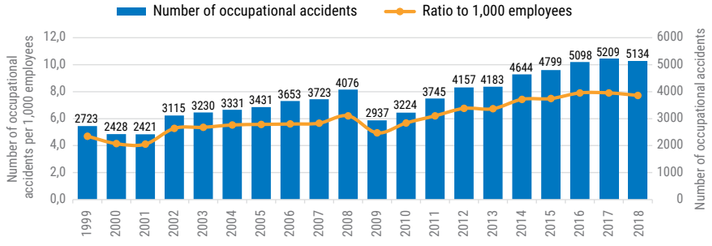


Diagram 9. Number of occupation accidents per 10,000 employees

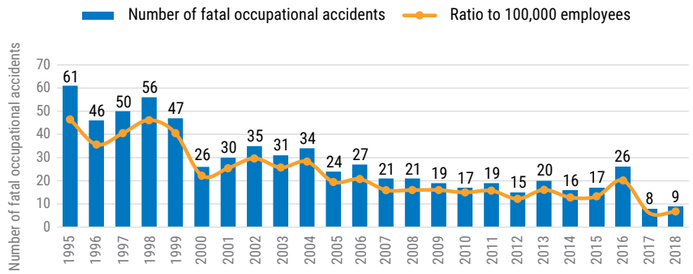


Diagram 10. Fatal occupational accidents and ratio to 100,000 employees in 1995-2018

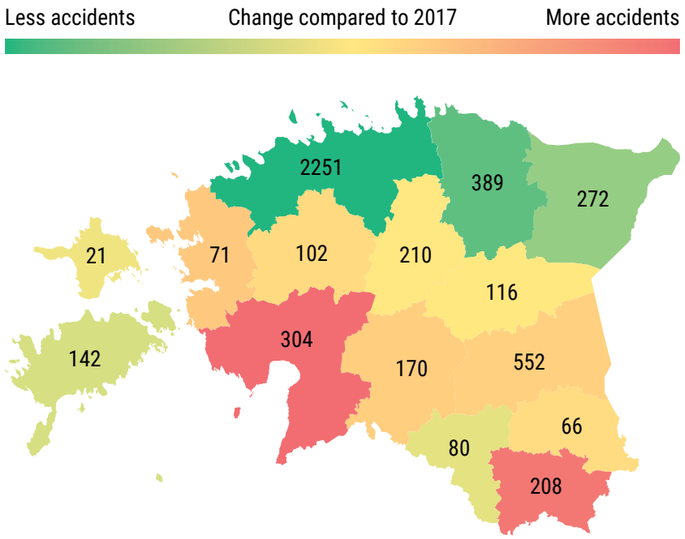


Diagram 11. Occupational accidents in Estonian counties

Table 1. Number of registered occupational accidents by counties in Estonia in 2014-2018

County	2014	2015	2016	2017	2018	Change vs 2017
Tallinn ja Harjumaa	1991	2077	2414	2380	2251	-129
Tartu	631	593	455	534	552	18
Lääne-Viru	338	444	420	488	389	-99
Pärnu	236	257	274	230	304	74
Ida-Viru	285	317	298	332	272	-60
Järva	152	200	193	201	210	9

working under an employment contract. However, there are different options to formalise labour relations in Estonia. It is usual for people to work under a contract for services or an authorisation agreement, as a self-employed person, or for their own small company. It is important to realise that social protection in case of occupational accidents is provided only if the employment relationship is formed under an employment contract.

The diagram nr 10 shows the number of occupational accidents per 100,000 employees during last 24 years. Over years, the situation has considerably improved; however, not one person should lose his or her life while working.

Statistics show that about one third of occupational accidents happen with employees who have been employed less than a year. These are primarily young people that have started their working life as well as employees who have changed their workplace and have not yet acquired ways of work at their new workplace. This indicates that special attention must be paid to the training and instructing of new employees.

Counties

Most occupational accidents are registered in the city of Tallinn and Harju County, where most companies operate and employees work. At the same time, it is good to see that the number of accidents in Harju County has not increased but decreased in a year. In 2018, the largest growth in the number of occupational accidents took place in the public administration sector in Pärnu County and in defence in Võru County.

We also register incidents occurring with the employees of Estonian companies outside Estonia. In 2018, 177 occupational accidents happened outside of Estonia, which is seven incidents more than in the previous year. Most of these occupational accidents that happen with our employees occur in Finland and Sweden – in Finland with builders and in Sweden with truck drivers.

We get a different perspective and result if we look at the ratio of the number of accidents to the number of employees.

If we examine occupational accidents as a ratio to 1,000 employees, last year,

Table 1. Number of registered occupational accidents by counties in Estonia in 2014-2018

County	2014	2015	2016	2017	2018	Change vs 2017
Võru	111	79	153	141	208	67
Viljandi	166	159	175	151	170	19
Saare	133	106	124	162	142	-20
Jõgeva	105	92	101	109	116	7
Rapla	77	78	67	88	102	14
Valga	86	71	62	90	80	-10
Lääne	70	65	71	50	71	21
Põlva	69	60	67	53	66	13
Hiiu	6	12	17	24	21	-3
Total Estonia	4456	4610	4891	5033	4954	-79

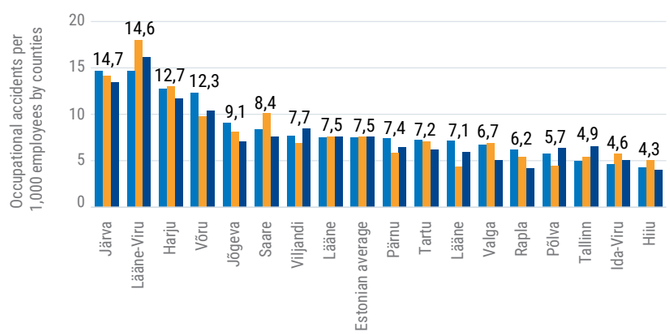


Diagram 12. Ratio of the number of occupational accidents to 1,000 employees by counties

Table 2. Cost of benefit for incapacity for work in 2011-2018 according to the data of Estonian Health Insurance Fund

Benefit of incapacity for work	2014	2015	2016	2017	2018
Number of certificates	5 731	6 158	7 037	7464	7777
Number of days compensated by Health Insurance Fund	124 114	137 096	139 848	149 088	155 508
Amount of benefit (thousand euros)	3 144	3 603	4 010	4 443	4 996
Average benefit of one day (euro)	25,3	26,3	28,7	29,8	32,1
Average days of certificate	21,7	22,0	19,9	20,0	20

the highest number of occupational accidents occurred in Järva County. In Järva County, most occupational accidents have occurred in agriculture, metal and wood industry, and construction. The second place is held by Lääne-Viru County, where approximately 15 accidents per 1,000 employees happened. In Lääne-Viru County, there are large food and wood products manufacturing plants where usually more occupational accidents happen.

Workdays lost due to occupational accidents

In Estonia, occupational accidents are classified by the seriousness of the diagnosis given by doctors as accidents with a light or serious body injury or fatal occupational accidents. However, this definition does not define the level of seriousness of a particular occupational accident.

Another method of determining seriousness of an occupational accident is the number of days the person was incapable to work. In case of some lighter injuries, employees do not lose their capacity for work or they lose capacity for work for a short time. Events where an employee remained incapable to work over 30 days could be considered serious accidents or accidents with serious consequences. This definition is used in most European Union countries.

As shown, the number of incidents that do not cause incapacity to work has significantly grown in recent years. Doctors notify the Labour Inspectorate of all incidents and it is believed that concealing the fact of occupational accidents has also decreased. However, the share of incidents causing actual incapacity for work has increased. Consequently, it can be said that concealing occupational accident incidents is decreasing but the number of occupational accidents causing employees to suspend work is growing. This situation increases additional costs associated with occupational accidents incurred by the employer, the state, and society as a whole.

To note in advance, statistics of occupational accidents in 2019 will be significantly different, as from 2019, employers are not obligated to notify the Labour Inspectorate of incidents that did not cause incapacity for work. Consequently, we believe

Table 3. Occupations by gender where most occupational accidents happen

Men:	Women:
Truck drivers	Shop assistants
Transport workers and loaders	Stock farmers
Builders	Support personnel and cleaners at offices, hotels
Welders	Chefs
Mechanics and metal-workers of agricultural and industrial machines	Caretakers at health care institutions
Unskilled workers in production	Packers
Military members of rank	Top nursery specialists
Wood products producers	Unskilled workers in production
Carpenters	Assistants in kitchen

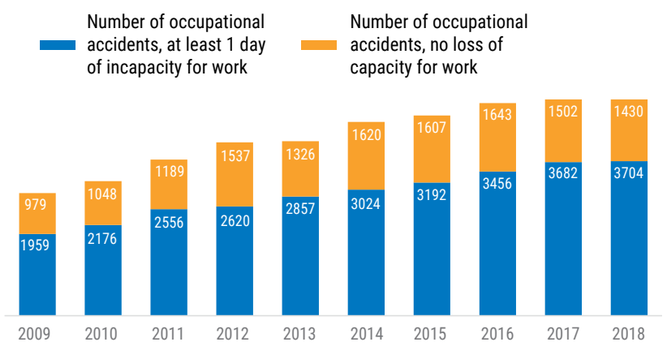


Diagram 13. Breakdown of occupational accidents by the reason of incapacity for work

that the official statistics of occupational accidents will decrease by approximately 1,500 incidents.

We can assess the direct financial and time loss due to occupational accidents for the state as a whole as well as for employers and employees based on Estonian data. **Last year, the Health Insurance Fund, according to certificates of incapacity for work issued as a result of occupational accidents, paid approximately 5 million euros in benefits.**

The common occupational accident statistics of the European Union includes only occupational accidents that cause employees to be given four or more days of incapacity for work. While in 2004, the percentage of such incidents was 84% of all registered occupational accidents in Estonia, the percentage was 71% in 2018.

Comparison of statistics on occupational accidents in Estonia and the Member States of the European Union can be viewed at https://ec-europa.eu. As Eurostat considers only data of certain fields of activity to ensure the better comparability of the EU countries, these data do not provide exactly comparable information.

With whom and why occupational accidents happen?

We collect occupational accidents data in accordance with the methodology of the European statistics (Eurostat). When analysing occupational accidents, we consider the description of circumstances presented in the occupational accident reports. The more detailed description of an occupational accident, the better overview we get about why and how employees injure themselves. In addition to main data, i.e. with whom accidents happen, whether the injured are men or women, how old they are, what work they do, we collect three indicators describing the circumstances: the specific physical activity, i.e. what the employee did when the accident happened; deviation, i.e. what went wrong, and the character of injuries, i.e. exposure to what caused the injury. This information helps to analyse the reasons of occupational accidents and plan information measures, preventive and supervision activities.

In 2018, more than half or 65% occupational accidents happened with men. Most occupational accidents happen with men aged 25–34 and women aged 55–64. The main risk group of occupational accidents is young men, the same as with traffic accidents.

Occupational accidents and fields of activity

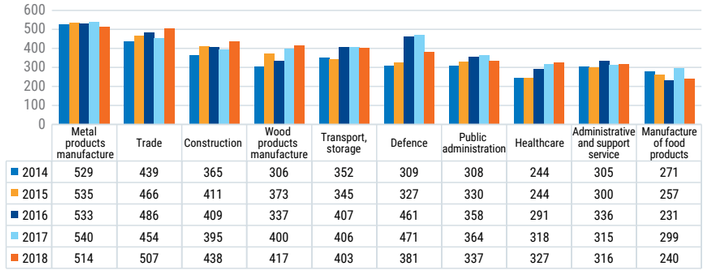
Most occupational accidents were registered, once again, in metal products manufacturing plants, retail and wholesale trade, and construction sectors. As in most fields of activity, the number of occupational accidents has remained the same, but the situation has worsened in retail and wholesale trade, construction, and agriculture. The number of occupational accidents in defence and food products manufacturing plants was significantly smaller in 2018. We focused on these two sectors in 2017–2018 and had good cooperation with the representatives of these sectors.

Another indicator of the frequency of occupational accidents is shown by the ratio of accidents per 100,000 employees. In 2018, the biggest likelihood to have an occupational accident was, as usual, in wood products and food products manufacturing industries.

A major turn to worse has occurred in agriculture and manufacture of metal products during the year. The number of occupational accidents in metal products industry decreased slightly and increased in agriculture, concurrent with the decreasing number of employees in both sectors. This is the reason why every occupational accident influences the ratio of occupational accidents in the specific sector.

Serious occupational accidents

During the year, 1,105 occupational accidents ended in a serious injury (1,125 in 2017), which is almost the same number as in the previous year. Of these accidents, 166 were investigated by the investigators of the Labour Inspectorate. Our investigators focus mainly on incidents that could have been prevented. Even in the case of these 166 accidents, it is very likely that if occupational safety rules had been followed, these accidents could have been avoided.



	Metal products manufacture	Trade	Construction	Wood products manufacture	Transport, storage	Defence	Public administration	Healthcare	Administrative and support service	Manufacture of food products
2014	529	439	365	306	352	309	308	244	305	271
2015	535	466	411	373	345	327	330	244	300	257
2016	533	486	409	337	407	461	358	291	336	231
2017	540	454	395	400	406	471	364	318	315	299
2018	514	507	438	417	403	381	337	327	316	240

Diagram 14. Fields of activity with the largest number of occupational accidents in Estonia

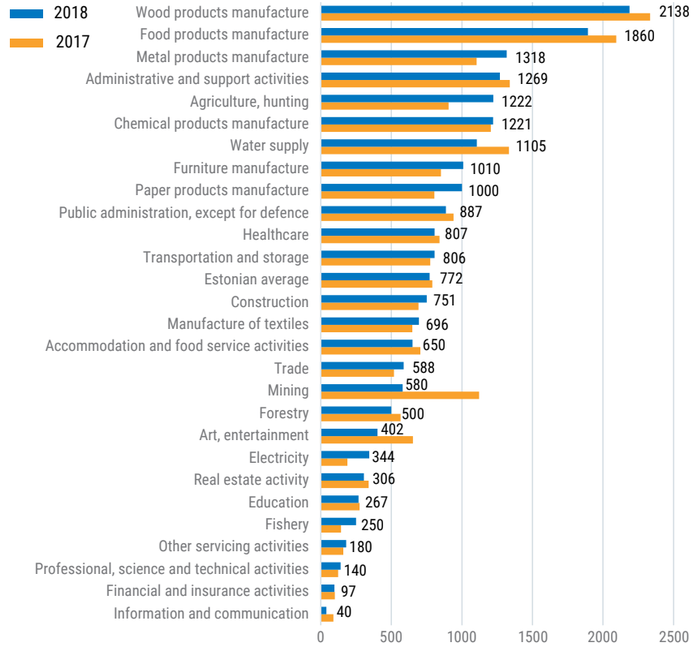


Diagram 15. Occupational accidents to 100,000 employees by fields of activity in 2017–2018

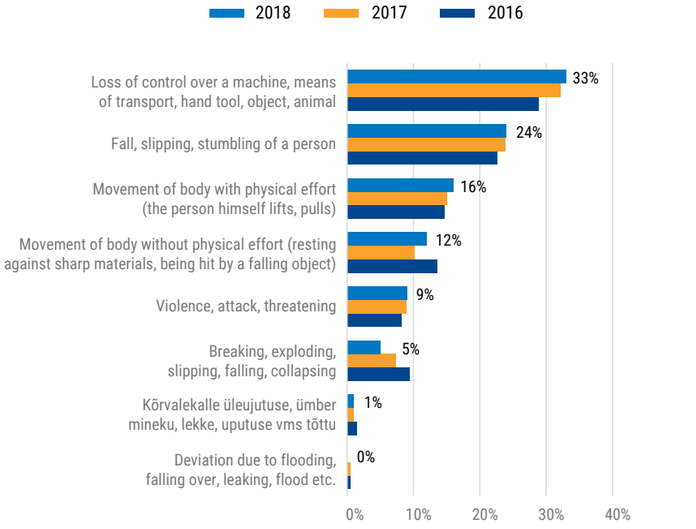


Diagram 16. Deviations that caused occupational accidents in 2016–2018)

Serious occupational accidents happened mostly in construction, transportation, warehousing, and metal products manufacturing industry. The number of occupational accidents grew most in agriculture and healthcare sector. While in agriculture serious accidents are primarily related to animals, half of serious accidents in healthcare are the result of slipping, stumbling, or falling.

Most frequent reasons of serious occupational accidents:

- One third of serious occupational accidents are caused due to employees slipping, stumbling or falling. Therefore, the cause is that the pathways or stairways of the company's or organisation's premises or the outdoor territory were not clean and maintained, or movement was restricted by cables, boxes, furniture, stored materials, or products..

- 30% of serious occupational accidents happen when a heavy object that he or she is carrying falls on an employee's foot or an employee loses control over a machine or the material that he or she is processing.

Deviation

Deviation for us means identification of circumstances, i.e. what went wrong during work that led to an occupational accident. The diagram shows data on occupational accidents that ended in an actual body injury and days the employee was incapacitated for work. Lighter incidents that did not led to incapacity for work were not included.

As usual, the first cause of occupational accidents was **loss of control over** machines, tools, means of transport, or animals. The share of such incidents has been constantly growing. These accidents happen mostly in metal and wood processing industry where various machines and sharp tools are used.

Once again, the second place is held by easily avoidable accidents, such as **slipping, stumbling and falling**. This type of accidents account for one fourth of serious occupational accidents. Pathways must be clear of excess objects. An employee can have a serious fall on a slippery and wet floor and such fall can cause a fracture accompanied with a serious injury and a long period of incapacity for work.

It is also a cause for concern that almost 10% occupational accidents are related to violence and attacks. Such incidents happen mostly in the police work and healthcare sector.

In construction the main reason of occupational accidents is falling from height, loss of control over hand tools, being trapped under falling constructional material or some other object.

Transportation and warehousing can be divided into three large groups. Most occupational accidents happen in road transport, i.e. during carriage of goods by road (almost half incidents of the entire sector), general postal services (ca 20% of incidents), and warehousing and load handling account for ca 20% of incidents. We see that the number of accidents is growing in the sector caused by falling and by breaking, falling or collapsing of materials.

Metal products manufacture – the main reason of accidents is working with machines, followed by falls, and the third reason is broken objects falling on employees. Of machines and equipment, most frequent causes are presses, rolling mills, cutting, milling machines etc. Machines have been started unintentionally; for example, the foot of an employee unintentionally touches the pedal (e.g. negligence or tiredness) and the machine is started.

Fatal occupational accidents

A person can lose his or her life when performing their work duties. Many accidents with serious consequences can be avoided if one cares for the working environment, works attentively, and takes occupational safety seriously:

- An employee was run over by a loader and died – the pathway was not marked and the employee stepped in front of a driving loader.

- Employees on a construction site were trapped under collapsed works and fell down from the height. The wall of the basement and the underground arched ceiling of the building collapsed.

- An employee died when handling a load.

- A vehicle turned over and the stones in the load fell on the employee.

- One employee who was alone at work was stuck by feet under a load and did not get help quickly. The person would have stayed alive if several people had been present during load lifting! Death in a traffic accident is also considered an occupational accident if, at the time of the accident, the employee performed his or her work duties. Hence, of nine fatal occupational accidents, three employees died in traffic.

There are usually two reasons of occupational accidents, including fatal accidents. In half of cases, the employer does not inspect the workplace sufficiently or the compliance with safety requirements of a tool and the company lacks a systematic internal control of the working environment, i.e. management of occupational health and safety. Employees are also responsible for avoiding occupational accidents by adhering to safety requirements or refusing to do work that could harm their health. Carelessness to one's own or co-workers' health and safety will sooner or later lead to an occupational accident.

> There are usually signs of a possible occupational accident happening in future: before a serious occupational accident, there could have been five light accidents or analogous near miss situations pointing to shortcomings in the work process

4. STATE AND ADMINISTRATIVE SUPERVISION

State supervision exercised by the Labour Inspectorate covers five areas. Major supervision effort goes into the working environment related work, i.e. occupational health and safety, which accounts for around 82% of our entire supervision activity. Ca 8% of supervision is supervision over employment relationships and 2% include checks of drivers' working and rest time. In addition, 361 proceedings where occupational safety and employment relationships were inspected in a company were conducted in 2018.

In order to increase the share of contactless supervision, we send companies a memorandum to draw their attention to the implementation of statutory requirements.

While in 2016, we sent out ca 165 memoranda, the number of memoranda was almost 10,000 in 2017-2018. We send a memorandum when we have been given a hint concerning a specific company or to explain a particular sector-related problem. Another reason to send a memorandum is, for example, working of minors and explaining the law to make the requirements clearer. We send most of our memoranda when a targeted control is about to begin or it has just ended in the sector. This helps us to extend the impact of one targeted control because information about improving the working environment will reach many more companies than during an inspection.

Within the organisation, supervision over fields of activity is divided based on different interests. The supervision department is divided into task forces consisting of inspectors of the respective area.

There are three task forces: construction and infrastructure, service and public sector, and production and industry. Regardless of the field of activity, occupational health inspectors, labour relations inspectors-lawyers, inspectors involved in the supervision of drivers, and one inspector involved in seafarers employment are involved in supervision. The supervision department includes also an investigation service.

Within the framework of supervision over the requirements of occupational health, occupational safety and labour relations, we initiated 4,323 supervision proceedings in 2018. As one of our priorities is to visit more construction

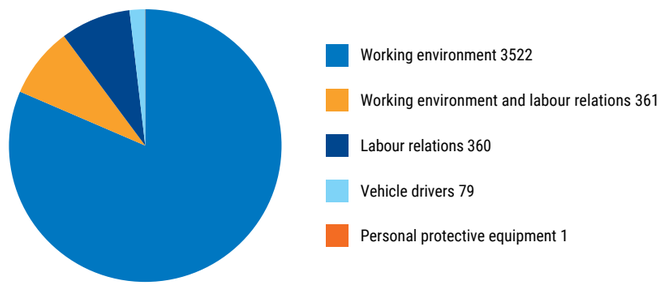


Diagram 17. Supervision proceedings by sectors (2018)

objects, which one company can have more than one, the number of supervision proceedings is larger than the number of companies involved in the proceedings.

We performed physical inspections, i.e. 5,128 visits to 3,643 different companies or organisations. The number of inspections is somewhat smaller compared to previous years. One of the reasons is the change in the methodology of supervision, as we try to influence companies with memoranda and distant inspection instead of physical inspections. However, the volume of supervision is influenced by targeted controls of certain areas in a smaller number of companies.

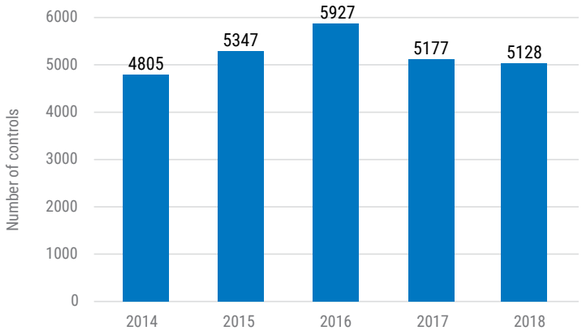


Diagram 18. State supervision – number of controls in 2014-2018

Despite the above, the impact on the field of activity sector is a little wider because we prepare a thorough summary about each target control of each area which we send to the companies of the specific area. Therefore, the companies that we did not visit can assess their working environment based on the sector summaries and improve it.

4.1 Occupational safety

Our priority in supervision over occupational safety is decreasing the number of serious and fatal occupational accidents. We check the working environment of companies by risk scores, which take into account the number and nature of occupational accidents, occupational diseases and work-related illnesses in the particular field of activity and the specific company. When determining the risk score, we take into account the risk level associated with the field of activity, last time we visited the company, and the discovered shortcomings. The risk score is determined for each company, and based on it, companies and organisations with higher risk scores are selected for inspection. We separately inspect companies where occupational accidents occur frequently or the employer has not paid sufficient attention to identifying the reasons of occupational accidents and preventing similar incidents. We take into account hints and complaints received about companies.

Our supervision efforts influence the working environment of **95,000 or 15% of employees during a year**. Based on the strategic framework of occupational health and safety of the European Union for 2014–2020, supervision is mainly focused on inspecting small and middle-sized companies. However, we do not manage to visit all small companies, i.e. companies with less than four employees, with sufficient frequency. We are planning other measures to reach these companies. For example, our consultants do great work with new companies so that the employer could learn in the initial stage of business what is considered a good working environment. We continue applying the survey inspections and targeted controls approach, which means that some risk factors are checked in ca 10% of companies involved in the specific field of activity and based on the identified shortcomings, a summary is prepared that will be sent to all companies and professional associations of the field of activity.

In 2018, we focused on construction, retail and wholesale trade, metal products industry, and transport and warehousing.

4.2 Main violations in working environment

Last year, labour inspectors discovered 18,181 violations related to occupational health, occupational safety, labour relations, seafarers employment, or drivers working and rest time. In 2017, 17,646 violations were found.

Major problems in the Estonian working environment:

- Insufficient safety instructions
- Insufficient instructing and training
- Insufficient organisation of health examinations
- Devices that ensure safety are non-compliant
- No working environment risk analysis
- Dangerous areas and pathways are not marked as required
- Personal protective equipment is not issued or used
- Working environment risk analysis does not reflect reality

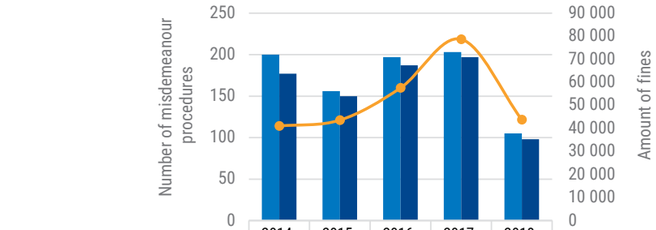
Although the number of violations has increased over a year, violations were discovered in 86% of inspected companies. Consequently, the number of violations has grown but not the share of companies where they occurred.

Labour inspectors fix in writing a smaller number of more insignificant non-compliances and the employers are informed of them mainly orally. This way, the number of violations is decreasing but more attention is paid to violations that significantly influence the company's occupational health and safety system.

Based on violations, it can be said that when resolving working environment problems Estonian companies do not start from the beginning, i.e. assessment of the risks of the working environment and preparation of an analysis, the analysis is not renewed and employees are not trained and instructed as required. These violations were found in every fourth company. In every fifth company, there were problems with safety instructions and in every sixth with registration, keeping and maintenance of compliant personal protective equipment. One additional aspect is the organisation of health examinations – not all employers wish to send employees to health examination, but there are also cases when the employer organises health examination for employees but the employees fail to keep their appointment.

During one inspection, the inspectors found six violations on an average in a month. As a rule, there are not many violations in one company, but there are some in almost every company. In companies that have branches across Estonia have common problems. For example, the inspectors found in the branches of such companies altogether 152 occupational safety violations. This clearly shows that there is no planned occupational safety activity in the company, a common management system of occupational safety is lacking, and the entire working environment related activity is rather random.

To eliminate violations, the labour inspectors suspended work 174 times during the year and using of a tool was forbidden 307 times (the numbers in 2017 were 165 and 228, respectively). Using of a tool was usually prohibited if its safety devices, hoisting equipment, or tools intended for temporary work at height were not compliant with requirements or work was performed with broken power tools.



	2014	2015	2016	2017	2018
Misdemeanours processed	200	156	197	203	105
Number of fines imposed	177	150	187	197	98
Fines (euros)	41 020	43 575	57 542	78 680	43 754

Diagram 19. Number of misdemeanour procedures and fines

Most cases where work was stopped occurred on construction sites, as the safety of workers was not ensured when working at height or personal protective equipment was not used.

4.3 Misdemeanour procedures and fines

The number of misdemeanour procedures does not confirm the popular myth that the Labour Inspectorate is a punitive institution. We operate following the principle that if a problem in the working environment can be eliminated with other measures, a punishment is not imposed.

Punishment is indicative for companies and persons that intentionally or due to grave negligence and repeatedly violate statutory requirements or if it is obvious that unlawful activity or non-activity led to a serious occupational accident with an employee.

In 2018, altogether 105 misdemeanour matters were handled during the supervision of occupational health, occupational safety and labour relations, of which 98 misdemeanour procedures ended in imposing a fine. The total sum of fines was 43,754 euros in the year. Legal persons were imposed fines 66 times in the amount of 34,210 euros and physical persons 24 times in the amount of 5,364 euros. Compared to the previous year, the number of misdemeanour procedures and fines has significantly decreased. Most misdemeanour procedures are expedited procedures. The general procedure was conducted three times and a procedure in relation to an act eight times.

Employers are mainly punished due to tools not meeting the set requirements. On the second place are misdemeanours for the violation of safety requirements on a construction site. Occupational health and safety coordinators of construction sites are punished more frequently, as they have the responsibility to ensure safety on the construction site and they have failed to fulfil their obligation. Both coordinators and their employers are punished. Third place is held by misdemeanours related to the failure of the employer to observe that employees get sufficient rest from work.

There are several reasons why the number of misdemeanours and fines has decreased in 2018. Firstly, the Police and Boarder Guard Board initiate more criminal proceedings than before, more serious cases that were previously resolved as misdemeanours. Secondly, not many violations by employers

In 2018, 22 different targeted inspections in altogether 832 companies were conducted.The focus was on the following areas and topics:

- Working conditions for minors
- Construction site on Saturday
- Crew members´ employment mediation bureaus
- SPA
- Basic schools and upper secondary schools
- Occupational diseases and risk factors
- Wood products manufacture
- Forestry
- Deposit packaging
- Shopping chain
- Subcontractors
- Plant production
- Work at height
- Storage
- Work-related illnesses
- Working by minors
- Small shops
- Manual handling of loads
- Operators of garden blowers
- Metal products manufacture
- 2018 local governments
- Construction machines and personal protective equipment

are discovered during investigation and the necessary elements of an offence are borderline and therefore proceedings are not initiated.

The largest fine in the amount of 1,200 euros was imposed on a legal person for the violation of working and rest time. The largest fine in the amount of 480 euros imposed on a physical person is related to the violation of the requirements of the Employment Contract Act.

4.4 Field of activity and problem based targeted controls

While working environment assessments are given to companies selected based on risk scores, targeted inspections are carried out based on a specific field of activity or the most problematic aspect of the respective area. Assessments of various risk factors and the activities of employers provide the themes for annual targeted inspections and the main directions of information dissemination.

Targeted controls as one of the supervision methods has become a very efficient inspection measure. After each inspection, a thorough summary of the area or topic is prepared that is then forwarded to all companies involved in the same area or topic. Therefore, the companies that are not directly inspected can improve their occupational health and safety management system based on the inspection of other companies. We provide an overview of all targeted controls via the media.

Summaries of targeted controls can be found on the Labour Inspectorate's homepage.

4.5 Supervision over occupational health and work-related illnesses

In the field of occupational health, the keyword of the twenty-first century is maintaining the employees' health and capacity for work so that people with reduced capacity for work could find their place on the labour market and seniors would maintain capacity for work.

The mission of occupational health inspectors is the prevention of work-related illnesses and investigation thereof, if necessary.

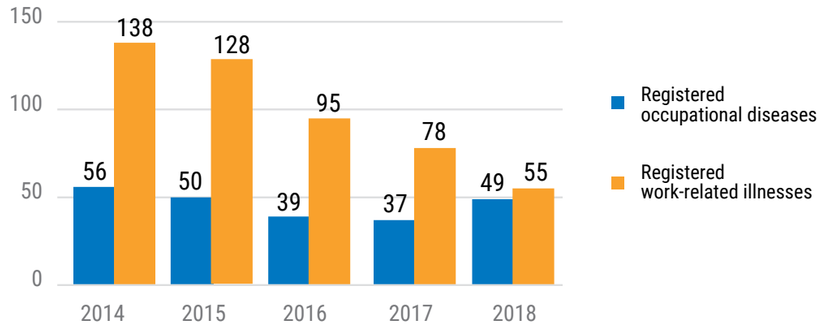


Diagram 20. Registered notices of occupational diseases and work-related illnesses in 2014-2018

Health examinations have the main role in the prevention of permanent incapacity for work. Health disorders caused by work that are found in good time will deaccelerate in case of changes in the nature or organisation of work and health could improve.

Last year, 49 new occupational disease[2] cases and 55 work-related illness cases were discovered.

Statistics show as if there is a growing trend in occupational disease diagnoses. This is not true, though. This increase is caused by a rear occurrence where 21 occupational disease cases were diagnosed in one company. The cause was highly contagious scabies.

The youngest person to have developed occupational disease was 25 years old and the oldest was 70 years old. Of those that were diagnosed a work-related illness, the youngest was a 22 year old confectioner who was diagnosed irritant contact dermatitis. A work-related illness can develop during a quite short time due to exposure to dangerous risk factors. Health, though, could become damaged for life.

Still, most work-related illnesses are caused by a physiological risk factor, such as great physical effort, forced position, and repeated similar movements. These risk factors cause almost half of illnesses.

The summaries of investigation of occupational diseases reveal that employers fail to assess correctly the actual impact of physiological risk factors on human health. They are unable to infer or take into account a possible combined effect of risk factors. For example, the damaging effect of physical effort is higher when people work in a cold working environment. Already strained muscles try to maintain body temperature by increasing muscle tone, adding even more to the muscle strain. Psychosocial risk factors play a big role in leveraging the impact of all working environment risk factors.

Risks of developing an illness at work

There is a tendency to underestimate risks in the risk analysis of the working environment. Often health examinations are organised poorly. We have seen situations where employees are sent to a health examination after they have worked ten years or re-examination times established by an occupational health doctor have not been followed.

There are shortcomings in instructing employees. Often employees are not explained how to avoid health problems that may be caused by physical overload, how to be in a working position that is ergonomic, or how to use correct movements. The instructions may even exist, but the employee has forgotten the requirements established therein.

Another problem is that employees do not reveal all their health issues to an occupational health doctor because a mere neck pain is not directly associated with the working environment. In worst cases, the employees hide their health condition intentionally because of the fear of consequences (for example, loss of work). A serious problem is also with employees that have been diagnosed an occupational disease because they do not know what this disease entails or how should they act. We often see that occupational health doctors tend to be indulgent and allow employees that have poor health to work. Employees are allowed to continue working in same conditions and imposing restrictions is more of an exception than a rule.

Last year, occupational health inspectors focused mainly on the prevention of illnesses caused by physiological risk factors.

In recent years, people have been developing work-related musculoskeletal system illnesses. Employers and employees are more aware of illnesses caused by physical risk factors; for example, exposure to noise or vibration could cause a hearing loss.

We also wish people to understand the effect of a physical risk factor. A physiological risk factor is the effort of physical work, repeated similar movements, forced positions and move-

2 An occupational disease is a disease caused by a working environment risk factor or nature of work listed in the list of occupational diseases. The list of occupational diseases is established by Regulation No. 66 of the Minister of Social Affairs of 9 May 2005. A work-related illness is an illness caused by a working environment risk factor that is not deemed to be an occupational disease.

ments that cause fatigue and similar factors that could lead to damage to health over time.

We focused on areas where occupational diseases and work-related illnesses have been diagnosed in recent years.

During targeted controls, we draw the attention of employers to the handling of loads by hand, working in forced positions and repetition of the same movement. It was found that in companies that offer courier and moving services, which have particularly great physiological risk, people usually work under the Law of Obligations Act and are not included in the scope of control by the Labour Inspectorate.

The targeted control showed that there are problems in companies with handling of loads by hand and organisation of occupational health and safety. Firstly, the risk assessment of handling of loads by hand must be reviewed in the risk analysis. The assessment must take into account the actual situation and the weight of loads handled. Thereafter actual results can be obtained and based on those employees can be sent to health examination.

Last year we inspected schools in Harju and Tartu Counties with the Health Board.

We checked ergonomics of workplaces, organisation of health examinations and the working environment management system. Most problems at schools are related to staircases and corridors that are not in order. Another concern is the organisation of health examinations for employees because only 16% (76 basic schools and upper secondary schools) of employees of the inspected schools had had an appointment with an occupational health doctor!

This year, we paid attention to the handling of hazardous chemicals. People still fail to understand that damage to health caused by daily incorrect use of chemicals could show itself after many years. We drew attention to air quality and the importance of personal protective equipment.

The assessment of risks due to chemicals is very general in risk analyses. Special attention should be paid to the use of hazardous chemicals in agriculture. The Agricultural Board organises training sessions addressing the effect of chemicals on plants but do not discuss the exposure of employees to these chemicals or that the necessary documents must be in order.

Employers have understood that the inspectors wish and can improve the working environment with their suggestions. Employers not only take into account our suggestions and proposals but try to find good and functioning solutions to problems without any pressure.

The Health Board prepares overviews of occupational diseases and work-related illnesses from 2011, broken down by illnesses. Summaries of work-related illnesses are available at their web site: terviseamet.ee

Employees worked in 24-hour shifts but there was no collective agreement, which was required in this sector to do 13-hour long working days within a period of 24 hours. When it was discovered in the company that in order to have 24-hour shifts, a collective agreement must be concluded, the employer did not make the employees or their representatives a proposal to conclude a collective agreement so that they could continue working as usual but it was decided that a shift shall not exceed 12 hours. They reasoned the decision to continue with 12-hour shifts with their wish to protect the health of employees because long shifts are quite fatiguing in a long run (the circadian rhythm will be messed up, the body is in stress, the employees are not as productive in the end of a shift etc.).

4.6 Supervision over labour relations

Inspectors-lawyers carry out inspections of labour relations and check the working environment at companies. A labour relations control includes checking of employment contracts, working time records, work organisation rules, wages statements, recording of working time, and annexes thereof.

In addition to checks performed based on the usual risk-based sample and hints, inspectors-lawyers had to take on the challenge of inspection of minors working during summer and targeted controls of small shops last year.

During the year, inspectors-lawyers inspected 705 companies. These checks helped discover altogether 2,723 violations in 531 companies. **Hence, no violations were discovered in 174 companies**.

The main problem in labour relations is still inadequately determined working time and information on wages in employment contracts. This is a problem in one third of inspected

companies. There are problems with ensuring at least 30 minutes long pauses for employees during six hour work (either not fixed in writing or no opportunity at all).

Last year, inspectors-lawyers paid more attention during supervision to posted employees, companies that receive them, i.e. contractors, and foreign companies.

Last year we checked the recording of working time extensively and discovered violations of working and rest time. The reasons of working and rest time violations discovered in the course of supervision are the lack of knowledge, unexpected and complicated situations (e.g. an employee has fallen ill, left employment, etc.) but also situations where employees wish to do work overtime to earn additional wages and employers accept it without paying attention to the fact that they violate the working and rest time requirements.

There is a widespread understanding and practice among employers that it is not necessary to record working time for regular employees that work from Monday to Friday, even if they sometimes work over time, take out paid free time or other circumstance occur that differ from the ordinary working time. Working under special conditions (working at night and overtime work, working on public holidays) is often not reported in working time records. It is reasoned that all the hours are visible on the wages statements and everything has been correctly and fairly paid for. The employer has to take into account, though, that the more accurate and clear working time records are, the more efficient will be the inspection at the company, and keeping correct and thorough records of working time is useful for the employer and the employee in case of any disputes in relation to wages payment during the employment relationship.

The clearer and understandable the documents regulating the employment relationship are, the less disputes arise.

4.6.1 Posted employees

From 17 December 2016, the employer of a posted employee is required to register the employee posted to Estonia at the Labour Inspectorate in accordance with section 5¹ of the Working Conditions of Employees Posted to Estonia Act.

What does the status of a posted employee mean for the employer?

Firstly, it means that the employer has to compare their domestic legislation with Estonian law in certain aspects and apply working and rest time, minimum wages and overtime compensation and annual holiday requirements set down in the laws of the country that are more favourable for the employee.

For example, if an employee is sent from Germany to Estonia to do temporary work, his or her German employer cannot say that the employee will receive for the time worked in Estonia only minimum wages current in Estonia at that time but he or she has to be paid for this time either the salary agreed upon in the employment contract or at least the minimum wages applying in Germany.

If an employee is sent to Estonia from Romania, the employee must get the minimum wages applied in Estonia because the minimum wages in Romania are lower.

What does posting an employee mean for the employer?

Different requirements apply to posted employees in Member States. Hence, the employer has to find out which requirements the employer has to fulfil before posting an employee.

Estonia established the preliminary registration obligation of posted employees in December 2016. The employer that intends to post their employee to Estonia has to send information about the employee, the contractor and the field of activity by e-mail. A more detailed explanation and a form to facilitate submission of information can be found on the homepage of the Labour Inspectorate in the section about posted employees.

Registrations made in 2018 show countries where from employees are posted to Estonia and in which fields of activity they work.

During the year, 602 posting notices were registered from 18 European countries. Based on these data, 2,581 posted employees arrived in Estonia.

The highest number of registered employees, such as electricians, welders, plumbers and builders, came from Poland. Workers installing industrial machines are posted from Lithuania and casino workers and ship repairers from Latvia.

Posted employees come only from the European Union countries. Employees that directly come from a Russian, Ukrainian or Belarussian company, i.e. a company of a third country, are not posted employees for the purposes of the Working Conditions of Employees Posted to Estonia Act. Employees that come from third countries can be posted employees only if they have an employment contract concluded in some other Member State of the European Union and then posted to Estonia to fulfil contractual work, as a temporary agency worker or

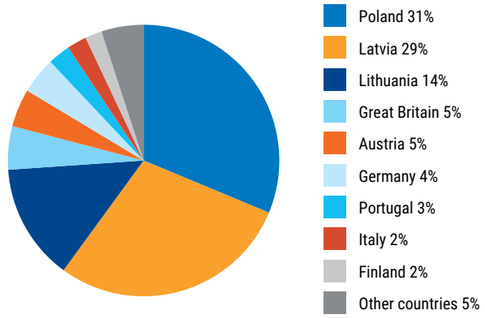


Diagram 21. Countries where from most employees are posted to Estonia

they move within a group from one country to another.

As the share of foreign labour in the Estonian labour market has increased, the number of posted employees has been growing year after year. Last year, there was a significant growth in supervision over posting companies and contracting companies.

During the supervision of posted employees, it is checked whether the employer has submitted a notice to the Labour Inspectorate about posting whether posted employees are treated in accordance with the working and rest time and minimum wages requirements, whether overtime is compensated, who and to what extent is responsible for the implementation of the Occupational Health and Safety Act. Exercising supervision over posting companies does not differ from regular supervision.

Still, some companies fail to send the required notice to the Labour Inspectorate. A frequent response is that they did not know it; however, the company's intent to hide the posting of employees to Estonia is not possible to preclude. Often, the situation is such that no notice has been sent to the Labour Inspectorate, short-term work of employees has not been registered at the Police and Boarder Guard Board, and the employees do not hold a residence permit.

Information about posting employees to Estonia is available on our web site www.ti.ee in the Estonian, English, and Russian languages. This information sets clearly and unambiguously out that information about posted employees along with required data must be forwarded to the Labour Inspectorate before the posted employees can begin performing their work duties in Estonia. The posting company has an opportunity to receive information and learn about requirements applying to such posting before they post employees to Estonia.

From 15 July 2018, amendments of the Working Conditions of Employees Posted to Estonia Act came into force that allow the Labour Inspectorate to commence misdemeanour procedure when an employer has failed to submit posting data to the Labour Inspectorate. Maximum fine for a legal person is up to 32,000 euros and for a physical person 300 fine units, i.e. up to 1,200 euros.

There are employers that forward the posting notice in time but the notice is incorrect and, in some cases, the employers are afraid to correct the notice later. This is especially true in respect of the address where work will be performed by the posted employee which is usually the company's main office address not the place where the posted employee actually performs his or her work duties. If an inspector-lawyer identifies during supervision a posted employee on a construction site but the employer has indicated the contracting company's address as his or her address it is deemed submission of false data which is punished in accordance with the Penal Code.

The Labour Inspectorate requires all information to exercise supervision over the working conditions and environment of posted employees correctly.

Current information about registration of posted employees can be found on the home page of the Labour Inspectorate at: https://www.ti.ee/est/valismaine-tootaja/lahetatud-tootajad-ja-renditoo/lahetatud-tootaja-ja-renditootaja/

4.6.2 Undeclared work, joint raids and cross-border cooperation

The Labour Inspectorate in cooperation with the Police and Boarder Guard Board and the Tax and Customs Board carries out joint controls to identify undeclared and illegally working persons. A citizen of a third country must be registered in the police, as a posted employee at the Labour Inspectorate, or as an employee of an Estonian company in the employment register.

The share of foreign workforce has remarkably increased in Estonia in recent years and workers from third countries work on almost every second construction site. The number of foreign workers is growing also in other fields of activity.

Problems primarily occur with people that have come to Estonia to work from Ukraine, Belarus, Georgia, and Moldova. Entrepreneurs are figuring out new schemes to bring foreign labour into the Member States of the European Union and ignore conditions established by law. For example, workers are employed by a Polish company and then posted to Estonia but, in fact, the employees have never worked for the Polish company and in the best case know the name of the company with whom they concluded their employment contract. This scheme helps bring to Estonia cheap labour, as in case of posting the minimum wages established by the Government of the Republic have to be ensured. Furthermore, this scheme could also be a means to avoid taxes by juggling the laws of two countries.

For supervisory authorities conducting joint controls, it is a priority related to issues, such as the misuse of employees and possible human trafficking. Undeclared and/or illegal workers are at higher risk of becoming a victim of misuse or human trafficking. Illegal work is often tied to various tax violations and it creates an unequal competitive situation for companies and the possibility of misuse of employees, which means that these people are not ensured social guarantees while working in Estonia that all people working in the European Union must have.

Joint controls have increased the exchange of information between supervisory authorities and cooperation, making supervision over foreign labour more effective.

Cross-border cooperation has notably improved. The number of queries expressing the wish to forward administrative procedure documents to Estonian companies has grown. The need to forward documents arises when a labour inspectorate of another country has not been able after several tries to get in contact with a representative of an Estonian company. In such cases, our inspectors-lawyers forward documents of another country's labour inspectorate by registered mail and, if necessary, carry out inspection. We have faced situations where it is impossible to forward documents by registered mail and contact the employer because the data in the commercial register is false.

Cross-border cooperation facilitates our supervision procedure in a situation where all employees of the company perform their work duties in another Member State of the European Union. In such a case, it is impossible for us to inspect the actual working environment of our employees. When working in some other EU Member State, the occupational health and safety requirements of the respective country must be followed and the help of local labour inspectorates is inevitable. We also respond to queries from other countries, especially in matters related to labour relations (are the employees working in an Estonian company, are they paid wages, are taxes paid, is working and rest time ensured etc.). The biggest problem when responding to these queries is that a member of the management board of the posting company does not cooperate in the administrative procedure and we cannot find the employer that posted their employees to the territory of another Member State. The company is registered in Estonia fictitiously and actual business is not conducted here. A frequent reason is false or insufficient data in official registers (commercial register, employment register).

4.6.3 Working by minors

On 8 May 2017, the amendments of the Employment Contract Act came into force. They give more opportunities to work for employees under 18 years of age. Additional amendments entered into force on 1 July 2017 and make it easier for employers to submit data about the employment of children younger than 15 years of age.

In 2018, 3,834 up to 15 years old **minors' employment** was registered in the employment register.

Working by minors was mostly registered by rural and city governments, youth centres (education), and other non-governmental organisations and foundations offerering work for children at camps. Last year, young people were offered jobs by 687 companies.

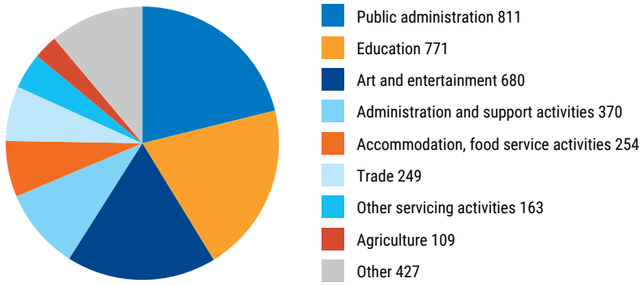


Diagram 22. Field of activity of employer that employ minors most (2018)

Based on the type of legal relationship an employment contract is concluded with most minors, which accounted for 78% of contracts (74% in 2017); however, Law of Obligations Act type of contracts are not rare, accounting for 17% of contracts (22% in 2017) and minors were offered work without pay in 3% of cases (4% in 2017). Consequently, compared to 2017, employers have understood that an employment contract should be preferred when offering a job to children.

4.6.4 Supervision of seafarers employment

The year of 2018 began with a targeted control at companies offering work mediation service to crew members (a legal person governed by private law or a self-employed person offering work mediation service).

These companies have never been inspected before. The objective of the targeted control was to get an overview of the activity related to work mediation service for crew members operating in Estonia to ensure that these companies fulfil their obligations as prescribed in sections 70 (2) and 72 (1) of the Seafarers Employment Act.

During the targeted control, 15 companies (including companies with headquarters outside of Estonia) that offer the work mediation service, at least to some extent, to crew members. This inspection covered about 2,430 crew members. This number was found based on the fact whether a crew member is currently on a ship or has been active in recent years (i.e. has worked on a ship in the previous period and has used the work

mediation service provider's services).

The results of the targeted control show that the situation in companies that offer work mediation service to crew members is generally good. However, several problems arose that require a solution at the state level: it is not possible to submit an economic activity notice and certification of companies that offer work mediation service to crew members is unclear.

The first problem was resolved. At the end of April 2018, relevant changes were made in the economic activity register, i.e. when an economic activity notice is submitted regarding work mediation, the registering person has to indicate whether it involves mediation of seafarers and he or she has to check a box to confirm that the company fulfils obligations prescribed by sections 70 (2) and 72 (1) of the Seafarers Employment Act on the following page. If this confirmation is not given, the notice cannot be forwarded. This confirmation is visible on the register's statement.

Certification conditions for bureaus mediating crew members are to be determined.

Seafaring has a specific nature: crew members are isolated and access to professional medical assistance is limited and the consequences of a shipwreck can be catastrophic.

There were situations where a ship was transferred from one line to another but the operator did not know or did not want to see possible change in work load and did not take into account that the existing number of crew members (the number of life-saving equipment does not always allow taking more employees on board) have to work so that the working and rest time requirements were met. There have been occasions when the maximum uninterrupted rest time of a crew member during several working days is only 4–5 hours, causing fatigue and accompanying risks to the health of crew members as well as the safety of seafaring.

Often crew members have not been informed of important working conditions prescribed by the Seafarers Employment Act. There have been cases where the employer said that employment contracts were prepared by a law firm. Regrettably, the employer and the law firm failed to take into account the exceptions compared to the requirements of the Employment Contract Act.

We inspected companies that do not have to adhere to the Seafarers Employment Act (e.g. fishing boats shorter than 24 meters). These are usually small companies with a small number of employees, which means that everyone must be able to fulfil all roles. Unfortunately, such companies often have deficiencies regarding safe working environment as well as documents.

Employers reason it with not being aware of these requirements, a small number of employees, lack of time and resources and a statement that no accidents happen in their company. In such companies, we have to explain relentlessly that the requirement of ensuring a safe working environment is in the interest of their life and health.

There have been situations when we go to inspect one company but there are present employees of another company that violate occupational safety requirements. An employee thinks that if the employer is not close by, they do not have to adhere to occupational safety rules. Usually, personal protective equipment is not used. After the labour inspector has made a remark, the violation is eliminated; however, the employer will be sent a relevant memorandum.

The objective of inspections is to minimise the number of occupational accidents and improve the quality of working life. Inspection goes hand in hand with counselling and information sharing measures with the aim of improving safety culture. Supervision plays an important role in achieving/maintaining fair competition.

4.6.5 Working and rest time of vehicle drivers

State supervision over the working, driving and rest time requirements of vehicle drivers, using of tachograph and card and requirements of retaining data is exercised by the Labour Inspectorate at the company and by the Police and Boarder Guard Board on the road.

Inspection of working and rest time of vehicle drivers identifies how working and rest time is organised at a company and whether the driving and resting norms are adhered to in order to ensure traffic safety on the road. We check the organisation of working time, driving and rest time of drivers during 24 hours, pauses and weekly working, driving and rest times, the limits established regarding two week driving time, compliance of data recorded by tachographs with requirements, and payment of wages in accordance with the general employment agreement.

Although last year the focus was on the inspection of larger companies, middle-sized and small companies were also checked.

Last year, we conducted a targeted control of carriage of passengers in counties, which we intend to continue next year.

Main violations:

- **Copying and retaining of working and rest time data of vehicle drivers**. Pursuant to the Traffic Act, digital driving, working and rest time data must be copied from the driver's card at least every 28 days and from the vehicle at least every 90 days and both digital and recording sheets must be retained for 365 days.

- **Violations of rest time requirements**. The main violation is related to the 24-hour rest time requirement. It means that work days extend so that rest time does not fit into 24 hours. Exceptions are not used correctly and many 24-hour rest time violations occur in relation to rest time interruptions on ferries.

  The requirement of a pause within a working day is often violated. A driver must take a 45-minute long uninterrupted pause after a 4–5-hour drive. This pause can be taken in two parts: a pause of at least 15 minutes followed by a pause of at least 30 minutes.

- As for the weekly rest time, drivers violate the 45-hour rest time requirement. There are occasions when a driver begins his or her weekly rest time too late or 144 hours after the start of his or her working week.

- **Using of tachograph**. There are still many instances of violations of tachograph using requirements. The main violation is that drivers do not enter the country marking at the beginning or end of their working day or they leave the tachograph switch in the working position during their rest time.

Main reasons why carrier companies violate the working and rest time requirements:

- A driver is given a strict instruction to deliver the goods regardless of the working and rest time limits.

- The behaviour of drivers and resulting violations are influenced by their wish to get to a ferry and spend their 24-hour or weekly rest time at home.

- Drivers are not familiar with Regulation (EC) No 561/2006 of the European Parliament and of the Council.

- Work day length was planned incorrectly.

Main violations when carrying passengers:

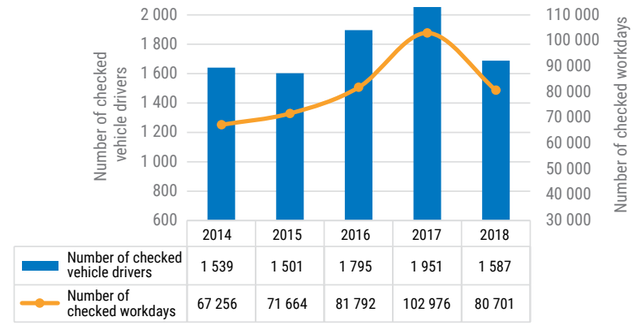
- The contractor planned the trip incorrectly.

- Unexpected problems with contracted carriage.

- A wish to spend the 24-hour or weekly rest time at home.

- Drivers are not familiar with Regulation (EC) No 561/2006 of the European Parliament and of the Council.

Overall, it cannot be said that the number of violations has increased or decreased significantly in 2018; however, there are also exceptional reasons why the working and rest time requirements were violated.



	2014	2015	2016	2017	2018
Number of checked vehicle drivers	1 539	1 501	1 795	1 951	1 587
Number of checked workdays	67 256	71 664	81 792	102 976	80 701

Diagram 23. Number of inspected drivers and their working days (2014-2018)

5. COUNSELLING AND INFORMATION SHARING MEASURES

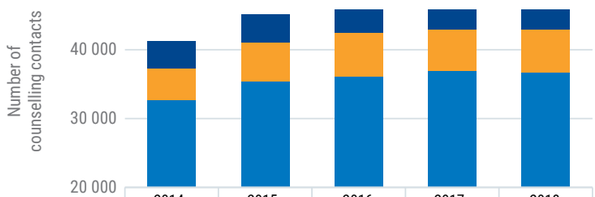
One can **request advice** from the Labour Inspectorate by telephone or e-mail, or come personally into our office. The working environment counselling service that commenced in 2015 has been fully implemented. Last year our working environment consultants visited 206 companies. Consultants give advice about the working environment and required documents. A consultant can be asked to come to consult on some specific topic (e.g. use of personal protective equipment). This service is free of charge for employers.

5.1 Labour Inspectorate counselling service

The counselling service has an important role to play in improving working life safety and quality. The counselling service is designed for all parties of a labour relation (hereinafter: clients), such as employees, employers, and professional associations. We give advice over information line (640 6000), we respond to inquiries that seek explanation sent to the e-mail address jurist@ti.ee, counsel during appointments and on the spot at the company or a location of a company. Our consultants are primarily counselling lawyers and working environment consultants. At appointments labour inspectors and inspectors-lawyers counsel. Councelling is available in Estonian, Russian and English.

Our counselling service helps parties of an employment relationship behave consciously in accordance with the legislation regulating employment relationships and occupational health and safety and following the good faith principle; facilitate lawful behaviour in employment relationships and avoid violation of legislative acts, damage to health and labour disputes. Counselling helps maintain and improve the capacity for work of employees, support the employer in the development of the working environment, increase participation in the labour market of people with reduced capacity for work, avoid people leaving on early retirement and ensure sustainability of the capacity for work support scheme.

In 2018, employees and employers were advised on employment relationship 45,870 times. This number is slightly higher



	2014	2015	2016	2017	2018
Received at offices	3 931	4 099	3 348	2 925	2 864
E-mails	4 664	5 586	6 284	5 900	6 314
Number of calls to the information line	32 652	35 423	36 128	36 990	36 692

Diagram 24. Number of counselling contacts

than in the previous year.

The volume of counselling by information line and at appointments has reduced somewhat and the number of e-mails has slightly increased.

The Labour Inspectorate's counselling service is popular and necessary and clients appreciate it highly. The satisfaction survey confirms that clients are usually very satisfied with the service.

5.2 Working environment in Estonia through the eyes of working environment consultants

In 2018, we consulted at 206 companies. In 142 cases, the consultant was invited to the company by the employer. This shows that employers are aware of our services and find us on their own.

A consultant's priority is staring up companies so that a good working environment can be created when the business is in the initial stage.

Our counselling effort covers workplaces of ca 11,000 employees. In order to improve the working environment, we made more than 2,000 proposals and suggestions.

One employer said after a consultation that she learned more in five hours and gained some insights into what to change in the company than during ten training days at an educational institution. During consultation, the topics that are important for the particular company are discussed and issues that have arisen on the spot are discussed.

Consultants help employers to contemplate which requirements and good practices apply in the specific working environment. It is possible to discuss the existing safety instructions and find ways to improve them.

A consultant can also help identify simpler problems that the employer is unable to notice. There were wide windowsills in one kitchen and the employees put the roller blind chains on the shelves and other objects near the window. One chain was rested on a holder of five sharp knives. With one wrong movement, an employee could have injured his or her hand. The solution was very simple – small hooks attached to the sides of windows so that the blind's chains can be rested on them. The first step in resolving a problem is identifying it and consultants can help employers in this task. Solutions to problems are not always as easy and clear; however, it is better to be aware of a problem so that a solution can be found. It is not reasonable to wait for a problem to show up as an accident.

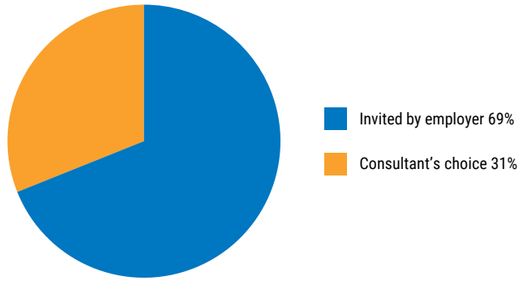


Diagram 25. Division of counselling cases (2018)

Counselling dealt with either the entire working environment of a company or a specific topic. Some examples:

- A company wished to improve a device. By installation of a source of ultraviolet light, it was intended to improve product quality (extend the storage time of a food product). The employer wished to be sure that the source of light to be added would not harm the health of employees. During consultation, we arrived at a solution how to add the device without exposing employees to ultraviolet light.
- We consulted a company that intended to renovate a multi-storey office building. Renovation works were planned to be performed floor by floor. The consultant discussed with the employer which requirements should be added to the contract to be concluded with the builder to ensure normal working conditions for the employees working on other floors and how to reorganise the work of those employees whose work floor is being renovated.
- An education specialist of a local municipality made a suggestion to consult all schools in the rural municipality. As a former headmaster, she considered it necessary to help current headmasters better organise occupational health and safety with the help of the counselling service.
- We consulted a company that intended to rent rooms for ten years. Before concluding the contract, the company's representative together with a consultant inspected the rooms to be sure that a suitable working environment can be created in the premises. A representative of the landlord was present at the meeting and received information about problems that required resolution.

Year after year, the working environment consultants have given suggestions regarding same occupational health and safety violations:

- Risk analysis must be amended and improved. There are companies where no risk analysis exist, usually starting up and small companies;
- No action plan to reduce or avoid the impact of risk factors has been prepared based on the risk analysis;
- Safety instructions were mostly in place in companies but required improving and amending to meet the actual situation and work processes;
- Conducting a systematic internal control has not been considered. This would help the employer to discover shortcomings themselves;
- Organising health examinations is insufficient, the set terms are not kept during the first and periodic health examinations;
- Violation of handling requirements of hazardous chemicals – no information about the qualities of chemicals used and how to use them safely;
- Problems with workplace ergonomics – for example, employees work all day long on laptops. There are problems with regulating the work chair and desk, lack of necessary auxiliary tools, e.g. foot supports;
- A problem is also violations related to the use of work equipment: e.g. equipment lacking emergency stop devices, protective guards by the manufacturer are removed, i.e. an employee's access to dangerous moving parts of a piece of equipment is not restricted, adjustable guards are not regulated to match the size of processed material.

5.3 Communication and external relations

In addition to supervision and counselling, our main task is to apply preventive measures and provide information to give the parties of a labour relationship knowledge on what is considered a good labour relationship and how to work safely and healthily. We provide information about our activity and give regular overviews of the situation on the labour market. We respond to queries we have received, organise information events, campaigns, publish informative materials, and manage information channels. The Labour Inspectorate administers its own web page, the Tööelu portal, and social media channels.

In information dissemination, we cooperate with European institutions and inspectorates and the European Agency for Safety and Health at Work (EU-OSHA). In 2017, information sharing and preventive measures were financed by the European Social Fund aid eligibility criteria 'Development of working environment that maintains and sustains capacity for work 2014–2020'.

5.3.1 Preventive and information campaigns

Information campaign 'Know your rights – notice a threat'

In September and October, the Labour Inspectorate conducted the information campaign 'Know your rights – instructing and training'. The campaign was designed for work age population that speak Estonian and Russian. During the campaign, we used already existing visual materials, radio and video clips. Video clips were dubbed into the Russian language.

Various advertising formats, such as LED screes, billboards, and pillars, were combined for outdoor advertising, in addition to cinema media. The objective of outdoor media was to achieve coverage in various regions of Estonia. Online media (internet) as a media channel was also targeted to employees and employers and the channel was chosen to achieve maximum coverage in the target group. Special attention was paid to the target group of men aged 25–34, with whom most occupational accidents happen. Radio as a communication channel leveraged digital media and outdoor media.

One of the focal events of the campaign was the occupational safety instruction week 'Contribute to safety, now!'. Companies had to register to the initiative and send materials about instructing and training or some other occupational safety or health related situation. During this week, in the Facebook page of the Tööelu portal, four videos and more than 40 photos with the campaign elements from different companies were published. Forty-eight companies contributed to the initiative. We recognised all participants in the Tööelu portal and social media channels. We acknowledged the companies for their participation.

EU Agency for Safety and Health at Work campaign 'Healthy workplaces manage dangerous substances'

A two-year long campaign 'Healthy workplaces manage dangerous substances' 'of the EU Agency for Safety and Health at Work (EU-OSHA), which is carried out concurrently in more than 30 countries, commenced in 2018. The objective of information dissemination is to draw attention to the risks arising from hazardous substances in the working environment. In Estonia, the campaign focuses on carcinogenic substances and work-related cancer. In August, topical seminars were held; during the pan-European occupational safety and health

week, already the 20th Occupational Health Day was organised and working environment movie nights were held in Tallinn and Pärnu.

5.3.2 Information mornings and roundtables

In 2018, we continued holding information mornings on labour relations, occupational safety and health for the representatives and employees of micro, small, and middle-sized companies all over Estonia. In 2018, we organised 37 information mornings where 825 people participated.

Lecturers of information mornings were the specialists of the respective area of the Labour Inspectorate. The topics covered were slipping and stumbling, labour relations, the working and rest time of drivers, occupational safety on construction sites, at production companies, in the hospitability sector and spas. Work at night, working by minors, biological and chemical hazards, amendments of the Occupational Safety and Health Act, working at an office and remote working, and working and rest time were additional topics discussed. In addition to information mornings, the representatives of the Labour Inspectorate participated in 19 roundtables where the general situation of the working environment and labour relations and safety of chemicals were on the agenda. We took part of various information events where the representatives of the Labour Inspectorate were invited to talk.

Six roundtables in counties were held to focus on the situation and future of the working environment in Estonia. At the roundtable, Maret Maripuu, Director General of the Labour Inspectorate, gave an overview of the working environment in the previous year and Meeli Miidla-Vanatalu, Deputy Director General in the Field of Prevention and Legal Affairs, talked about new regulations governing the field of work.

Napo safety lessons for children

Napo, the mascot of the EU-OSHA, met altogether 2,000 children across Estonia during the year. At safety lessons at kindergartens and primary schools and large safety events, Napo invited children to think about possible risk situations at kindergarten, home, and on the street.

About the working environment at fairs

In 2018, the Labour Inspectorate participated in 18 fairs across Estonia. At some of these fairs, a counselling lawyer held a lecture. The Labour Inspectorate is represented at the Estonian Unemployment Insurance Fund work and career fairs and at larger fairs, such as Maamess, Eesti Ehitab, Ehitus- ja Sisustusmess, and Instrutec. A consultant and a counselling lawyer gave advice at fairs: they provided advice, distributed materials and held quizzes for visitors. The main attraction was the Labour Inspectorate's labour relations and working environment quiz for visitors. The visitors that resolved the quiz could choose a prize of their liking from the souvenirs.

International conference 'Good working environment on an innovative labour market'

An international conference 'Good working environment on an innovative labour market' was held in Tallinn on 6 November. The rapid development of technology has brought many new things into our lives, given us many new opportunities, and made our work easier. However, many new problems have arisen. We are constantly available and we deal with work-related matters even when we have to rest. Work stress has become one of the greatest work-related health problems. We have to get used to changes and learn how to manage on the changed labour market so that a good working environment is maintained. International experts and representatives of employees, employers, and the state have discussed the changes.

Good working environment 2018

Fourth year in a row, the Labour Inspectorate recognised companies that consider occupational safety and the health of employees an important value with the Good Working Environment award. For the first time, employers could set up themselves as a candidate for the award. The award was given in two categories: company with less than 50 employees and company with more than 50 employees. In 2018, the winner in the category of large companies was Saaremaa Piimatööstus and the winner in the category of small companies was Bonava Eesti. A video was made of the working environment of both winners and it was shared in social media and made available on the homepage of the Labour Inspectorate as well as in the Tööelu portal.

5.3.3 Information materials

Publications

In 2018, five different booklets were issued, some in electronic form. In addition to booklets, four occupational safety posters were developed.

In 2018, a photo competition '100 years of work for Estonia' where photos depicting working at different times were welcome. The jubilee year calendar was compiled of historic photographs. Calendars were sent to companies that our consultants had counselled in the years of 2015–2018.

Information letter designed for a starting up company

We send an information letter to new entrepreneurs to help people that have established a new company to understand the need of management of working environment, to create safe and healthy working conditions, and have correct labour relations. We send the information letter electronically to new registered companies. In 2017, the letter was sent to 9,690 addresses.

Magazine Tööelu (Working Life)

Four times a year, the Tööelu magazine that discusses important and actual working life issues, provide news, gives advice on labour relations, and working environment is published. Last year, the magazine was reinvented and now, the magazine shares more the experience of Estonian companies in creating a good working environment. The magazine has 3,956 electronic subscribers and we printed the magazine on paper that we distributed to libraries and cooperation partners.

All published numbers can be found on our homepage. You can subscribe to the Tööelu magazine.

Exercise along!

Two videos were made where famous people show how to do stretching exercises. One video is intended for people that mostly work in a sitting position and the other for people that mostly work standing up. The videos can be found in the Tööelu portal, on the homepage of the Labour Inspectorate, and in our social media channels.

5.3.4 Media and information channels

In 2018, our activities were covered in national and regional media altogether 2,317 times. Information sharing focused on targeted controls – the media in addition to companies were notified of these controls. Q&A of a lawyer or a consultant are still popular and enable readers to ask for advice or an explanation about an issue of labour relations or working environment. We pay more attention to sharing information through our own channels. We use our web page and social media channels. People turn to us through social media channels with their questions more often.

Tööelu portal

The Tööelu portal includes important information for employees and employers about working. Information is available in the Estonian, Russian, and English languages.

The portal was visited 514,237 times in 2018, which is 14.85% more than in 2017. The number of new visitors grew by 15.10%.

5.3.5 International and national cooperation and participation in working groups

International cooperation areas of the Labour Inspectorate are based on Estonia's membership in the European Union, Senior Labour Inspectors Committee (SLIC), and the European Agency for Safety and Health at Work (EU-OSHA).

Our close cooperation with the Baltic labour inspectors continued. An annual meeting was held. We have a good and consistent cooperation with the regional labour inspectorate of South Finland and the Polish Labour Inspectorate. We made a cooperation agreement with the Norwegian Labour Inspectorate.

Our employees participate in several international and national working groups as experts. Our international work entail participation in posted workers related projects and working groups. We also take part in the SLIC cross-border temporary agency workers project (SLIC TWA), the European Commission financed posted workers cross-border supervision project (INTEFP), Jyväskylä University led 'Protecting Mobility through Improving Labour Rights Enforcement in Europe' (PROMO) project and in the work of the European platform of undeclared work together with the Tax and Customs Board.

We also take an active part in various SLIC working parties and the EU-OSHA network. Information is exchanged on the international level through the European Commission Internal Market Information System (IMI) as well as individual inquiries and the Senior Labour Inspectors Committee information system KSS. Inquiries mainly concern the applicable law in the Republic of Estonia.

At the national level, our employees participate in the extensive working group established to regulate immigration and the market supervision working group.

6. LABOUR DISPUTES

A labour dispute committee is an extra-judicial dispute resolving body. Extra-judicial resolution of labour disputes was regulated by the Individual Labour Dispute Resolution Act that entered into force in September 1996 and is now regulated by the Labour Dispute Resolution Act that entered into force in 2018. A labour dispute committee resolves only disputes arising from a labour relation, i.e. a labour dispute between an employee and an employer.

One of the objectives of these committees is to reduce the workload of courts. Statistics prove that the committees fulfil this objective. On an average, labour dispute committees resolve 2,600 disputes. The year of 2018 did not differ significantly from this average.

In 2018, labour dispute committees received 2,716 labour dispute petitions, a number that is a bit higher than a year before.

Most often remuneration claims are submitted, i.e. unpaid holiday pay and benefits that account for ca 60% of all claims.

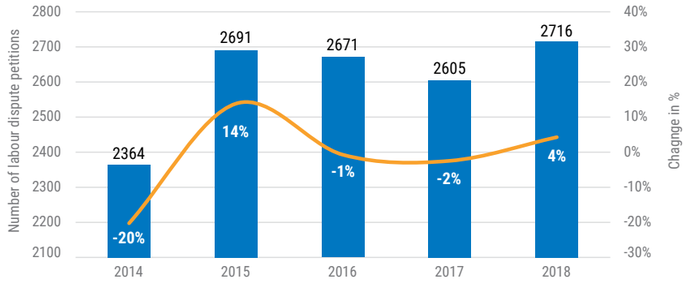


Diagram 26. Number of labour disputes

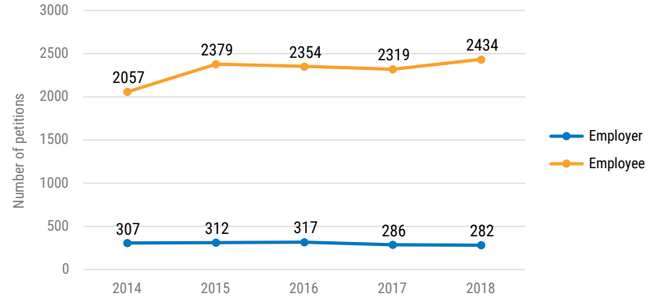


Diagram 27. Number of petitions

Employers often turn to labour dispute committees with claims challenging the cancellation of employment contracts. Such claims account for over one third of claims submitted by employers. Every fifth petition includes a claim of compensation of property damage caused by an employee or a claim for compensation related to leaving of work of an employee.

The largest number of labour disputes are in construction, wholesale and retail trade, and metal products industry. Builders, truck drivers, customer assistants, and welders have disputes most often.

Labour dispute matters are resolved by a written procedure, ordinary procedure, or conciliation procedure. Matters are mainly resolved during an ordinary procedure, ca 17% of petitions were resolved during a written procedure, and only three proceedings were resolved through a conciliation procedure.

The difference in the decisions/rulings of labour dispute committees is due to compromises and other counterclaims in which case proceedings are aggregated and the matter is resolved with a decision or ruling. Almost half or ca 45% of disputes ended in a ruling of the chairman of a labour dispute committee (confirming of the compromise, refusal to accept the claim, ending of a dispute due to no show or waiver by the petitioner). Every other dispute was resolved with a decision. In the case of a resolution, 18% claims were satisfied completely, 26% of claims were satisfied partly, and 11% of claims were not satisfied by the labour dispute committee. As the number of claims submitted by employers has not changed, it means that last year more employees turned to labour dispute committees.

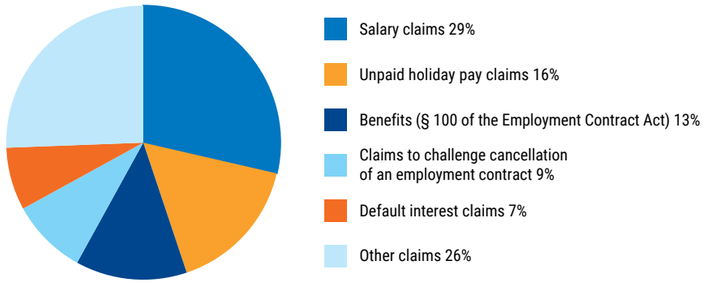


Diagram 28. Claims filed by employees

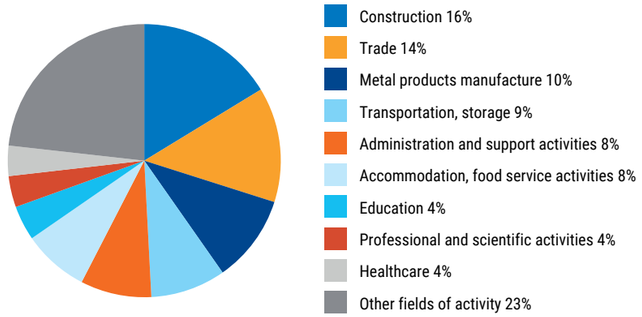


Diagram 29. Sectors that have most labour disputes

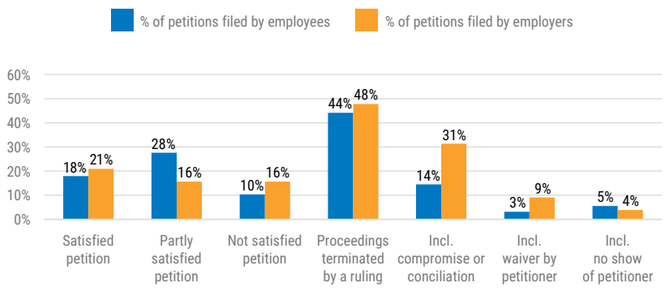


Diagram 30. Share of verdicts by petitioners

Although most labour disputes happen in Harju County (ca 60% of disputes), this year the number of labour disputes grew in Tartu County and Ida-Viru County. As typical for Ida-Viru County, several claims (39 claims) are filed against one employer and often the nature of the claims is same – wages have not been paid to the employees. In past two years, the number of disputes in the metal products industry has increased in Tallinn, Harju County, and Rapla County. The main claim of employees relates to wages that they have not received, holiday pay claims, and claims to identify nullity of cancellation. The main claims submitted by employers is the identification of nullity of cancellation and damage compensation. Statistics show that disputes are resolved when the labour relationship has already ended and not when the relationship is still in force.

What changed from 2018?

In 2018, a new act entered into force that reformed the resolution of labour disputes. The objective was to create an efficient extra-judicial labour disputes resolution system, i.e. a quick and high-quality processing of a claim at a labour dispute committee, high-quality decisions, alternative opportunities for dispute resolution, legal clarity of norms applied when reviewing labour disputes, and higher competence of labour dispute committee and its chairman when resolving a labour dispute. In essence, the idea was to ensure a simple, quick, cheap, and effective resolution of labour disputes.

From 2018, the chairman of a labour dispute committee can resolve on her own monetary claims up to 6,400 euros. In other cases or if the parties so wish, the matter will be resolved at a meeting of a committee consisting three members. An important amendment was the elimination of the claim limit (formerly 10,000 euros). This means that in a labour dispute, the total amount of claims could be much larger. Claims can be merged together, i.e. an employee may submit different claims to a labour dispute committee that will be reviewed concurrently (at one session) and one decision is made regarding the claims. For example, an employee submits a claim about unpaid wages in the amount of 3,000 euros, a holiday pay claim in the amount of 3,000 euros, a bonus payment claim in the amount of 100 euros, and at the same time wishes to challenge the cancellation of the employment contract and demand compensation in the amount of average wages of three months 9,000 euros. Is such a case, the total amount of claims is 15,100 euros and before the year of 2018 the employee had to go straight to court.

An important change was the obligation imposed on a labour dispute committee to guide the parties to arrive at a compromise, i.e. to do everything during the proceedings so that the parties would reach another agreement or resolve the dispute with a compromise. A labour dispute committee can before a session or during a session draw the attention of the parties to possible consequences and explain the benefits of a compromise. The chairman of a labour dispute committee did not have the right to approve a compromise with a ruling, which means that to receive an execution document, the labour dispute had to be resolved with a decision. From 2018, the chairman can approve a compromise with a ruling with which the proceeding of the labour dispute is terminated. The ruling sets out the conditions of the compromise. Reaching a compromise ensures quicker proceedings, as there is no need to hold a session or to prepare an actual decision. This helps save proceedings time and the expenses of the parties. There is no challenge term and the parties do not have to wait for the publication of the decision (in ten working days from the session) and the challenge term of the decision to expire (30 calendar days from the receipt of the decision).

In 2018, labour dispute committees approved 424 compromises, or ca 16% of all petitions. According to the chairmen of labour dispute committees, achieving compromises during sessions are the most memorable moments. The chairman of Tartu labour dispute committee said that reaching a compromise can be full of surprises. There are cases where the parties have large monetary claims against each other and they have fiery discussions during the session but the compromise is to part with no claim. Memorable are situations where the parties meet the first time after the termination of the employment contract in the waiting room of a labour dispute committee and reach their agreement there. The objective of a compromise is that the parties part satisfied and happy.

New types of proceedings

The new act added two new types of proceedings – written proceedings and conciliation proceedings. Most claims are monetary claims and the chairman of a labour dispute committee can process these claims in writing, for example, to review claims in regard of wages or compensation for the cancellation of the employment contract. This can be done only if the total amount of claims does not exceed 6,400 euros; the presence of parties of the labour dispute is not necessary in the opinion of the chairman and the party of the labour dispute agrees to the written procedure..

The objective of conciliation proceedings is to reach an agreement satisfactory for both parties guided by the chairman of the labour dispute committee in the capacity of a conciliator. In conciliation procedure, the parties discuss their claims and problems in the presence of the chairman of the labour dispute committee. The course of the proceedings and the decision are not made public and the parties can continue their employment relationship. If the agreement achieved as a result of conciliation procedure is not fulfilled, it can be submitted to the bailiff for execution. Conciliation proceedings enable resolution of a disagreement during employment relationship. Last year, five labour disputes were resolved using conciliation. The chairman of Tartu labour dispute committee noted that although reaching a conciliation agreement during conciliation proceedings may seem impossible depending on the attitude of the parties an agreement can be reached even in complicated situations. Both employers and employees could come to a labour dispute committee while their employment relationship is valid for conciliation proceedings to find a solution for their disagreement. The same method could be used to reach resolution of collective labour disputes.

Labour disputes about discrimination

In 2018, labour dispute committees resolved 19 labour dispute petitions regarding, among other things, discrimination or workplace bullying.

The decision of a labour dispute committee has entered into force in 11 proceedings. In eight matters the committee was requested to identify the workplace bullying of an employee and order compensation to cover related damage along with other monetary benefits. In three cases, the petition was about sexual harassment at work, two cases were related to an employee's reduced capacity to work, three petitions regarding

discrimination for family reasons and one regarding the sexual orientation of an employee, and resulting unequal treatment were filed. In two labour dispute matters, the petitioner found that they were discriminated against during employment but was unable to pinpoint in what ways unequal treatment towards themmanifested.

The Labour Dispute Resolution Act, which entered into force on 1 January 2018, removed the former monetary limit requirement when filing a petition with a labour dispute committee. In one discrimination related matter, this enabled the labour dispute committee to order compensation in the amount of 118,000 euros, although the petitioner demanded even larger compensation. This decision of the labour dispute committee did not come into force, as the parties decided to continue their dispute at county court. In other cases, the amounts to compensate non-patrimonial damage ordered by a labour dispute committee are up to 3,000 euros, unchanged compared to previous years.

Pursuant to Section 3 of the amended Employment Contract Act, an employer shall ensure the protection of employees against discrimination, follow the principle of equal treatment and promote equality in accordance with the Equal Treatment Act and Gender Equality Act, i.e. notify employees of their rights and obligations. The starting point and basis is that each person is valuable and everyone is equal before the law. Equal treatment means no discrimination. Unequal treatment or discrimination is when persons are not treated equal based on grounds of some characteristics.

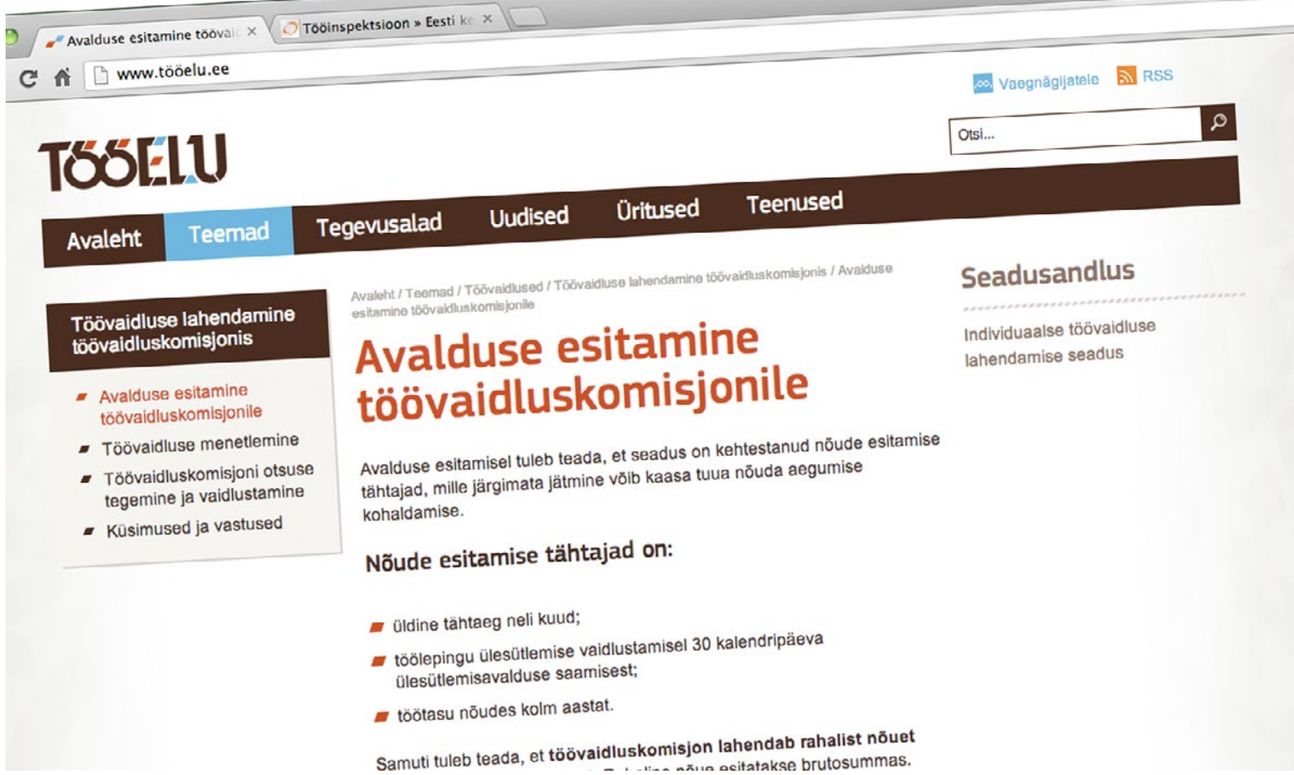
Pursuant to legislation, discrimination is taken to occur, on grounds of any characteristic, one person is treated less favourably than another is, has been or would be treated in a comparable situation. Constitution sets down that no one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds. The Gender Equality Act regulates matters in regard of discrimination on the basis of gender and the Equal Treatment Act regulates matters in regard of discrimination on the basis of nationality, colour, disability, age, religion, sexual orientation and beliefs. Discrimination can be direct and indirect. Direct discrimination is take to occur when one person is treated less favourably than another is, has been or would be treated in a comparable situation.

Harassment is direct discrimination. Harassment is unwelcome conduct or act which purpose or effect is violating the dignity of a person, especially by creating an intimidating, hostile, degrading, humiliating or offensive environment.

The right to submit a damage claim against the employer arises when the rights of the employee have been violated because of discrimination. In such a case, the person discriminated can demand the discriminating person to stop their harmful conduct and compensate the damage caused because of the violation.

Discrimination disputes are resolved by a court or a labour dispute committee, through conciliation proceedings by the chancellor of justice, or a labour dispute committee. It is also possible to contact the Gender Equality and Equal Treatment Commissioner, who counsels and helps people that suspect that they are victim of unequal treatment, i.e. the commissioner can provide the initial assessment of the situation. The petitioner has to provide facts in the petition, based on which it can be assumed that the person has been discriminated. The person against whom the petition has been filed (employer) has to prove during the proceedings that they have not violated the equal treatment principle. If the person refuses to provide proof, the refusal is considered equal to admitting to discrimination. Discrimination petitions are resolved by a court or a labour dispute committee.

Discrimination petitions are resolved through conciliation proceedings by the chancellor of justice or a labour dispute committee. A discrimination claim expires in one year from the day the victim became aware of damage or should have become aware of damage.



7. DIGITAL LABOUR INSPECTORATE

The Labour Inspectorate wishes to improve occupational safety culture at companies and thereby reduce the instances of occupational accidents and diseases. We also wish to reduce the administrative load of companies. From the beginning of 2019, the Labour Inspectorate in cooperation with the Health and Welfare Information Systems Centre and the Ministry of Social Affairs develop a working life information system, which is the starting point of the digital Labour Inspectorate.

Employers will communicate with the Labour Inspectorate through the established information system, where the entrepreneur is given a clear overview of what the state expects from the employer in the area of occupational health and safety. The system monitors the state of the working environment and displays the company its risk score. If a shortcoming is discovered, the system will notify the employer thereof with further instructions.

With the introduction of the working life information system, automatic notifications, controls and contactless supervision can be effected. The central idea is that law-abiding entrepreneurs should be disturbed as little as possible. Automatic notifications enable companies to take necessary measures to ensure a safe working environment and the protection of the life and health of the employees. The risk score of a company, regularly calculated based on the field of activity of the employer and existing data, will be the principle basis of inspection that enables the labour inspector to select a suitable method of supervision.

Automatic inspection enables increasing the scope and effectiveness of supervision. A company is checked on the spot if the risk score is high. Despite automation, a labour inspector may visit the premises to be sure that the company that has passed an inspection takes care of safety in the working environment. Effective notification and supervision helps us reach more companies, leading to a better overall working environment in Estonia.

In the first stage of development, we will develop the working life information system and its supervision module. We will also update the Tööelu portal, which will give employers access to self-servicing features. In the second stage, we will develop self-servicing tools that assists employers in identifying the risks of the working environment of their company and finding suitable solutions to manage thereof. We intend to update Stressikaardistaja, the work stress mapping tool.

The development of the working life information system is financed from the project European Social Fund aid eligibility criteria ‘Development of working environment maintaining and sustaining capacity for work 2014–2020’.

Do you have questions about working life?

The Labour inspectorate has the answers!

VISIT

The website of the Labour Inspectorate **www.ti.ee** and the Working Life portal Tööelu **www.tööelu.ee**

CALL

The lawyer's hotline **640 6000**
Mo-Fri 9.00–16.30

USE

The client portal **eti.ti.ee**

WRITE

To the lawyers **jurist@ti.ee**

INVITE

A working environment consultant to your company, free of charge **ti@ti.ee**

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