REPUBLIC OF ESTONIA
LABOUR INSPECTORATE

OVERVIEW OF WORKING ENVIRONMENT 2019

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NEW DEVELOPMENTS IN WORKING LIFE

Working life is going through dynamic changes. We find ourselves in a new environment in which numerous new positions have arisen, but where traditional occupations are still popular. The new positions mean different employment relationships, such as platform work, workbits, etc. However, the so-called classical employment relationships have not disappeared either. It is becoming increasingly important to realise that the employer is not responsible for occupational safety alone. The people performing the work must take more and more responsibility for working safely and protecting their health. This applies to new as well as classical employment relationships.

No matter whether the employment relationship is modern or traditional, the world around us has become more intensive and this also has an impact on our working environment. Every year, we have access to more and more information, technology is becoming more accurate and comprehensive, human relationships more superficial. In the working environment, this manifests in an increased number of psychosocial risks.

Observing the Estonian working environment as a whole, we may say that we have taken yet another small step in the right direction. The fact that the number of repeated occupational accidents at the same companies has decreased is a step forward. This proves that the employers learn from accidents, assess the situation, and make the required changes in the working environment to prevent the reoccurrence of similar accidents.

People have also become more interested in their rights and obligations in the working life. This is evidenced by the number of calls made to our information line and the high number of electronic contacts by e-mail, through the Tööelu portal or social media. Participation in the information days and trainings organised by us has also increased. This allows us to hope that the parties of the employment relationship wish to be better partners for one another in creating a good working environment.

Good employment relationships and a good working environment begin with openness and respect. Communication, negotiation, and discussing problems creates an environment in which new ideas can be put into practice. This will in turn help to create an efficient occupational safety culture and thereby promote the competitiveness and development of the Estonian economy.

Maret Maripuu
Director General of the Labour Inspectorate

THE LABOUR INSPECTORATE IN FIGURES

45% of the Estonian labour market and 85% of the employees are under our supervision
- According to Statistics Estonia, there are 133,784 companies in Estonia
- of which 59,803 or 45% of the entities are under the supervision of the Labour Inspectorate (companies with at least one employee with an employment contract)

The number of people employed in Estonia is 671,300
- of whom 568,197 or 85% of those employed are under the supervision of the Labour Inspectorate

There is 1 supervisory official per 1,245 companies and per 11,837 employees

As at 31 December 2019, 99 people were employed at the Labour Inspectorate. Five officials were on parental leave. There were 48 supervisory officials.

Eighteen people left and seven people were employed in 2019

Distribution of the employees: supervision 48; counselling, consultation, information sharing 19; labour dispute committees 16; support 16

Level of education: 73% higher education; 15% secondary specialised education; 12% secondary education

76 women, average age 42. 23 men, average age 54.

The wages of the labour inspectors and labour inspector-lawyers range from 1,300 to 1,800

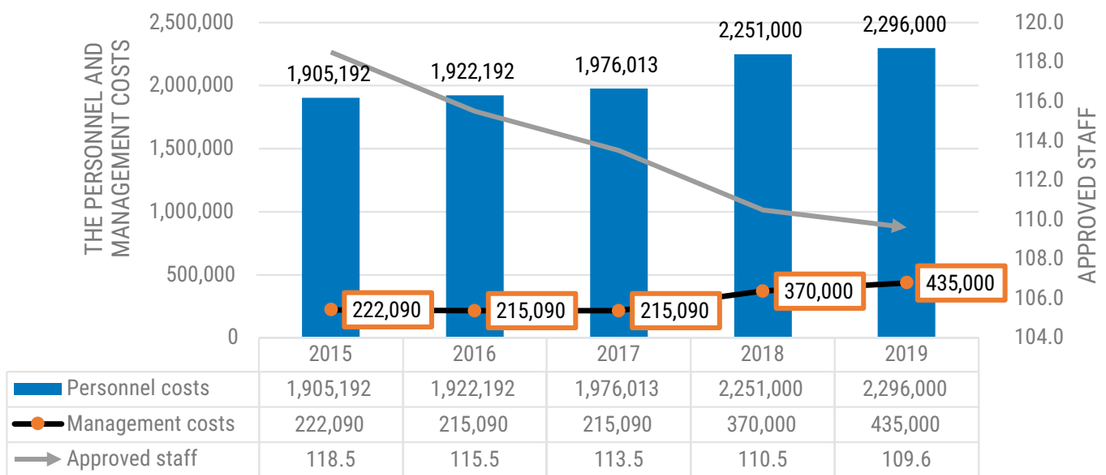
The employees of the LI have 73 children in total

Last year, the LI was approached for counselling 45,431 times, with one lawyer advising 4,543 people

One labour dispute committee settled 367 applications

The budget of the LI was 2.73 million euros (personnel costs 2.3 M euros; management costs 0.43 M euros)

In addition to the funds from the state budget, the Labour Inspectorate also used funds from the ESF TAT in 2019 for prevention and counselling operations, incl. for the development of the TEIS working life information system with the total budget of 0.93 M euros.



	2015	2016	2017	2018	2019
Personnel costs	1,905,192	1,922,192	1,976,013	2,251,000	2,296,000
Management costs	222,090	215,090	215,090	370,000	435,000
Approved staff	118.5	115.5	113.5	110.5	109.6

Figure 1. LI buget and personnel, 2015-2019

We have offices in all counties

The map of Estonia with the locations of the offices:

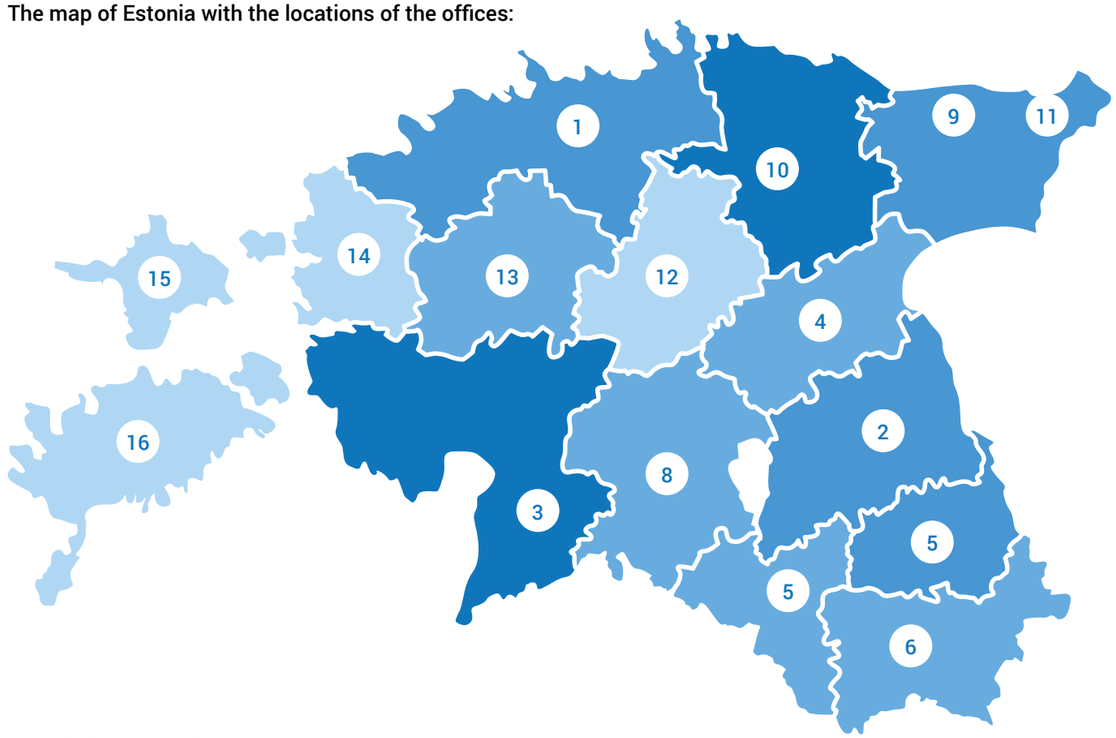


Figure 2. The offices of the LI

	Location of the office	Address	County
1	TALLINN	Mäealuse 2/3, 12618	Harju County
2	TARTU	Teguri 37, 50107	Tartu County
3	PÄRNU	Uus 2, 80010	Pärnu County
4	JÕGEVA	Suur 3, 48306	Jõgeva County
5	PÕLVA	Kesk 20, 63308	Põlva County
6	VÕRU	Lembitu 2a, 65608	Võru County
7	VALGA	Vabaduse 26, 68204	Valga County
8	VILJANDI	Lossi 19, 71020	Viljandi County
9	JÕHVI	Malmi 2B, 41537	Ida-Viru County
10	RAKVERE	Kreutzwaldi 5, 44314	Lääne-Viru County
11	NARVA	Grafovi 21, 20308	Narva
12	PAIDE	Tallinna 18, 72711	Järva county
13	RAPLA	Tallinna mnt 14, 79513	Rapla County
14	HAAPSALU	Lahe 8 (the outbuilding), 90503	Lääne County
15	KÄRDLA	Leigri väljak 5, 92412	Hiiu County
16	KURESSAARE	Lossi 12, 93816	Saare County

AN OVERVIEW OF THE ESTONIAN WORKING ENVIRONMENT

According to Statistics Estonia, the labour participation rate in 2019 was 71.6%, the employment rate 68.4%, and the unemployment rate 4.4%. The annual average number of people active in the labour market was 702,600 in 2019; 671,300 were employed. In 2019, 586,200 people worked full-time. The number of people working part-time was 85,100, slightly more compared to 2018. The number of unemployed people decreased by 6,400 compared to 2018 and was 31,300. The number of the long-term unemployed has also dropped and is now 6,200.

The Labour Inspectorate has a supervisory role over the companies with at least one employee working based on an employment contract or with board members active as employees. The companies where the relationships between the employees and the employer are regulated based on the Law of Obligations Act are not under our supervision.

	2015	2016	2017	2018	2019
The number of the employed (according to Statistics Estonia)	640 900	644 600	658 600	664 700	671 300
The number of people with an employment contract (in the database of the LI)	548 514	546 623	550 775	554 174	568 197
The percentage (under the supervision of the LI)	86%	85%	84%	83%	85%
The number of companies (according to Statistics Estonia)	117 398	120 450	127 622	131 650	133 784
The number of companies (in the database of the LI)[1]	53 422	54 177	54 652	56 683	59 803
The percentage of the companies under the supervision of the LI	46%	45%	43%	43%	45%

Table 1. The Estonian working environment in figures (2015–2019)

[1] *The number of companies in the database of the LI with at least one employee based on the information of the Estonian Tax and Customs Board*

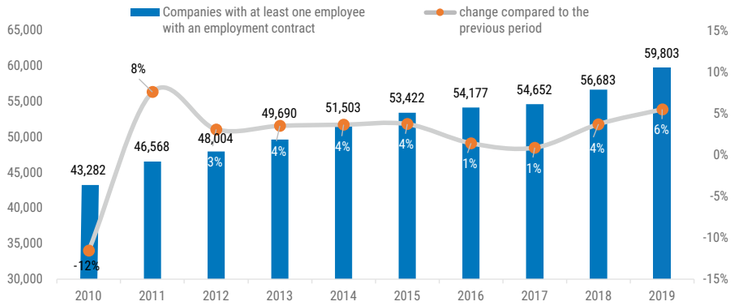
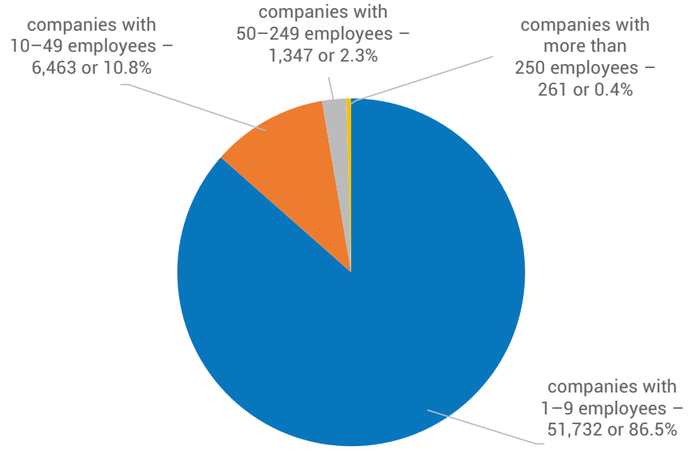


Figure 3. The number of companies under supervision in the database of the LI (2010–2019)

The entire review below only describes the working environment at the companies which are under the supervision of the Labour Inspectorate.

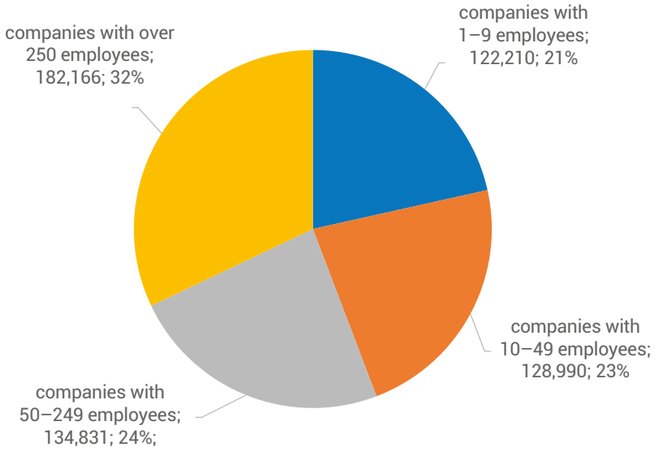
The working environment is growing every year. The number of active companies has increased significantly after 2010, i.e. after the economic depression. While there were slightly more than 43,000 active companies in our database in 2010, there are 16,521 companies more today.

The Estonian working environment is dominated by micro and small enterprises – approx. 87% of the companies have under ten employees. Companies which would be deemed average-sized in Europe but are large companies in the Estonian context (50–249 employees) account for approx. 2% of the entrepreneurship environment here and there are only 261 companies or 0.4% of the total number of companies with over 250 employees in our database.



The figure shows that even though the percentage of companies with over 250 employees is only 0.4% in Estonia, as much as 32% of Estonian employees work at these companies. Adding the companies with 50–249 employees, it appears that over a half of the employees in Estonia work at companies with more than 50 employees.

Figure 4. Distribution of companies by the number of employees, 2019



The number of employees and percentages, 2019

Based on the area of activity, most Estonian companies operate in the trade sector (approx. 9,800), construction (7,700), and professional and research activities (approx. 6,700)[1]. The real estate sector is the fourth largest (approx. 6,000). The number of companies in the processing industry as a whole ranks fifth with its nearly 5,200 companies.

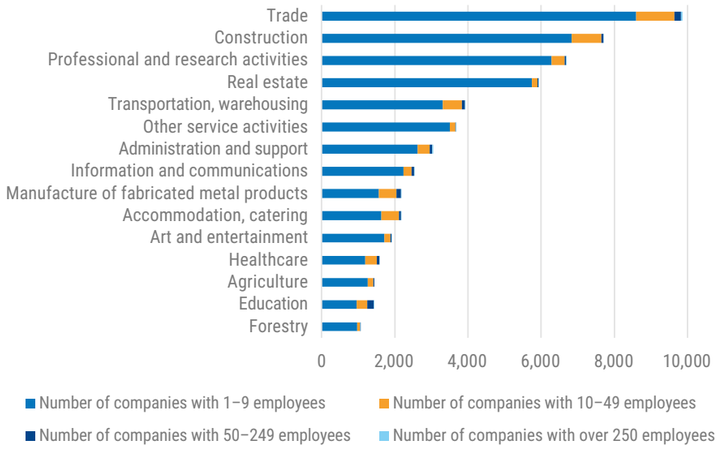
Figure 5. The number and share of employees with employment contracts at companies, 2019

[1] *Real estate sector includes apartment associations*

The sectors with the highest number of companies in Estonia, 2019

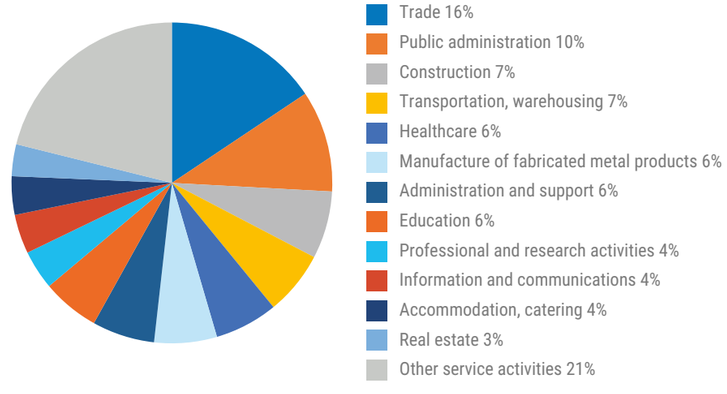
The number of employees with employment contracts is the highest in the trade, public administration, and construction sectors. Even though, according to Statistics Estonia, 18% of those employed work in the processing industry, the largest individual industry in Estonia is the manufacture of fabricated metal products.

Figure 6. The number of companies in the sector by sizes of the companies, 2019



During the year, 3,120 new companies were added to the database of the LI. The highest numbers of companies were added to the construction sector, the field of professional and research activities, and trade. By counties, more than a half of the new companies were established in Tallinn and in Harju County.

Figure 7. The percentage of employees with employment contracts in the sectors, 2019



OCCUPATIONAL ACCIDENTS

The Labour Inspectorate received 5,230 reports of accidents at the place of work in 2019. It is approx. 400 accidents less than the year before, but the number remains high and each figure represents a person who has been injured in the course of doing their work. Investigations revealed that with 378 of the reports, the incident could not be classified as an occupational accident and in 569 occasions, employers notified us of accidents which did not result in injuries to the employee. As of 2019, it is not necessary to register small injuries as occupational accidents. Employers are still required to investigate all accidents in their working environment, but the Labour Inspectorate must only be notified of the cases in which the employee's personal injury has been significant enough for them to stay home with a certificate of incapacity for work. Therefore, the overall number of occupational accidents also dropped by almost 900 cases.

Based on the official statistical data on occupational accidents, 4,265 occupational accidents occurred in 2019, of which 3,125 resulted in a minor injury to the employee, 1,125 in a serious injury, and 15 ended with a loss of life.

The numbers of serious occupational accidents or fatal occupational accidents did not decrease compare to the year before.

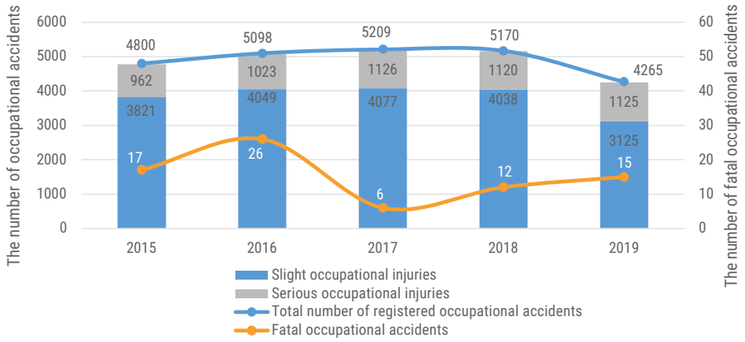


Figure 8. Statistical data on occupational accidents by the level of severity, 2015–2019

The statistical data on occupational accidents is based on the data of occupational accidents officially reported by employers. Based on estimations, however, as in other EU member states, the number of occupational accidents officially registered in Estonia is lower than the number of actual accidents. Thus, it is necessary to continue to explain to the employers as well as employees that occupational accidents must be reported, as the aim is to prevent similar accidents in the future.

The number of registered occupational accidents has continuously increased in the last twenty years, but it does not mean automatically that the situation of occupational safety in Estonia has significantly deteriorated compared to 1999. It indicates that employers and employees are more aware and the accidents which occur at work are no longer concealed or reported as everyday traumas. Based on the registered data, we can state that approx. six occupational accidents for 1,000 workers occur in Estonia.

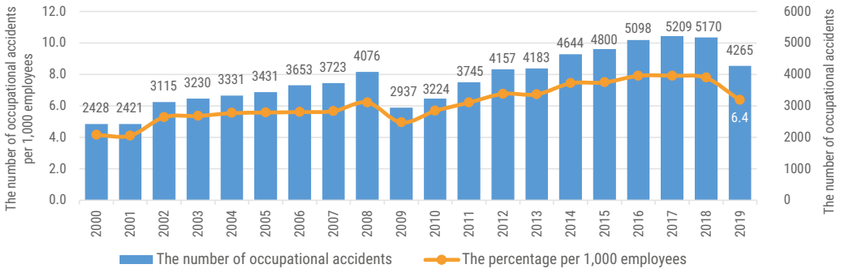


Figure 9. Registered occupational accidents and the percentage per 1,000 employees in 2000–2019

Pursuant to law, only the accidents that occur to a person who is employed based on an employment contract are deemed occupational accidents. The situation of Estonian employment relationships is, however, much more diverse. Contracts for services, authorisation agreements, working as a self-employed person or through one's own small company are quite common. It is important to realise that only employment contracts ensure social protection in the event of occupational accidents.

Let us also take a closer look at the fatal occupational accidents in the last twenty years. The situation has improved compared to that of 20 years ago, but no one should lose their life in the course of performing their occupational duties. Based on the temporal trend, is appears that our working environment has returned to the situation of 2012–2015, even though it should be much better thanks to our current knowledge and preventive action.

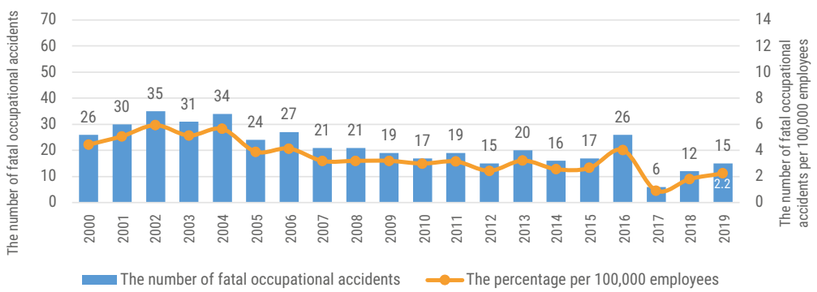


Figure 10. Fatal occupational accidents and the percentage per 100,000 employees in 2000–2019

The statistical data shows that roughly a third of all occupational accidents involve employees who have been employed less than a year. This includes young people who have just started their professional lives as well as those who have switched jobs and have not yet mastered the work techniques in their new position. This means that training and instruction of new employees should be especially prioritised.

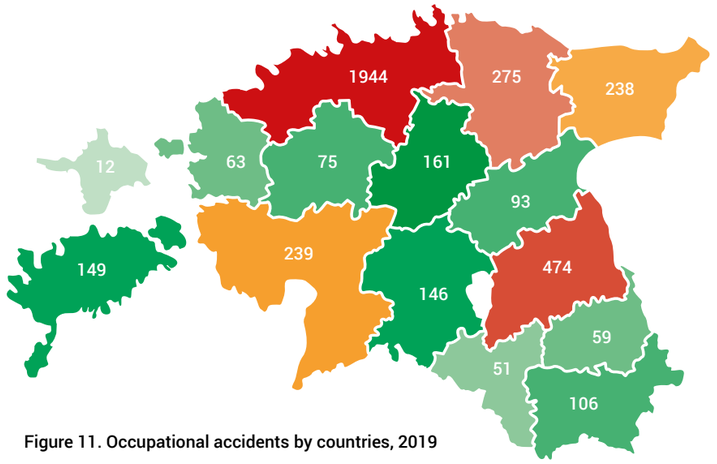


Figure 11. Occupational accidents by countries, 2019

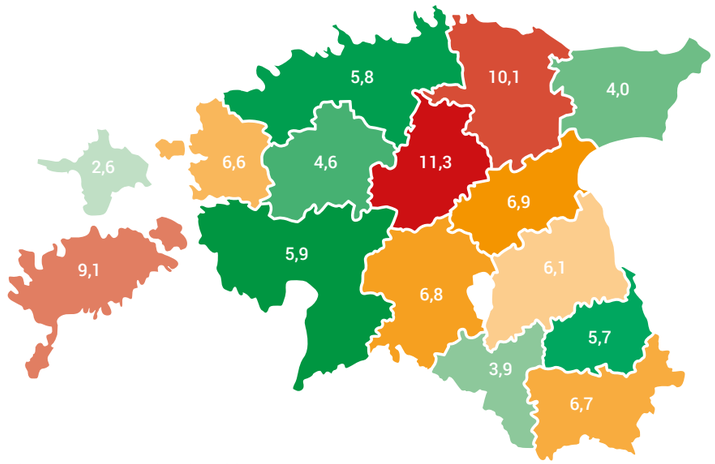


Figure 12. Occupational accidents per 1,000 employees by counties, 2019

Tööõnnetused maakondades

The highest number of occupational accidents is still registered in Tallinn and Harju County, where there are also more companies and employees than in other areas. Yet, it is good to see that the number of accidents has not increased in any of the counties in the year but has even dropped. The only county where the number of occupational accidents increased by seven cases was Saare County.

Occupational accidents by 1,000 employees

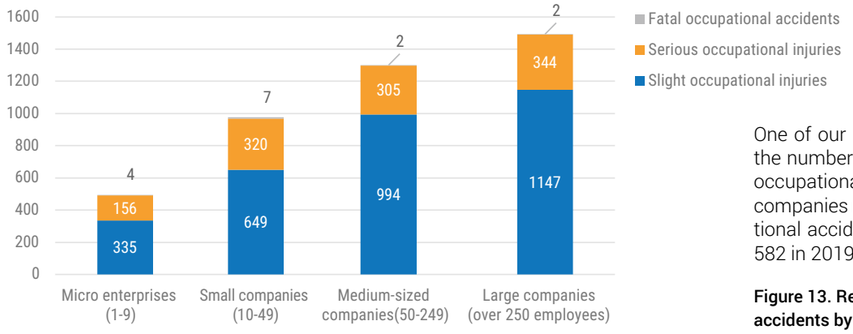
While the average number of occupational accidents by 1,000 employees is approx. six in Estonia, the counties with the highest number of accidents are Järva County with 11, Lääne-Viru County with ten, and Saare County with nine occupational accidents by 1,000 employees. The safest counties, however, are Hiiu County with 2, Valga County with 3.9, and Ida-Viru County with 4 occupational accidents. Ida-Viru with its large and hazardous industries and 59,000 employees, however, gives rise to suspicions that occupational accidents are concealed in this county.

We also register occupational accidents involving the employees of Estonian companies which occur outside of Estonia. In 2019, 178 such cases occurred, which is four incidents less than the year before. The highest number of these occupational accidents occur to our employees in Finland and Sweden – construction workers in Finland and truck drivers in Sweden.

The profile of the companies where occupational accidents occur

The size of the companies in which occupational accidents occur also provides important information. Larger companies where the working environment is properly dealt with employ working environment specialists and these companies do not conceal occupational accidents but report them as required. Smaller companies are less noticeable, as we may not even learn about the incidents taking place there. Hence, we never pillory the companies based on reporting occupational accidents, as the overall impression may be misleading. We hope that every incident teaches the employer to work on their working environment to avoid and prevent further hazardous situations.

Last year, the highest number of occupational accidents occurred in large companies (35% of the occupational accidents), followed by medium-sized companies (31%), small companies (23%), and micro enterprises (12%). The fact that fatal and serious occupational accidents tend to occur at micro enterprises and small companies should be taken seriously, however. While large companies report almost all occupational accidents properly, it is clear that the percentage of reporting serious occupational accidents is higher in the case of smaller companies because such accidents cannot be concealed. Thus, smaller companies experience approx. 10% more serious occupational accidents compared to large ones.



One of our important goals is to reduce the number of companies with repeated occupational accidents. While 643 companies reported at least two occupational accidents in 2018, this figure was 582 in 2019.

Figure 13. Reporting of occupational accidents by the size of the company, 2019

The working days lost due to occupational accidents

Occupational accidents are classified as slight and serious injuries and fatal occupational accidents in Estonia based on the diagnoses determined by physicians. This definition does not however indicate the severity of the occupational accident itself.

Another option for determining the severity of an occupational accident is based on the number of days of incapacity for work. Some less serious injuries do not result in incapacity for work or the duration of the period of incapacity for work is very short. Incidents where the employee remains at home due to incapacity for work for more than 30 days may be deemed serious occupational accidents or accidents with serious consequences. Most EU countries use this definition.

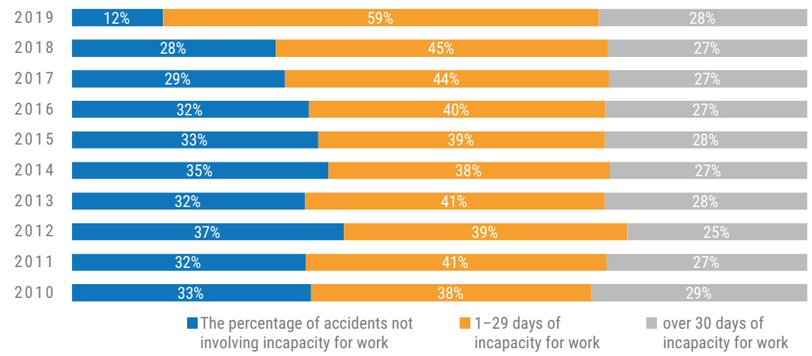


Figure 14. The percentage of the working days lost due to occupational accidents, 2010–2019

As shown, the number of the cases which did not result in incapacity for work has increased significantly in the last few years. Thus, in order to alleviate the administrative load of the employers as well as the Labour Inspectorate, the obligation to report such incidents to the Labour Inspectorate was abolished. Some of such incidents are still included in the statistical data of 2019 but the reporting is no longer wide-spread.

One of the important sources for us is certainly physicians who notify the Labour Inspectorate of potential occupational accidents and it may be presumed that this has also significantly reduced the concealing of occupational accidents. We monitor especially closely long-term certificates of incapacity for work, i.e. those which last over 30 days, as these usually arise from more serious occupational accidents. Our aim is to reduce the percentage of these accidents.

The data from the Estonian Health Insurance Board enables assessing the direct financial losses and lost time due to occupational accidents for the entire country and for individual employers and employees. The table below shows that the both number of days of incapacity for work compensated by the Health Insurance Board and the amounts of the compensation have increased year-by-year.

Compensation for occupational accidents	2015	2016	2017	2018	2019
Number of certificates	6 158	7 037	7464	7777	8341
The number of days compensated					
by the Health Insurance Board	137 096	139 848	149 088	155 508	158 728
The amount of compensation (thousand euros)	3 603	4 010	4 443	4 996	5 339
Average compensation per day (euros)	26,3	28,7	29,8	32,1	33,6
Average duration of incapacity for work	22,0	19,9	20,0	20	19

Table 2. The cost of compensation for occupational accidents based on the data of the Estonian Health Insurance Board, 2015–2019

Who are involved in occupational accidents and why?

We collect information about occupational accidents based on the Eurostat methodology. We analyse occupational accidents based on the description of the circumstances of the incident in the occupational accident report – the more accurately the circumstances of an occupational accident are described, the better is the understanding of the reasons why and how employees are injured. In addition to the main data – who are involved in the incidents, whether they are male or female, how old, what positions they hold – we also collect data about three indicators describing the circumstances: the specific physical activity, i.e. what the employee was doing at the moment of the accident; the discrepancy, i.e. what went wrong, and the type of the injury, i.e. the contact with the cause of the injury. This information helps us analyse the causes of occupational accidents and plan prevention, information sharing, and supervision activities.

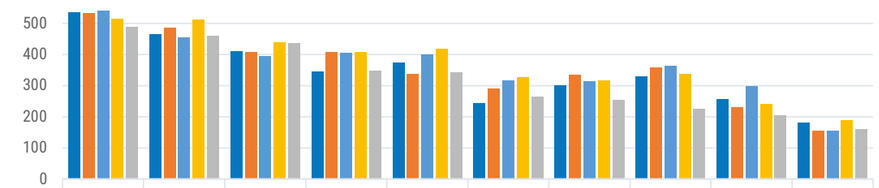
In 2019, over a half or 65% of occupational accidents occurred to men. Men aged 25–34 and women aged 55–64 are involved in accidents more frequently than others. This means that the main risk group of occupational accidents are young men, just like with traffic accidents.

MEN:	WOMEN:
Truck drivers	**Sales clerks**
Construction workers	**Support staff, cleaners in offices, hotels, and other establishments**
Rank members of the Defence Forces	**Caretakers at health care institutions**
Welders	**Customer attendants**
Transport workers and loaders	**Livestock farmers**
Mechanics and locksmiths of agricultural and industrial machinery	**Cooks**
Wood processors	**Packers**
Operators of wood processing machinery	**Postmen, couriers**
Police officers	**Top specialists of nursing**
Security guards	**Wood processing workers**

Table 3. The occupations which are involved in occupational accidents most frequently, by gender

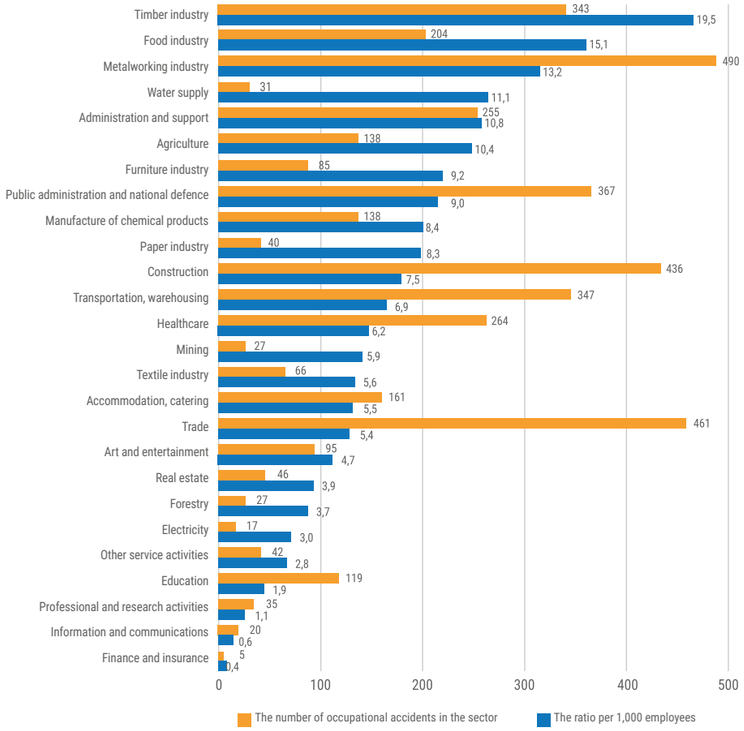
Occupational accidents and areas of activity

The highest numbers of occupational accidents were again registered in the metalworking sector, trade, and construction. While the number of occupational accidents has remained largely at the same level in most areas of activity, the situation has deteriorated in the real estate sector and in other parts of the service sector. The numbers of occupational accidents in national defence and in the public administration sector are significantly lower. This is probably largely due to the fact that accidents which do not result in days of incapacity for work are no longer registered. As these two sectors reported all potential incidents before and it is no longer necessary to report the incidents which do not involve incapacity for work, the number of incidents has dropped significantly.



	Metalworking industry	Trade	Construction	Transportation, warehousing	Timber industry	Healthcare	Administration and support	Public administration	Food industry	Accommodation, catering
2015	535	466	411	345	373	244	300	330	257	180
2016	533	486	409	407	337	291	336	358	231	156
2017	540	454	395	406	400	318	315	364	299	155
2018	514	512	440	409	418	328	318	338	242	188
2019	490	461	436	347	343	264	255	226	204	161

Figure 15. The sectors with the highest number of occupational accidents in Estonia, 2015–2019

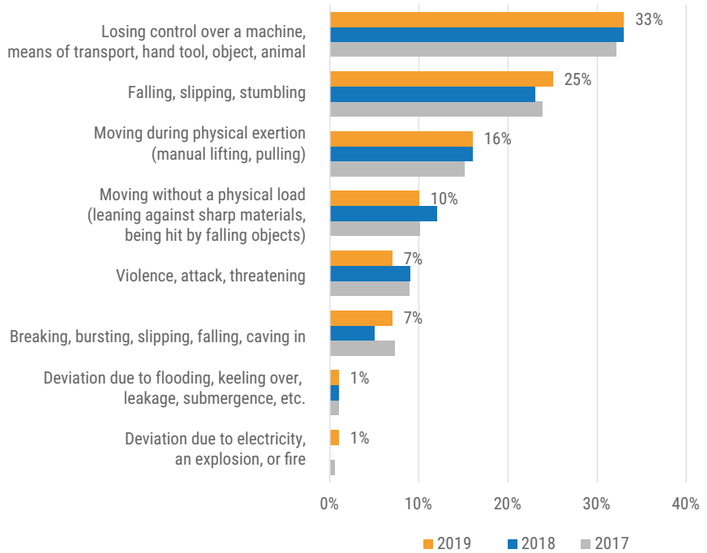


The ratio per 1,000 employees employed in the sector

An alternative perspective of the frequency of occupational accidents in different sectors is based on the ratio per 1,000 employees.

In 2019, those employed in the timber, food, or metalworking industries were still likeliest to be involved in an occupational accident in spite of the fact that the sectors with the highest number of accidents were the metalworking industry, trade, and construction.

Figure 16. The number of occupational accidents and the ratio per 1,000 employees by sectors, 2019



The deviation

Under the deviation, we examine what went wrong in the course of performing the work, which led to an occupational accident. The figure presents information of the occupational accidents which resulted in actual personal injuries or days of incapacity for work. Less severe cases which did not result in incapacity for work were left out.

Figure 17. The deviation which caused an occupational accident, 2017–2019

The occupational accidents arising from **losing control** over machinery, tools, means of transport, or animals remain in the first place. The percentage of such incidents is steadily increasing. The incidents primarily occur in the metalworking and timber industries which use various machinery and sharp tools.

The second place is again held by easily preventable accidents, such as **slipping, stumbling, and falling.** These constitute as much as a quarter of serious occupational accidents. Pathways must be clear of excessive objects. Employees may fall with serious consequences on slippery and wet floors; such falls may result in fractured bones, which are serious personal injuries and are accompanied by lengthy periods of incapacity for work.

The type of accidents in the third place, **moving during physical exertion**, basically means lifting, handling, etc. of various objects. Almost every fifth slight occupational injury occurs because the employee does not know how to lift or handle objects properly. This mainly results in the dislocation or stretching of the back, wrist, or ankle joint.

Occupational accidents with serious consequences

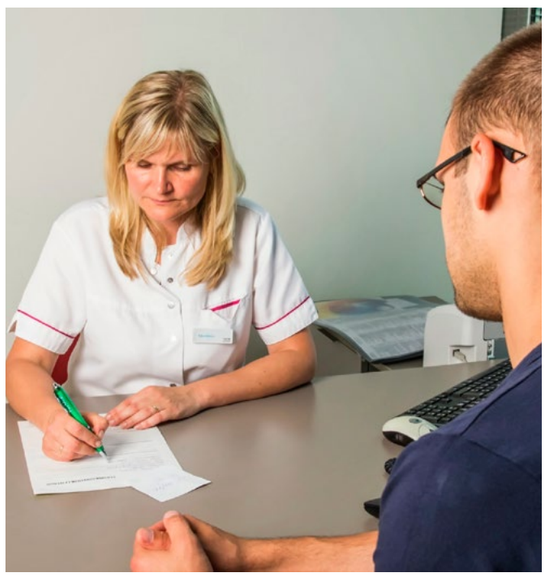
During the year, 1,125 occupational accidents (1,120 in 2018) resulted in a serious injury, which is almost the same as the year before. Of the incidents, 182 were investigated by investigators of the Labour Inspectorate. Our investigators mainly concentrate on the cases which could have been prevented. With 182 of these incidents, it is also very likely that they could have been prevented by observing occupational safety requirements.

Serious occupational accidents occurred most frequently in the sectors of construction, metalworking, and transportation and warehousing. The numbers of serious accidents increased most in the public administration and construction sectors. Public administration is primarily characterised occupational accidents caused by slipping or stumbling and the construction sector by losing control over the materials handled or tools.

The most frequent causes of serious occupational accidents:

- Almost a third of all serious occupational accidents occur when the employee drops a heavy object which they have been carrying on their foot or when the employee loses control over a machine or over the material processed.
- Thirty-one percent of serious occupational accidents arise from slipping, stumbling, or falling of the employee. This means that the accidents occur because the pathways, stairs, or outdoor territory of the company or institution were not clean and tidy or free movement was prevented by cables, boxes, furniture, stored material, finished products, etc.

These two main types of accidents alone indicate that people must pay more attention to the working environment and their activity when performing their duties to prevent accidents resulting in serious personal injuries.



Conclusively – as a rule, occupational accidents announce their arrival in advance!

Before a severe occupational accident, the company may experience five minor accidents or similar hazardous situations where no one is fortunately injured, but a failure appears in the work process. If these situations go unnoticed, the occupational accident seems to come as a surprise, but it is actually not the case.

Our investigators have noticed that, bizarrely, the number of serious occupational accidents in the construction sector, at least the number of such accidents requiring investigation, has decreased. It looks like this is extensively related to using foreign manpower. If something happens to these employees, we are probably not notified. Concealing has also resurfaced.

Protective covers, protective devices, and blockings still remain a huge problem in the case of fatal as well as serious occupational accidents. These are more and more frequently removed from machinery and equipment and this appears to be on the employees' own initiative, not on the employer's orders.

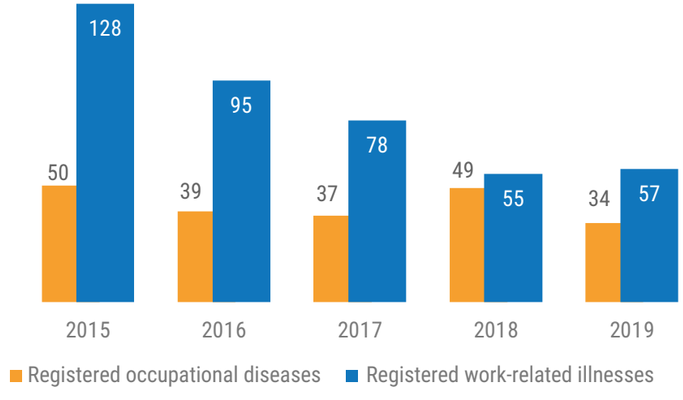
In the transportation sector, truck drivers falling out of the rear box or off a ladder in the course of loading are a massive problem. In this case and in general, we often observe thoughtless and careless action by employees which put their own lives and health to risk, as well as those of their co-workers.

In 2019, 15 people lost their lives in the course of performing their duties. The incidents can be divided into seven categories:

- **being hit by falling objects** – four employees died,
- **landslides** – three employees died,
- **traffic accidents** – three employees died,
- **falling from a height** – two employees died,
- **coming in contact with a hot, burning environment** – one employee died as a result of suffering burns in the extent of 98% of their body,
- One employee who died was **operating a forklift,**
- The death of one employee was caused by **using a firearm.**

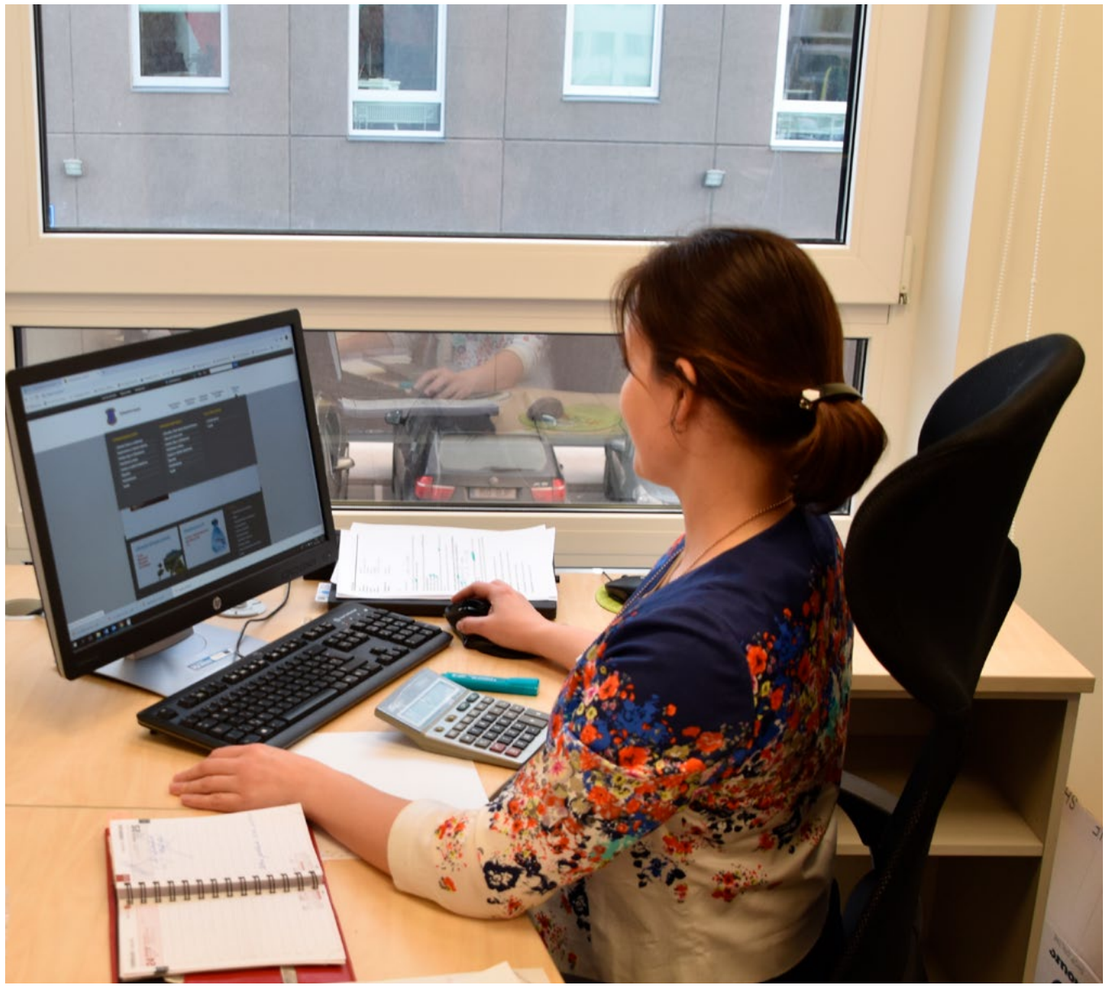
In general, the causes of occupational accidents, incl. fatal accidents, can be divided in two. In half of the cases, the employer fails to sufficiently inspect the compliance of the place of work or the tool with the safety requirements and there is no systematic organisation of internal auditing of the working environment, i.e. occupational health and safety management at the company. On the other hand, the employee is also responsible for the prevention of occupational accidents, as they must observe safety requirements or refuse to perform works which may be hazardous to their health. Careless attitude towards one's own health and safety or the health and safety of one's colleagues will sooner or later cause an occupational accident.

WORK-RELATED ILLNESSES AND OCCUPATIONAL DISEASES



In the field of occupational health, the keyword of the 21st century is the preservation of the health and capacity for work of the employees to ensure that those with reduced work capacity would also find their place in the labour market and that elderly people would remain capable for work.

Figure 18. Registered work-related illnesses, 2015–2019



The mission of the labour inspectors of the Labour Inspectorate is prevention and, if necessary, investigation of work-related illnesses.

Health checks play the most important role in the prevention of permanent incapacity for work. The development of health issues arising from work-related illnesses may be halted if they are detected in a timely manner and the person's health condition may improve if the nature or organisation of the work is changed.

Thirty-four new cases of occupational diseases[1] (OD) and 57 cases of work-related illness (WRI) were registered last year.

The youngest person developing an occupational disease was 31 years old and the oldest 88 years old. On the other hand, the youngest person diagnosed with a work-related illness was a 26-year-old cook and confectioner who was diagnosed with joint pain. Relatively short-term contacts with various hazardous risk factors may be sufficient for developing a work-related illness. The damage to the health may, however, last for the rest of the person's life.

The majority of work-related illnesses are still caused by physical risk factors, such as heavy physical burdens, forced positions, and repeated similar movements. These risk factors caused the illness in almost half of the cases of falling ill.

Overviews of the investigation of occupational diseases reveal that employees are not able to properly assess the actual impact of physiological risk factors on human health. People are also not able to associate various risk factors or take into account their combined effect. For example, the negative effect of physical exertion is higher in the case of working too cool rooms. Tense muscles attempt to preserve the overall body temperature by increasing the muscle tone, which in turn increases the muscular tensions further. Psychosocial risk factors also have a big role in amplifying all working environment risk factors.

[1] An occupational disease is a disease which was caused by a working environment risk factor or the nature of the work included in the list of occupational diseases. The list of occupational diseases was 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 which is not considered an occupational disease.

The risk to fall ill at work

There is a tendency to underestimate risks in working environment risk analyses. Health checks are often insufficiently organised. We come across situations in which employees are sent to an occupational health doctor when they have been employed for ten years or in which the deadlines for follow-up checks prescribed by the occupational health doctor have been disregarded.

Employees are also instructed insufficiently. Employees are often not told how to prevent the health issues which may arise from an excessive physical burden, how to remain in ergonomically proper work positions, or how to use proper techniques. The instructions may exist, but the employee may have forgotten the requirements.

On the other hand, it is problematic that employees do not mention all of their health issues to the occupational health doctor, as they do not believe that a slight pain in the neck could be associated with the working environment. In the worst case, people conceal the details of their health condition intentionally because they are afraid of the consequences (e.g. losing the job). The employees who have been diagnosed with an occupational disease also pose a serious problem – they have no idea what comes with an occupational disease or what to do next. We have also observed that occupational health doctors tend to easily permit employees with health damage back to work. Allowing the employee to carry on working in the same conditions tends to be the norm and applying restrictions an exception.

In the last few years, the frequency of diagnosing work-related musculoskeletal system diseases has increased. The employers and employees are becoming increasingly aware of the illnesses arising from physical risk factors – for example, being exposed to noise or vibration may result in loss of hearing.

We wish that people would also understand the impacts of physiological risk factors. Physiological risk factors include heavy physical work, repeating similar movements, forced posture and movements which cause fatigue, and other similar factors which may result in health damage over time.

Employers have realised that the labour inspectors wish to and are able to improve the working environment by issuing recommendations. Our recommendations and suggestions are taken into account in the planning of activities. It is increasingly less frequently needed to issue penalty payment warnings or implement control action; instead, employees look for good and efficient solutions to their problems themselves without having to be forced.

Since 2011, the Health Board has been drawing up in-depth overviews of occupational diseases and work-related illnesses by diseases/illnesses. The overviews of work-related illnesses can be read on the website of the Health Board, in the section of reports: https://www.terviseamet.ee/et/terviseametist-aruanded

PUBLIC SUPERVISION

We conducted 3,790 supervisory procedures
involving 3,201 companies
incl. visiting 3,398 companies
incl. conducting targeted controls based on
16 fields of activities/problems
at 759 companies

The working and rest time of 1,605 vehicle drivers was inspected in the extent of 82,662 working days

Employment in Estonia of 3,509 posted workers was registered

4,489 children under 15 years of age were employed at our companies in 2019

Registered occupational accidents – 4,265:
incl. slight injuries – 3,125
incl. serious injuries – 1,125
incl. fatal accidents – 15
Occupational accidents
per 100,000 employees – 635

34 new cases of occupational diseases and 57 cases of work-related illness were registered

15,537 violations were detected

57 misdemeanour procedures,
incl. 36 penalty payments in the total amount of 18,250 euros

Supervisory proceedings – occupational safety, occupational health, employment relationships

In general, the public supervision conducted by the Labour Inspectorate is divided into five areas of activity. The largest of these is the working environment, i.e. occupational health and safety, which forms approx. 82% of our supervisory activity. In 2019, the percentage of the supervisory proceedings which involve observing the situation of occupational safety as well as the employment relationships at the company was significantly increased. Approx. 4% of the supervision activities consisted of supervision which only involved the employment relationship, and 3% of inspection of the working and rest time of vehicle drivers.

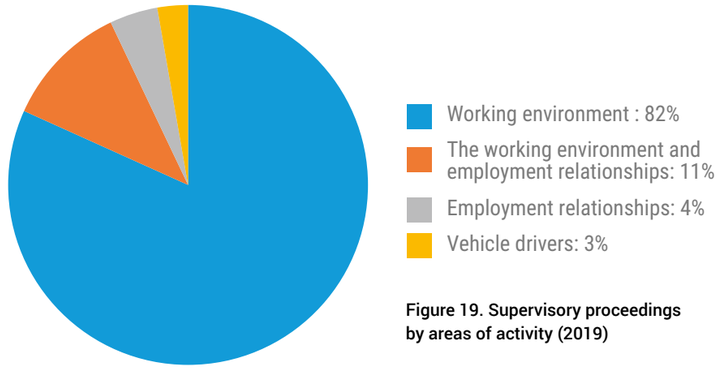
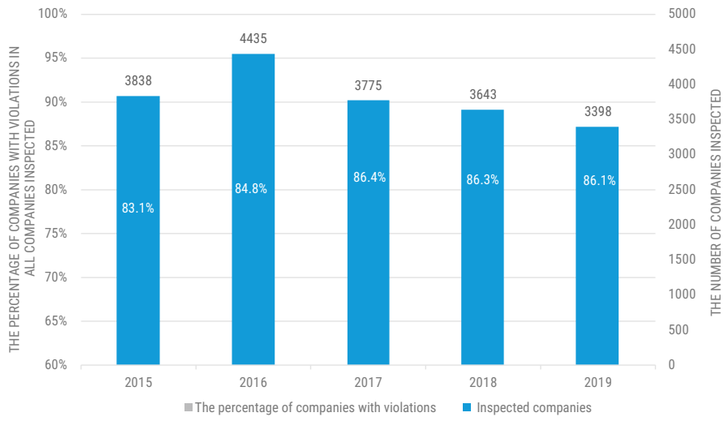


Figure 19. Supervisory proceedings by areas of activity (2019)

Within the framework of supervision, we initiated proceedings concerning 3,201 companies on 3,790 occasions in 2019. As one of our priorities is to reach more construction sites and companies as a whole including different structural units, the number of supervisory proceedings is higher than the number of companies involved in the proceedings.

Physical controls, i.e. visits to companies, were conducted 4,650 times in the year with 3,398 different companies visited.

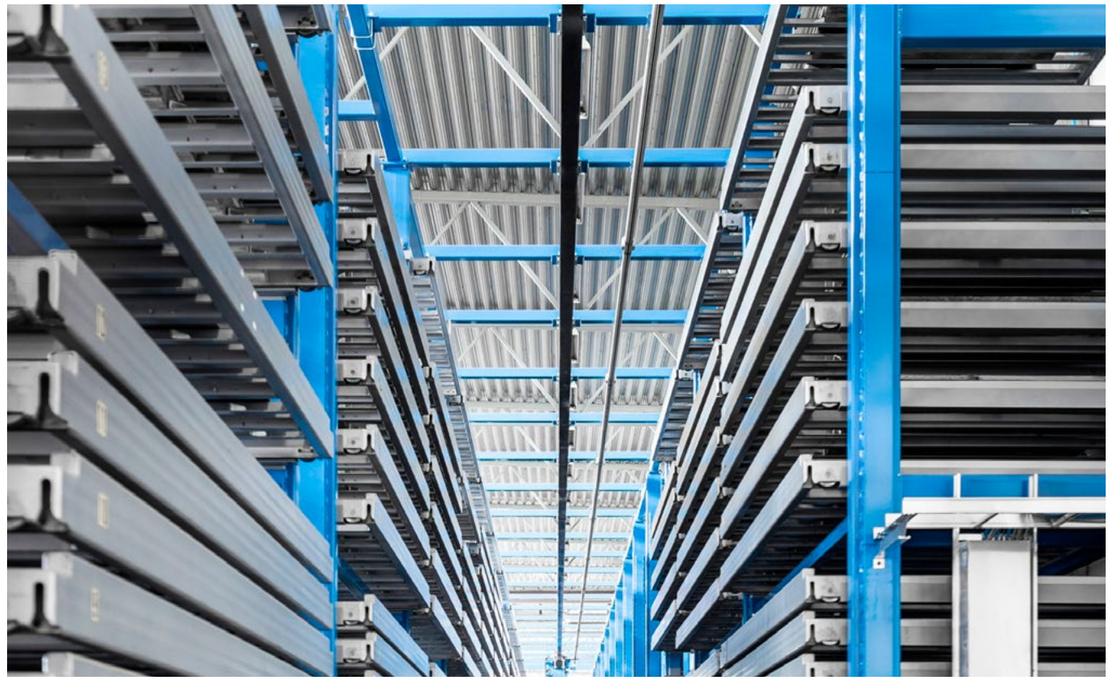
Figure 20. The companies inspected and the percentage of companies with violations, 2015–2019



In the field of supervision of occupational safety, our aim is to reduce the number of serious and fatal occupational accidents. We inspect the working environments of companies on the basis of risk ratings, which are based on the number and nature of the occupational accidents, occupational diseases, and work-related illnesses in the sector and at the specific company. The risk assessment is also based on the level of risk assigned to the sector, the time of the last visit to the company, and any deficiencies observed. Risk ratings are calculated for each specific company and the companies and organisations with the highest risk ratings are selected for inspection. The companies with repeated occupational accidents or the companies at which the employer has failed to pay sufficient attention to determining the causes of occupational accidents and prevention of similar cases are inspected separately.

With the supervision activities, we affect the working environments of approx. 97,500 employees or approx. 15% of all employees. Based on the EU strategic framework of occupational health and safety 2014–2020, the majority of the supervision activities will remain focussed on the inspection of small and medium-sized companies. Unfortunately, we have to admit that we are unable to visit all small companies, i.e. companies with less than four employees as frequently as required. We are planning other solutions for reaching these companies. For example, our consultants are focussing on new companies so that the employers would know already from the first phase of the operation of the company which working environment is a good one. We conduct targeted controls which involve inspecting a few risk factors at approx. 10% of the companies of a certain sector and draw up summaries of the deficiencies observed, which are communicated to all companies and professional organisations of the sector.

The sectors monitored especially closely in 2019 were construction, trade, transportation and warehousing.



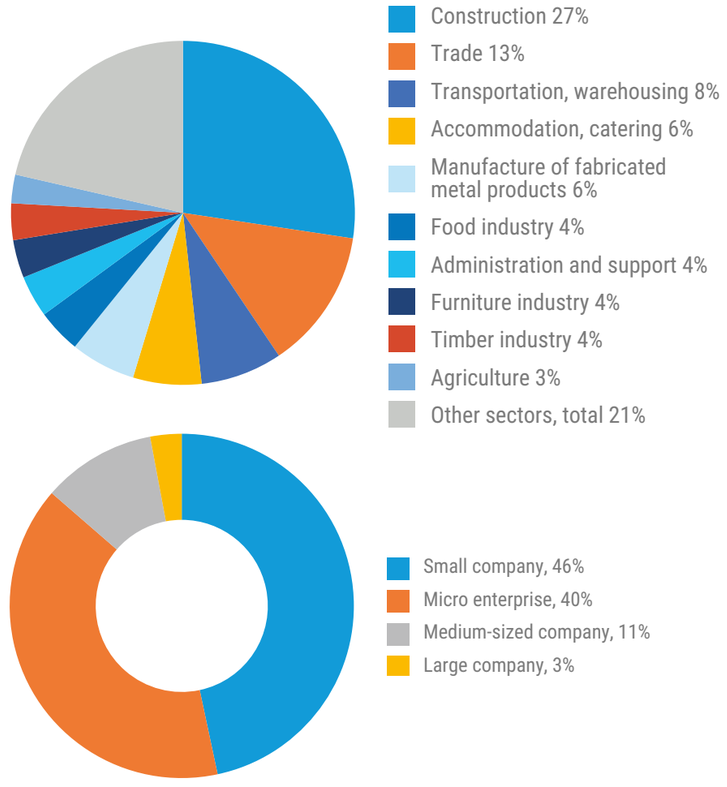


Figure 21. Supervision over sectors, 2019

We are often asked about the size of companies we are interested in. We strive towards including the entire spectrum but the proportions vary year-by-year. In 2019, our supervision was mainly focussed on small companies (on 1,520 occasions), i.e. companies with 10–49 employees; we visited 1,294 micro firms (1–9 employees) and visited medium-sized or large companies on 444 occasions.

Figure 22. The percentages of the companies under supervision by size of the company, 2019

Targeted controls based on sectors and issues

We conduced 16 different targeted controls at 759 companies in the year. The following issues and sectors were concentrated on:

- **Service (HoReCa)**
- **Joint raids**
- **Economic activities**
- **Reduced capacity for work**
- **Psychological risk factors**
- **Textile industry**
- **Working conditions of minors**
- **Occupational accidents**
- **Food industry**
- **Furniture industry**
- **Finishing works**
- **Trade**
- **Livestock farming**
- **Working at heights**
- **Transportation of passenger**
- **Posted employees**

Overviews of the targeted controls have been published in the form of press releases and can also be found on our website.

Supervision of maritime labour

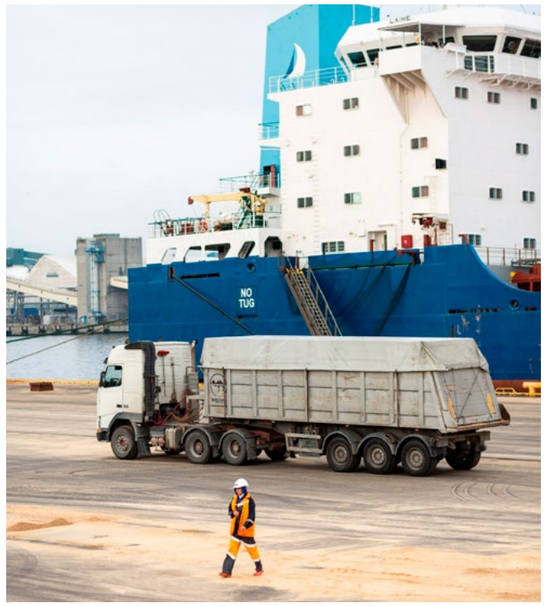
Several issues were reported to us in 2019. These were mostly related to falsely stated lengths of maritime experience by companies providing employment agency services which appeared to be located in Estonia. They had eye-catching websites, but such companies were not registered in Estonia and no activity was found at these addresses in the course of visiting. All were found to be false employment agencies mediating work for crew members. We are solving the problem in cooperation with the Maritime Administration of the Republic of Estonia and have also notified the Police and Border Guard Board and the Tax and Customs Board.

We also held several meetings with the Maritime Administration last year in connection with a project of bringing the vessels under the Estonian flag. The LI has mostly been approached with practical questions (e.g. in connection with the information and issues gathered in the course of supervision). The Ministry of Social Affairs is also involved in the project.

The most common issues found in the course of supervisory activities:

Crew members have often not been notified of all important working conditions which arise from the Seafarers Employment Act. Employment contracts have been drawn up on the basis of the requirements arising from the Employment Contracts Act, but the parties are not aware of the differences established in the Seafarers Employment Act. Namely, section 9 of the Seafarers Employment Act specifies the data which must be included in the written document of a seafarer's employment contract in addition to that provided for in section 5 of the Employment Contracts Act.

While the situation of occupational safety and the related documentation is usually more or less acceptable at larger companies, there are still problems with smaller companies (mostly fishermen) in connection with a safe working environment as well as documentation. This is usually explained by lack of employees or time, as well as insufficient knowledge of the requirements.



There have also been problems with keeping record of working and rest time. First, the form of keeping record of working and rest time is often not compliant with the requirements for the form specified in regulation no. 111 of the Government of the Republic of 10 July 2014 'The procedure of for keeping record of crew members' working and rest time' established on the basis of subsection 50 (2) of the Seafarers Employment Act. For example, working hours are recorded on a regular piece of paper (the times of working remain unclear); it is not specified whether or not the crew member participated in watch-keeping duties (which determines the permitted working time and minimum rest time required); the national legislation regulating working and rest time applicable to the vessel are not specified, etc.

The fact that the 24-hour period can begin at any time in the middle of the day (not from 12 am to 12 am) and the longest working periods must be taken into account are also often disregarded in observing the daily working and rest time requirements.

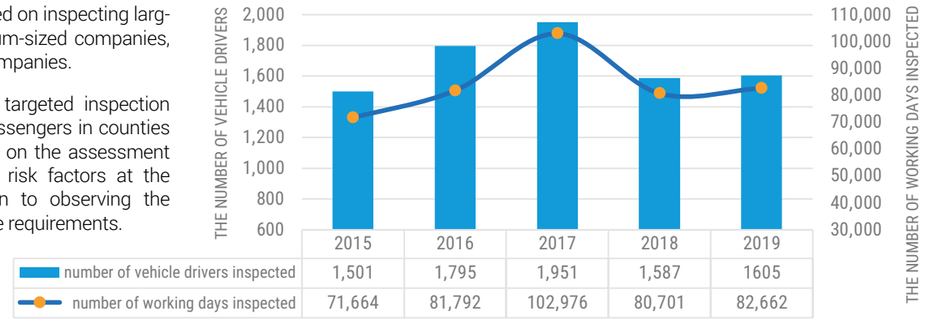
The working and rest time of vehicle drivers

State supervision over compliance with the requirements for working, driving and rest time of a motor vehicle vehicle driver and the requirements of use of a tachograph and preservation of data specified in the Traffic Act is exercised on the premises of the premises of the company by the Labour Inspectorate and on the road by the Police and Border Guard Board.

Inspection of the working and rest time of vehicle drivers shows how companies have organised working and rest time and whether the standards applicable to working and rest time are observed in order to ensure traffic safety on the roads. We inspect on the premises of the company the organisation of working time, the daily driving and rest time of the vehicle drivers, the breaks and weekly working, driving and rest times, the restrictions applicable to the driving time in two weeks, compliance of the data recorded with the help of tachographs with the requirements, as well as the payment of the wages in accordance with the general working arrangement.

Last year, we focussed on inspecting larger companies, medium-sized companies, as well as smaller companies.

We also conducted targeted inspection of the carriage of passengers in counties which was focussed on the assessment of the psychosocial risk factors at the company in addition to observing the working and rest time requirements.



	2015	2016	2017	2018	2019
number of vehicle drivers inspected	1,501	1,795	1,951	1,587	1605
number of working days inspected	71,664	81,792	102,976	80,701	82,662

Figure 23. The numbers of inspected vehicle drivers and their working days (2015–2019)

The main violations:

Copying and preservation of the 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 card at least once every 28 days and from the vehicle at least once every 90 days and the digital as well as recording sheets must be preserved at least 365 days.

Violation of the requirements for rest time

- The daily rest time requirements are still violated most frequently. Working days are so long that there is not enough time for rest time within a 24-hour period and mistakes are also made in using exceptions. Many of the violations of the daily rest time requirements occur in connection with interrupting rest time on ferries.
- The requirement of a break in the working day is also often disregarded. Drivers are namely required to take a 45-minute uninterrupted break after each 4.5-hour driving period. The break may be taken in two parts: in the form of an at least 15-minute break which is followed by an at least 30-minute break.
- Regarding weekly rest time, vehicle drivers tend to violate the requirement of 45-hour rest time. In some cases, the driver begins their weekly rest time too late, i.e. 144 hours after starting the working week.

Using the driver card

- In most cases, vehicle drivers fail to enter the country code at the beginning or end of the working day
- Improper use of the switches of the tachometer

Using the recording sheets of an analogue tachograph

- The details of rest time are not entered manually, if required
- Recording sheets are used longer than permitted
- Improper use of the switches of the tachometer

Undeclared work, joint raids, and cross-border cooperation

We inspected undeclared and illegally working persons in cooperation with the Police and Border Guard Board and the Tax and Customs Board. Citizens of third countries must be registered with the police, in the case of working as a posted employee with the Labour Inspectorate, or, as an employee of an Estonian company in the employment register.

The percentage of foreign workers has significantly increased in Estonia in the last few years and workers from third countries can be seen on almost every other construction site. Foreign workers are also increasingly reaching other sectors.

The problems experienced mostly concern the workers in Estonia from Ukraine, Belarus, Uzbekistan, Georgia, and Moldova. companies are increasingly more often developing schemes for bringing foreign workers to EU countries and circumventing the requirements required by law. For example, employees are hired by Polish companies and dispatched to Estonia but the employees have never worked for the Polish companies and in the best case, only know the name of the company with whom they signed their employment contracts. This scheme brings cheap labour to Estonia, as in the case of posted workers, it is only required to observe the minimum wages established by the Government of the Republic in the payment of wages. This scheme may also be used with the aim of circumventing the payment of taxes, while juggling between the legislation of two different countries.

This is a priority for the supervision authorities conducting joint controls, as it is also related to issues, such as employment-related exploitation and potential human trafficking. Undeclared and/or illegal employees are at a significantly higher risk of becoming victims of employment-related exploitation or human trafficking. Illegal work is also accompanied by various different tax violations, gives rise to unequal competition between companies, and provides an opportunity for exploitation of the employees, as almost no social guarantees which all employees working in the EU must have are ensured to these workers during employment in Estonia. Joint controls have also resulted in an increase in the information exchange and cooperation between supervision authorities, which makes the supervision related to foreign workers more efficient.

Cross-border cooperation has intensified significantly. The number of inquiries with the aim of submitting documents of administrative proceedings to Estonian companies has increased. The need to transmit documents arises when the labour inspectorate of another country has failed to reach the

representative of an Estonian company after several attempts. In such cases, the Labour Inspectorate sends the documents from the labour inspectorate of another country to the companies by registered mail and conducts supervision, if necessary. Unfortunately, there are also situations where sending the documents by registered mail is unsuccessful and we are also unable to contact the company in any other manner, as the details in the commercial register are incorrect.

Furthermore, pursuant to the Working Conditions of Employees Posted to Estonia Act, we are also the implementing authority in the implementation of monetary administrative measures for failure to observe the requirements applicable to posting employees. This means, for example, that if an Estonian company has failed to pay the penalty imposed on it as an administrative measure by the Finnish labour inspectorate, we will send the documents to the bailiff for enforcement. Last year, we submitted two such claims to the bailiff for enforcement.

Provision of labour market services and mediation of agency staff

As of 20 January 2019, based on an amendment of the Labour Market Services and Benefits Act, the Labour Inspectorate is in charge of supervision over fulfilling of the requirements of section 38 and subsection 391 of the Act.

In 2019, the Labour Inspectorate issued memorandums to the companies which failed to observe their legal obligation to register agency staff mediation or rental services.

We issued memorandums to 69 companies in 2019 based on the comparison of the area of activity in the commercial register and the details of their economic activities in the register of economic activities. The majority of the companies responded by submitting the required information to the register of economic activities or changing their area of activity in the commercial register.

As a result of supervisory activities planned based on risk assessment, we found violations of the Labour Market Services and Benefits Act on 20 occasions and have set deadlines for the companies for the elimination of the deficiencies.

The Labour Inspectorate did not receive complaints about illegal agency staff mediation services in 2019..

Registration of posted employees with the Labour Inspectorate

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

First, it means that the employer must compare the law of their home country to Estonian law in certain aspects and apply the provisions which are more beneficial for the employee regarding working and rest time, minimum wage, compensation for working overtime, and annual leave.

For example, if an employee is posted from Germany to work in Estonia on a temporary basis, their employer may not announce that they will only receive the minimum wage established in Estonia for the period in which they work in Estonia, they must be paid the amount specified in their employment contract or at least the minimum wage applicable in Germany for this period.

In the case of an employee posted to work in Estonia from Romania, however, they must receive at least the minimum wage applicable here for the time worked here, as the minimum wage in Romania is lower.

What does posting an employee mean for the employer?

The EU member states have established very different requirements for posted employees. Thus, prior to posting an employee, the employer must determine which requirements must be met.

Estonia established the obligation to pre-register posted employees from December 2016. An employer that is posting an employee to work in Estonia must send the details of the employee, the contracting entity, and the field of activity by e-mail. Further explanations and the form which facilitates the submission of the data can be found in the information field of posted employees on the website of the Labour Inspectorate.

Eight hundred and seventy posting notifications from 21 different European countries were registered in the system of the Labour Inspectorate in the year. Based on this data, 3,509 posted employees arrived in Estonia, which is significantly more than in previous years.

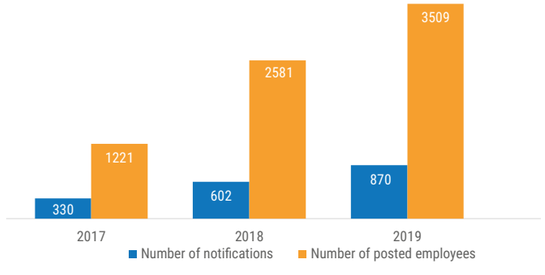
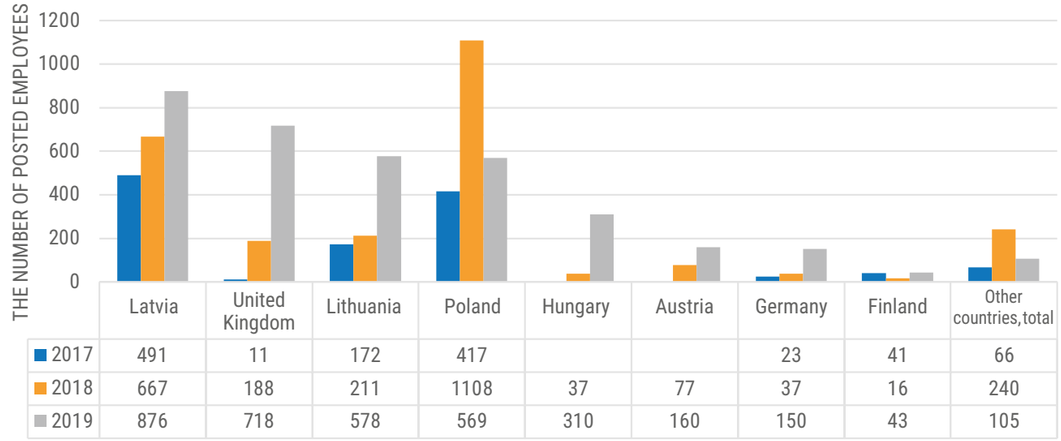


Figure 24. The number of notifications received and the number of posted employees, 2017–2019

The highest number of posted employees registered originated from Latvia (various support staff and elevator installers); the posted employees from the United Kingdom mainly come here to work in the IT sector, while installers of industrial equipment and shipbuilders are ordered from Lithuania. The employees from Poland still come to the construction sector – façade installers, masons, and carpenters.



	Latvia	United Kingdom	Lithuania	Poland	Hungary	Austria	Germany	Finland	Other countries, total
2017	491	11	172	417			23	41	66
2018	667	188	211	1108	37	77	37	16	240
2019	876	718	578	569	310	160	150	43	105

Figure 25. Posted employees by countries of origin, 2017–2019

Children and youths in the labour market

The Employment Contracts Act permits entry into employment contracts with a minor of 13 years of age for agricultural work, ancillary work performed in trade or service establishments, ancillary work performed in catering or accommodation establishments, or other light work. Thereby, the employer must take into consideration that the work provided to a child may not entail contact with working environment risk factors that are prohibited for children. Employers are not required to apply for the Labour Inspectorate's permission for employing a young person under 15 years of age; however, they must ask for the permission of the parent for hiring a child aged 7–14.

The employer must add a respective entry in the employment register ten working days before the 7–14-year-old starts working. This requirement is significantly different from the requirements applicable to adults or at least 15-year-old employees, who may be registered in the register on the day of commencement of work.

In 2019, we received information about **4,489** children and young people under 15 years of age. More and more employers are prepared to provide work for children and youths. While 687 employers employed youths in the year before last year, the number of these companies was 839 last year.

By sectors, the highest number of children were employed in the sector of public administration and education, which includes youth centres. The young people working at youth work camps are registered mostly under youth centres. Children and youths usually do lighter refurbishing works or maintenance works, perform supporting tasks, etc. By counties, they mostly worked in Tallinn and Harju County, in Pärnu County, and in Tartu County.

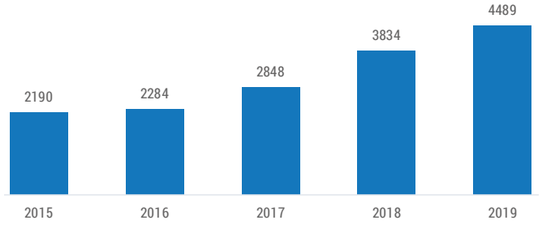
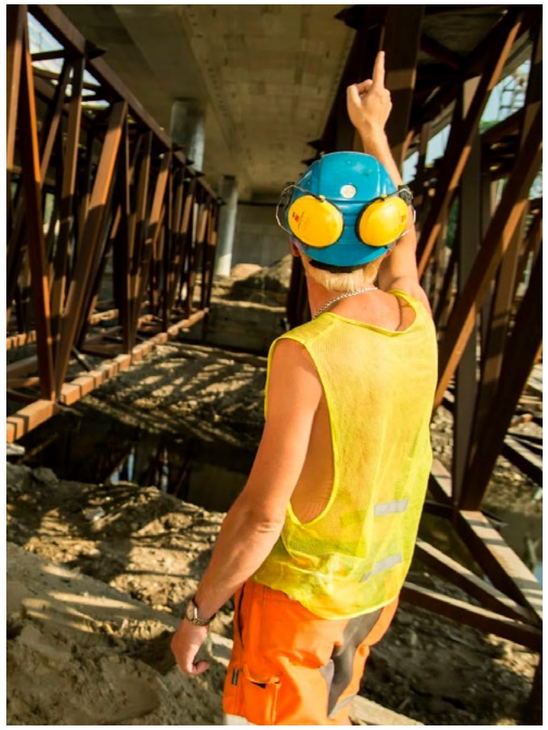


Figure 26. Registration of employment of up to 15-year-old children with the LI (2015–2019)

By the type of the legal relationship, most children are employed on the basis of the Employment Contracts Act. The percentage of contracts under the Law of Obligations Act also increased last year, however. While 17% of the minors were employed on the basis of the Law of Obligations Act in 2018, this percentage increased to 21% in 2019. By sectors, the percentage of the contracts entered into on the basis of the Law of Obligations Act was the highest in the fields of professional and research activities, accommodation and catering, and information and communications. The children working on the basis of employment contracts are mostly employed in the sector of public administration and education.



The main issues of the Estonian working environment

Last year, labour inspectors identified **15,537** violations related to occupational health, occupational safety, employment relationships, maritime work, or working and rest time of vehicle drivers. The total number of violations in 2018 was 18,181.

The number of violations has decreased compared to the year before; however, the percentage of the companies at which violations are found has unfortunately not decreased. Violations were still observed at approx. 86% of the companies inspected.

Labour inspectors report small nonconformities in writing somewhat less frequently now and tend to notify the employer verbally instead. This also significantly reduces the number of violations. On the other hand, more attention is paid to the violations which have a clear effect on the occupational health and safety system of the company.

Based on the violations, it can be stated that Estonian companies do not start from the beginning, i.e. from the assessment of the risks in the working environment and from drawing up an analysis in solving the problems in the working environment, the analyses are not updated, and the employees are not trained and instructed properly. Carrying out health checks is also clearly highlighted – not all employers wish to organise health checks for their employees and in some cases, the health checks are organised by the employer but the employee fails to show up in the agreed time.

On average, the inspectors identified five violations in the course of one inspection. In general, the number of violations at one company is not very high but there tend to be a few violations at every company inspected. The companies with branches all across Estonia usually have some issues. For example, the inspectors found the total of 78 occupational safety-related violations at the branches of one of such companies. This result clearly shows that the company is not addressing occupational safety in a targeted manner, there is no uniform occupational safety management system, and the working environment-related activities tend to be random.

The labour inspector halted the work on 198 occasions in the year to eliminate violations and the use of work equipment was prohibited on 116 occasions (in 2018, the respective figures were 174 and 307). The use of work equipment was mostly prohibited when the safety devices related to it, lifting equipment, or the equipment designed for temporary work at heights were not compliant or if broken power tools were used.

Most of the cases of halting the work involved construction works because safety was not ensured for working at heights or personal protective equipment were not used.

The biggest issues in the Estonian working environment:

At every fourth company:

- devices ensuring the safety of work equipment are not compliant,
- the safety instructions are insufficient.

At every sixth company:

- health checks are insufficiently organised,
- no working environment risk analysis,
- no instructions for providing first aid.

At every seventh company:

- employees are instructed and trained insufficiently,
- the working environment risk analysis does not reflect the actual situation,
- hazardous places and pathways are not marked as required.

At every eighth company:

- no working environment representatives or representatives of the employees elected,
- the required personal protective equipment is not issued or used.

The most significant issues related to the employment relationship are still:

- failure to notify of rules of organisation of work,
- failure to report working time,
- failure to notify of the terms and conditions of payment of wages,
- failure to notify of any special agreements,
- failure to report the terms of advance notice for the cancellation of employment contracts,
- less than 30-minute breaks per working over 6 hours,
- violation of the requirements for daily rest time,
- failure to notify of the description of duties,
- less than 36 hours of consecutive rest time,
- failure to notify of the working conditions.

Misdemeanour proceedings, penalties

The number of proceedings conducted by the Labour Inspectorate as a body conducting extra-judicial proceedings has decreased drastically since 2018 because, based on the court proceedings and judgements arising from earlier proceedings, the law in its current form was basically not enforceable according to the courts due to the special identity description 'employer' included in the composition.

This means that a situation occurred where it was not possible to apply the provisions of the liability of a natural person, as they contain the special identity description 'employer' which does not apply to any natural persons except self-employed persons. Such misdemeanours cannot, however, be attributed to a legal person, as there is no natural person who could commit the specific act in the name of the legal person as the employer.

In 2019, the Inspection could only use the legal acts which do not include the concept of the 'employer' in the paragraphs concerning liability, primarily the Penal Code and the Traffic Act as the basis for penalising.

Penalising based on misdemeanour proceedings has certainly never been the aim of the Labour Inspectorate, instead, proceedings to impose a fine are primarily implemented if the violation has been ongoing for a long period of time, affects many employees, or has put to risk the life or health of a person and it is no longer possible to eliminate the violation. For years, we have been proceeding from the principle that if an issue in the working environment can be eliminated by applying other measures, no penalties are imposed.

In 2019, misdemeanour matters were processed on 57 occasions as a result of supervision with 36 misdemeanour proceedings ending with a penalty payment. The total amount of penalty payments imposed in the year was 18,250 euros. The majority of the misdemeanour proceedings were conducted in the form of an expedited procedure. General procedures were only conducted six times and proceedings of specific acts on twelve occasions.

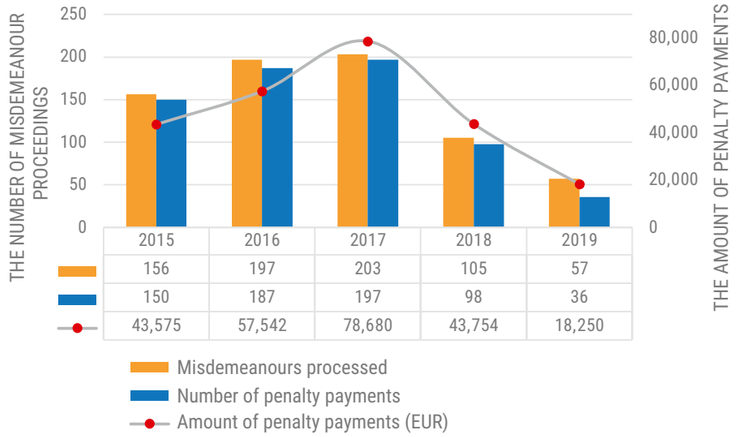


Figure 27. The number of misdemeanour proceedings and the amount of penalty payments

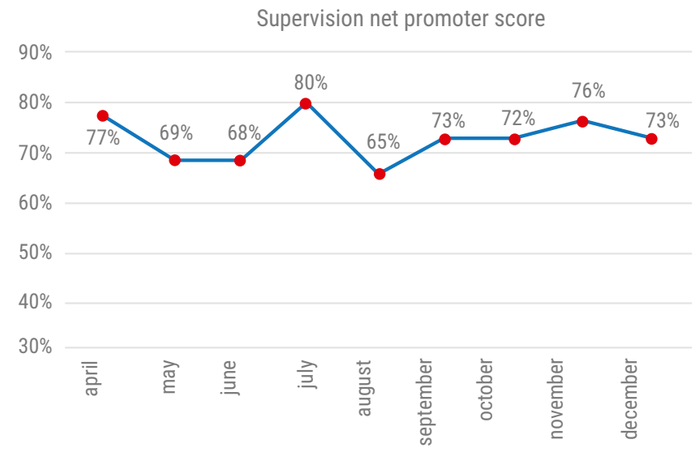


Figure 28. The supervision net promoter score by months, 2019

Employers were mostly penalised due to violations of the Traffic Act, i.e. in connection with the preservation and submission of the data of passenger and cargo carriage.

The largest penalty payment imposed on a legal person was imposed for the violation of the Working Conditions of Employees Posted to Estonia Act in the amount of 5,000 euros. The largest penalty payment imposed on a natural person was also related to the violation of the requirements of the Working Conditions of Employees Posted to Estonia Act and amounted to 500 euros.

The employers' assessment to the supervision

In April 2019, we started organising feedback surveys for the employers to determine whether our supervisory activity is competent and sufficiently clear for them and how satisfied they are with our service. We measure their satisfaction continuously and obtain the data on a monthly basis. We set the goal of at least 70% of the employers being satisfied with our competence.

We sent the total of 2,462 e-mails and received 1,335 responses, i.e. 54%, even though we had initially expected a significantly lower percentage of participation. As much as 73% of the respondents are satisfied with the supervisory service of the LI and find that the work of the inspector has been beneficial for them.

There are naturally also those who are not satisfied but thanks to them, we know better now what we should do to improve the quality of our supervisory activity.

COUNSELLING, INFORMATION SHARING, AND PREVENTION

The counselling service of the Labour Inspectorate

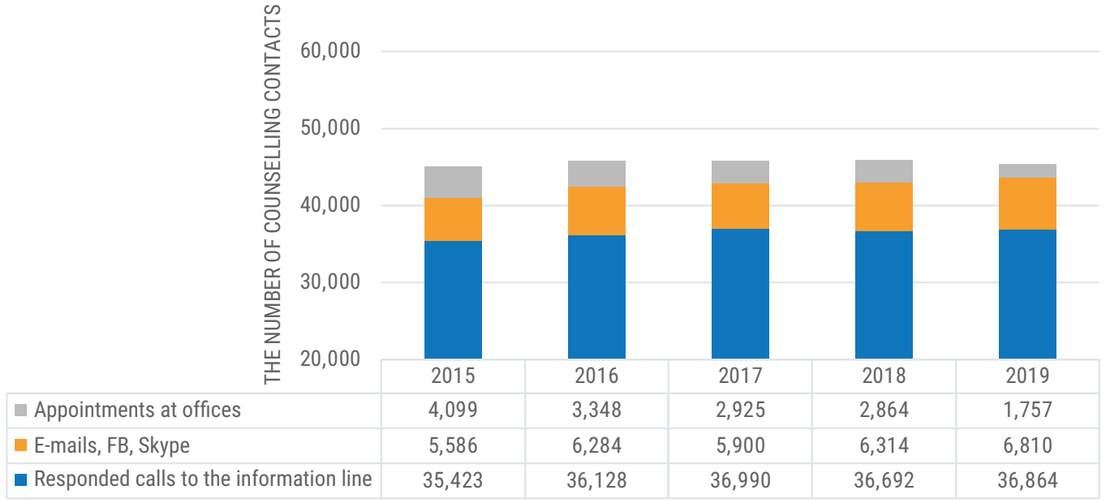
The counselling service plays an important role in increasing the safety of working life and improving the quality of working life. The counselling service is designed for all parties of the employment relationship – for employees, employers, and professional organisations. We advise people who call our information line (640 6000) and respond to the requests for explanation e-mailed to juristİät|ti.ee; we provide counselling appointments and consult companies in their premises or place of business. The service is primarily provided by the counselling lawyers and the working environment consultants and appointments can be booked with labour inspectors and labour inspector-lawyers.

The counselling service helps to act knowledgeably in compliance with the legislation regulating employment relationships and occupational health and safety and with the principles of good faith in the employment relationship, to promote lawful behaviour in the employment relationship, and thereby prevent violation of legislation, damages to health, and employment-related disputes. The counselling service also helps to preserve the capability for work of employees, to support the employer in developing the working environment, to increase the participation of the people with reduced capacity for work in the labour market, to prevent early retirement, and to ensure the sustainability of the scheme for supporting capacity for work.

45,431 contacts for counselling

191 companies consulted

172 different information sharing events



	2015	2016	2017	2018	2019
Appointments at offices	4,099	3,348	2,925	2,864	1,757
E-mails, FB, Skype	5,586	6,284	5,900	6,314	6,810
Responded calls to the information line	35,423	36,128	36,990	36,692	36,864

Figure 29. The number of counselling contacts, 2015–2019

In 2019, employment relationship-related advice was given to employees and employers on 45,431 occasions. This figure is slightly lower than in the year before but still remarkable. The number of appointments has dropped significantly but counselling via Skype or Facebook or by e-mail has intensified.

The counselling service of the LI is popular and necessary and highly valued by the clients. The satisfaction survey proves that the clients have mostly been very satisfied with the service.

The Estonian working environment through the eyes of working environment consultants

In 2019, we consulted 191 different companies on 203 occasions. The employer invited the consultant to their premises on 111 occasions and in the remaining 92 cases, the consultant chose the specific employer to consult. The service was mostly provided to new companies. We also consulted the companies that had appointed a new working environment specialist to help the specialist to get acquainted with the area of activity. We also provided the consultation service to some companies whose activity had been reported to us if we found that the consulting may help the employer to improve the situation.

The consultation service covered the places of work of approx. 6,000 employees. We made suggestions and gave advice for improvement of the working environment on more than 1,400 occasions.

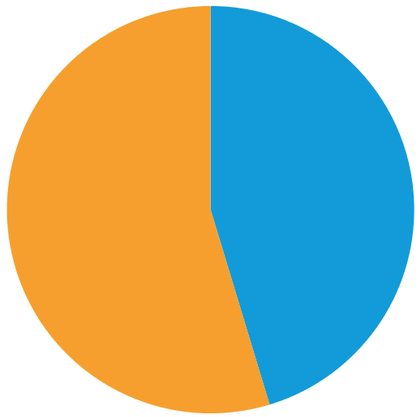


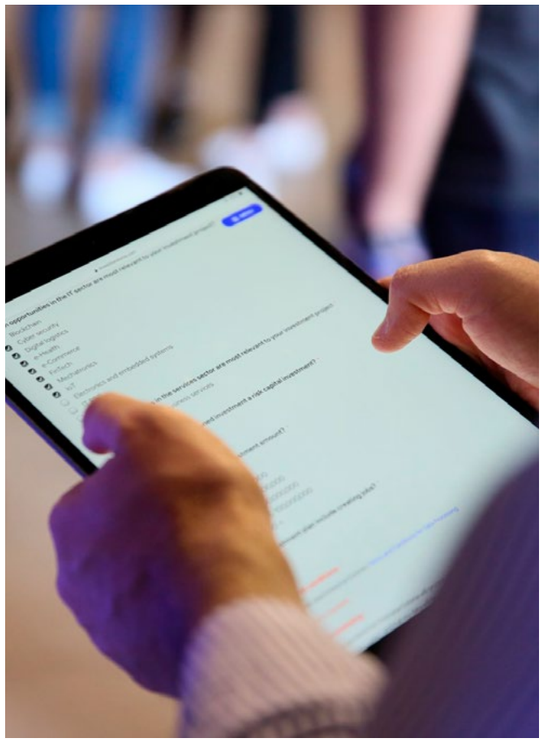
Figure 30. Distribution of the consultations provided, 2019

The employer was worried because operating machinery resulted in accidents which involved the employee getting caught in the machine. The employer wished to increase the awareness of the managerial staff and employees of the possibilities for preventing such accidents. At the first meeting, the consultant toured the production facilities and saw that there were numerous hazardous places where employees could get caught in the machinery. The next meeting took place a few months later. Then, the consultant discussed with the employees what they could do to stay safe. The photos taken in the course of the previous meeting were browsed together and the employees claimed that the situation had changed in regard to several photos. Hazardous places had been equipped with protective covers and the employees tried to figure out actively what other spots should have protective covers and which kind of covers. It was positive that the company started eliminating the issues immediately after the first meeting. By the time of the second meeting, the working environment specialist had started working more actively and the employees were thinking along and making suggestions.

Consultants may also help to find solutions to simple problems which remain unnoticed for the people working in the environment on a daily basis.

The management board of the furniture industry company invited the consultant to consult them in three consecutive years to obtain advice and suggestions for the planning and implementation of safety measures. In addition to consulting, the consultant also drew up an overview of the risk factors, of their observations in the course of the visit, and of precautionary measures for the employees and managerial staff. The fact that one company has consistently involved a consultant in their preventive activities proves that our consultants do a good job.

Monitors were placed on desks with straight edges so that they were not parallel with the edge of the desk but under an angle. Thus, the employees also sat behind their desks under an angle, leaning against the desk with one side of their bodies. When the employees were interviewed, they were unable to explain why they were sitting this way. There were no obstacles on the desk or around the workstations which would have prevented relocation of the work equipment and achieving a suitable position. The employees moved the work equipment during the consult and were satisfied with the outcome.



Recognising a problem is the first prerequisite for solving it and the consultants can assist employers with that. All problems do not have such simple and clear solutions but it is still better to be aware of the problems to start developing the solutions instead of waiting for the problem to manifest in the form of an accident.

The main violations of occupational health and safety requirements in connection with which the consultants made suggestions and gave advice are largely the same as in the previous years:

- **The risk analysis and action plan –** many consultations revealed that the risk analysis and action plan for the prevention or alleviation of risks required complementation or specification. For example, one of the deficiencies was that the information characterising the risk factor (e.g. the duration of the contact, the parameter or size of the working environment measured) and its connection with the working conditions (i.e. places of contact, the nature of the work) had not been taken into consideration in the assessment of a health risk. If the risk analysis is drawn up in a generalised manner, the action plan cannot contain specific measures which can be applied to prevent or alleviate health damage. Another common deficiency was that the risk analysis did not include the assessment of the contact with all risk factors. There were also some companies which had not drawn up a risk analysis, but these were small companies which had only recently launched their operations.
- **Instruction and training –** most companies had safety instructions but they required complementation or specification to reflect the actual situation and work process. The instructions included repeating text and general guidelines which did not provide specific information to the employee about how to perform a certain operation in a manner which is safe for the employee as well as others. Another common deficiency was that instructions were not drawn up for all operations and tools. The instructions and trainings organised had also remained unregistered. It is, however, very important for the employer to be able to prove that they have instructed and trained the employee, if necessary.
- **Internal auditing –** internal audits are organised but they are not systematic and well-considered; thus, many deficiencies remain unnoticed.
- **Organising of health checks –** the deficiencies are mainly related to the failure to observe the deadlines set for first as well as periodical health checks.
- **Hazardous chemicals –** there is no information about the characteristics of the chemicals used or about how to use them safely. There are very often also no safety data sheets, the safety data sheets are in a foreign language or very old, or the safety data sheets have not been introduced to the employees who come in contact with the chemicals.
- **Ergonomics in the office –** using laptops all day without a separate monitor or keyboard. There are also problems with adjusting the desk chair and desk and there are no required technical aids, such as footrests available.
- **The work equipment –** the protective covers prescribed by the manufacturer have been removed, i.e. the access of the employee to the hazardous moving parts of the equipment may not be restricted; adjustable protective covers have not been adjusted based on the size of the material; the equipment is not equipped with emergency stops. The safety instructions have not been drawn up based on the user instructions provided by the manufacturer – this means that the employee will not receive important information about safe use of the equipment.
- **Agency staff –** we paid more attention to agency staff and posted employees in 2019 in the form of consulting as well as counselling. The main issue is that it has not been clearly thought through who is responsible for what in the case of posted employees and agency staff. For example, who must organise health checks and who is in charge for providing personal protective equipment. Instruction and training of the employees have also not received sufficient attention; for example, the company starts to think about translating their instructions when the employees have already been working for several months. Even though there is no obligation to translate instructions, it is necessary to keep in mind the purpose of instructing. An employee who comes from Latvia or Ukraine to work in Estonia will clearly not understand instructions in Estonian language. For the instruction to fulfil its purpose, it must be translated to a language which the employee understands (which they use to communicate with the employer). Another issue is that this has not been discussed with the employees who are in charge of instructing new employees. The employee is placed in a situation in which they must train a new employee in a foreign language which they cannot speak in a sufficient extent. The employer's thoughtless actions place in an unpleasant situation both the employee who should but cannot train the new employee as well as the new employee who does not receive enough help from the instructor. Unfortunately, the insufficient instructing and training of a new employee may result, and often results, in damages to health. Thus, before employing agency staff, it is important to think through how they can do their work so that their health is protected.

Satisfaction with the consultation service

In 2019, Saar Poll OÜ surveyed, for the first time, the satisfaction with the working environment consultation service provided by the Labour Inspectorate. The target group included the clients who used the consultation service between 1 January 2018 and 30 September 2019. Three hundred and five e-mails were sent, 24 of the addresses were incorrect, and 92 responses were received

Sixty-eight percent of the respondents had contacted the Labour Inspectorate themselves, and in the case of 32%, the service was offered by the Labour Inspectorate. The respondents had mostly heard about the working environment consultation service provided by the Labour Inspectorate at an information sharing event (information day, trade fair, training, information sharing morning), from a notification letter, or from a friend, acquaintance, or colleague.

The results were very positive; 100% of the respondents agreed that the consultant had been very friendly and helpful, 99% said that the advice and suggestions were practical, and 100% said that the suggestions were comprehensible and clear. Ninety-seven percent of the respondents agreed fully or largely that the working environment consultation service actually helped to improve the working environment at their companies.

The Net Promoter Score was also measured. Sixty-six point three percent of the respondents were loyal clients (grades 9–10) whose attitudes towards the Labour Inspectorate were very positive and who would recommend the organisation and the services provided to their colleagues or friends, i.e. active promoters, 25% of the respondents were satisfied customers (grades 7–8), i.e. passive promoters.

Information sharing

Our other main duty in addition to supervision and counselling is prevention and information sharing to make sure that the parties to the employment relationship know what kind of an employment relationship is a good one and how to work in a safe and healthy manner. We communicate information about our activities and provide regular overviews of the situation of our working environment. We respond to inquiries sent to us, organise information events and campaigns, publish information materials, and manage our information channels. The Labour Inspectorate manages its website, the "Tööelu" portal, and its social media channels.

In the field of information sharing, we work in close cooperation with relevant European institutions and inspectorates and with the European Agency for Safety and Health at Work (EU-OSHA). In 2019, 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'.

The Labour Inspectorate was represented at **172** information sharing mornings, information sharing days, round tables, and trade fairs in total in 2019. Thirty-seven information sharing mornings were held. Representatives of the Labour Inspectorate were invited to speak at 119 information sharing days (by various different institutions, private enterprises, and associations). We cooperated most with the Estonian Unemployment Insurance Fund (+ EURES) and it invited us to speak on 44 occasions.

The prevention and information sharing campaigns

The ‘Hazardous substances in the working environment’ campaign of the EU-OSHA

The two-year ‘Hazardous substances in the working environment’ campaign of the EU-OSHA, organised simultaneously in over 30 countries, came to an end in 2019. The aim of the campaign was to draw attention to the risks which are related to the hazardous substances concealed in the working environment. While we concentrated on the carcinogenic substances and work-related cancer in Estonia in the first year, the second year was focussed on the topic of occupational health from a wider perspective. Two seminars were organised in May. These covered carcinogenic substances and focussed on the situation of occupational health and safety at small companies and micro enterprises. In August, practical seminars were organised in Tallinn and Tartu. During the seminars, the participants assessed the hazardous substance-related risks in the working environment; we also celebrated the Europe-wide occupational health and safety week with the 21st Conference of the Occupational Health Day. In October, working environment-related film nights were organised in Tallinn, Tartu, and Pärnu.

Information sharing mornings and round tables

In 2019, the Labour Inspectorate continued to organise information sharing mornings on the topics of employment relationships, occupational health and safety for the representatives and employees of micro enterprises and small and medium-sized companies all over Estonia. Thirty-seven information sharing mornings in ten cities were held last year, including nine in Russian. Eight hundred and fifteen people took part in the information sharing mornings. Starting an employment relationship and pre-contractual negotiations, amendments of the Occupational Health and Safety Act, summarised working time and remuneration, and termination of an employment relationship were discussed at the information sharing mornings. We also covered the construction sector and the assessment of psychosocial risk factors. One of the occupational safety-related information sharing mornings was designed for teachers.

The Labour Inspectorate took part in ten round tables last year; at eight of these, we introduced the overview of the working environment in 2018.

Trainings for working environment specialists

We organised five two-day trainings for working environment specialists last year – in Tallinn, Tartu, Narva, Rakvere, and Pärnu. The training in Narva was provided in Russian. The trainings were mainly designed for the working environment specialists to add to their knowledge in the field of occupational health and safety. New working environment specialists who wished to obtain basic knowledge in the field of the working environment were also welcome. We covered all topics which are related to the organisation of the working environment – general management of the working environment, instruction and training of employees, first aid, health checks, conducting a risk analysis, incl. a brief overview of the physical, chemical, physiological, biological, and psychosocial risk factors, selecting of personal protective equipment, and the organisation of working and rest time. Inspection of occupational accidents and occupational diseases was also discussed. The participants were required to pass the test to complete the training. One hundred and sixty-nine people completed the training. The feedback of the participants concerning the content and organisation of the training was positive and they wished to see such trainings organised also in the future.

Napo safety lessons for children

Napo, the mascot of the EU-OSHA, met more than 1,000 children in Estonia in the year. In the course of the safety lessons for pre-school and primary school children, Napo asked children to think about potential hazardous situation which may arise at pre-school, at home, or in the street. Napo also visited the employees of a large company within the framework of their occupational safety week.

Trade fairs

We participated in six trade fairs in 2019. Three of the fairs, Estbuild, the annual conference of the Estonian Human Resources Management Association, and the annual Töötervishoiu ja Tööohutuse Treff took place in Tallinn. In Tartu, we took part in Maamess and in the ‘Ehitus ja Sisustus’ construction exhibition. We also participated in the opening of the business season of the Estonian Chamber of Commerce and Industry in Turba. The fairs were attended by our consultant and counselling lawyer who responded to the employment relationship- and working environment-related questions of the visitors of the fair, handed out materials, and organised quizzes for the visitors.

“Muutuste tuul tööelus” (The Wind of Change in Working Life) international conference

The conference, held on November 6, covered the issues of innovating the labour market and celebrated the tenth anniversary of the adoption of the Employments Contract Act. The conference was opened by the Prime Minister and the winners of the Good Working Environment 2019 awards were acknowledged. Expert from Estonia and abroad discussed the new, changed labour relationships and employers shared their experiences. The second part of the conference was dedicated to employment relationships. There was also a debate on the topic of ‘Which Employment Contracts Act would we draw up today?’, which involved the people who draw up the draft of the current act. The participants focussed on flexibility and on the importance of negotiations between the parties of the employment relationship.

The Good Working Environment 2019 award

The Labour Inspectorate handed out the Good Working Environment awards for the fifth time. Applications were received from 14 companies. The awards were handed out in two categories: companies with less than 50 employees and companies with more than 50 employees. In 2019, the Good Working Environment award was won by Elisa Eesti AS in the category of large companies and by Insly OÜ in the category of small companies. Information about how to apply for the award and the winners so far can be found on the website of the Labour Inspectorate.

Information materials

Printed publications

We published three brochures last year of which two were electronic:

- ean electronic brochure in Estonian and Russian about hiring minors entitled ‘Noore töötaja meelespea: Mida arvestada tööle minnes? Tööandja meelespea: Mida arvestada noort töötajat tööle võttes?’
- an electronic brochure in Estonian and Russian about work-related illnesses entitled ‘Tööga seotud haigestumine’
- a brochure in Estonian about occupational safety on construction sites entitled ‘Tööohutus ehitusplatsil’

The brochures can be found on the website of the Labour Inspectorate in the section of publications.

An occupational health calendar with drawn illustrations was also printed in 2019. The calendars were sent to the companies which had experienced repeated occupational accidents.

The information letter for beginning companies

We send information letters for beginning companies to help those who have just founded a new company understand the importance of working environment management, to help them create safe and healthy work conditions and form proper employment relationships. The information letter is e-mailed to newly registered companies once in a quarter in Estonian, Russian, and English. In 2019, the information letter was sent to 15,969 addresses.

The *Tööelu* magazine

The *Tööelu* magazine was published four times in the year, discussing important and topical working life issues, reporting news, and giving advice about the employment relationship and the working environment. The magazine was reorganised last year and now provides significantly more information about the experiences of Estonian companies in creating a good working environment. The electronic version of the magazine was ordered 10,740 times in the year. We also printed paper versions which were handed out to libraries and our cooperation partners.

All issues published to this date can be found on our website.

Work-related stress – pay attention, recognise it, and take care of yourself!

Five video clips in the form of short lectures were filmed about work-related stress: work-related stress and its causes, the employer’s work-related stress, a teacher’s work-related stress, how to detect a colleague’s work-related stress and support them. The videos can be found in the ‘Tööelu’ portal, on the website of the Labour Inspectorate, and on our social media channels.

Media and information channels

Our activities were reported on nationwide and county-level media channels on 1,647 occasions in 2019. A significant share of the coverage was related to information about targeted controls, which we also presented to the media in addition to the companies of the specific sector. Questions answered by a lawyer or consultant remained popular, with the readers asking advice or explanations about the employment relationship or a working environment issue and our specialist responding to the questions. We pay a lot attention to using our own channels for notification. We use our website and social media channels for this purpose. The social media channels are also more and more frequently used by the public to ask questions.

The *Tööelu* portal

The *Tööelu* portal includes important information about working for the employee as well as the employer. Information is available in Estonian, Russian, and English.

The portal was visited 706,022 times last year, 30% more than in the year before. The number of new users increased by 32%. Last year, we added the section of Frequently Asked Questions to the portal, in which the counselling lawyers provided answers to eight questions which are most frequently asked in counselling sessions. People most often seek answers to the questions ‘What to do when the employer fails to pay the final settlement?’ and ‘Returning to work from the parental leave after a prolonged absence’ in the portal. Two hundred and thirty-six news articles were published in the Tööelu portal in 2019 and these were also shared on the Facebook page of Tööelu.

International and domestic cooperation and participation in working groups

The international cooperation directions of the Labour Inspectorate are directed by the membership of Estonia in the European Union, the European Senior Labour Inspectors Committee (SLIC), and the European Agency for Safety and Health at Work (EU-OSHA).

We continued to collaborate closely with the Baltic labour inspectorates. An annual meeting was held. There is a good, regular cooperation with the regional labour inspectorate of Southern Finland and with the Polish Labour Inspectorate. We entered into a collaboration agreement with the Norwegian Labour Inspectorate.

Our officials take part in the work of several international and domestic working groups as experts. At the international level, we also take part in the work of several projects and working groups concerning posted employees. We also participate in the SLIC Campaign on Temporary Agency Workers (SLIC TWA), in a cross-border supervision project of posted employees funded by the European Committee (INTEFP), in the 'Protecting Mobility through Improving Labour Rights Enforcement in Europe' (PROMO) led by the University of Jyväskylä, and in the work of the European platform on undeclared work with the Tax and Customs Board.

We also participate actively in the work of various SLIC working groups and the EU-OSHA network. At the international level, information is exchanged through the Internal Market Information System (IMI) of the European Committee as well as through individual inquiries, and through the KSS information system of the Committee of Senior Labour Inspectors. Most of the inquiries concern the law applicable in the Republic of Estonia.

At the domestic level, our officials participate in the work of a broad-based working group formed to regulate immigration, the market supervision working group, and the health and safety councils of the counties.

LABOUR DISPUTES

A labour dispute committee (LDC) is an extra-judicial body for settling disputes. Extra-judicial settling of labour disputes was previously regulated by the Individual Labour Dispute Resolution Act, which entered into force in September 1996 and has been regulated by the Labour Dispute Resolution Act since 2018. The LDCs only settle disputes arising from the employment relationship, i.e. labour disputes between an employer and an employee. The labour dispute committees do not settle disputes concerning occupational accidents or occupational diseases or compensation for the damages caused by the health damage, personal injuries or death arising from them.

One of the purposes of the committees is to alleviate the burden of courts. Based on statistical data, the LDCs fulfil this purpose. The LDCs settle 2,700 disputes per year, on average. The year 2019 was not significantly different from the average. The LDCs received 2,942 applications for settling a labour dispute in 2019, 313 of which were from employers and 2,629 from employees. The number of applications received was the highest in the last five years; however, it is completely normal for a state based on the rule of law.

2,942 labour disputes
incl. 2,629 applications from employees
incl. 313 applications from employers

Total amount of the applications received:
16.1 M euros

Twenty-one percent of the applications were closed by reaching a compromise at the labour dispute committee

The claims:

The most common **claims filed by the employees** are still financial claims – unpaid wages, holiday pay, or compensation. Basically, every second or third application includes a financial claim. The number of claims for determining the employment contract-based relationship as well as for the expiry of the employment contract has also increased.

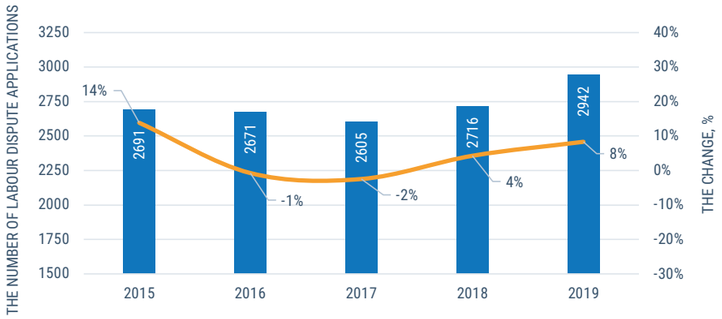


Figure 31. The number of applications received by the labour dispute committees, 2015–2019

The claims of employers

Employers mostly contact the LDCs in connection with disputes over the cancellation of employment contracts or claims for the compensation for proprietary damages caused by employees. Almost every third application included such claims. Every fifth application included a claim related to the termination of the work contract of an employee.

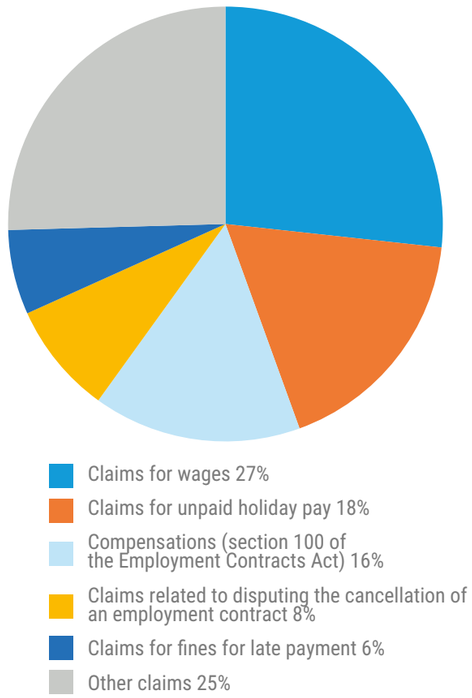


Figure 32. The types of the claims filed by employees, 2019

The grounds of the claims arising from the working environment

From the perspective of the working environment, the LDCs have settled disputes arising from the extraordinary cancellation of an employment contract due to the working environment. The employer has not provided safe work equipment to the employees, has failed to introduce safety instructions, there is no personal protective equipment, etc. Based on these, the employee has terminated the employment contract due to the employer's material violation, which is accompanied by the obligation to pay compensation for the employer. In the disputes, the employer has claimed that they have instructed the employee verbally, but the fact has not been proven. Thus, it is important that any instructing and instructions are communicated to the employee properly and that the working environment is compliant with the safety requirements. Labour disputes arising from bullying in the working environment have become more frequent. It is the contractual obligation of the employer to ensure a safe working environment for the employee, including working conditions which do not endanger the mental health of the employee. Bullying, harassment, or abuse at work endanger mental health. Employees have submitted claims for the detection of such incidents and claimed compensation for moral or non-financial damage. The employer must prove in such labour disputes that the bullying at work has not occurred. The employer must have been aware of the problem and implemented measures, i.e. responded to the situation, if necessary. The employer must also have trained the employees and notified them of the risks to mental health and provided the employees with the opportunity to express their opinions about the working environment, if necessary.

The amounts of the claims

The total amounts of the claims filed in 2019 was 16.1 M euros compared to 8.8 M euros in the year before; hence, the amounts had increased significantly. While it has been observed in previous years that employees turn to the labour dispute committee due to issues and claim smaller compensations, the amounts are significantly higher today and exceed 3,200 euros in more than a third of the cases. On the one hand, the wages have also increased, but another important factor is the fact that the LDCs are competent to settle claims in the amounts exceeding 10,000 euros as of 2018. A total of 210 of such claims were filed in 2019 (151 in 2018).

The total amount of fully satisfied claims in 2019 was 4.9 M euros and compromises were reached in the extent of 2.4 M euros.

The assistance of the labour dispute committees was used most frequently by the employers and employees of the companies from the construction, trade, transport, and accommodation and catering sectors..

The rulings:

Labour disputes are settled by written procedures, ordinary procedures, or conciliation procedures. Most of the cases are settled by ordinary procedures, approx. 12% of the applications were settled by written procedures, and just one case by a conciliation procedure. Eleven percent of the applications received were rejected for different reasons.

The difference between the numbers of LDC rulings and applications arises from compromises and other counter-claims, in the case of which the procedures were combined and the case was settled by one ruling.

Almost a half or approx. 45% of the disputes were concluded by a ruling of the head of the LDC (approval of a compromise, rejection of the application, closing the dispute due to the applicants failure to show up or withdrawal). Every second application was concluded by a decision. In the case of substantive resolution, 21.6% of the applications were fully satisfied, 22% partially, and 11% of the applications were not satisfied by the LDCs.

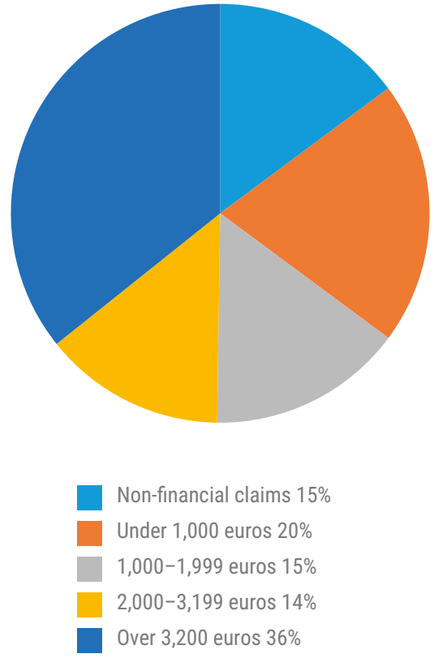


Figure 33. The percentages of the claims submitted to the LDCs, 2019

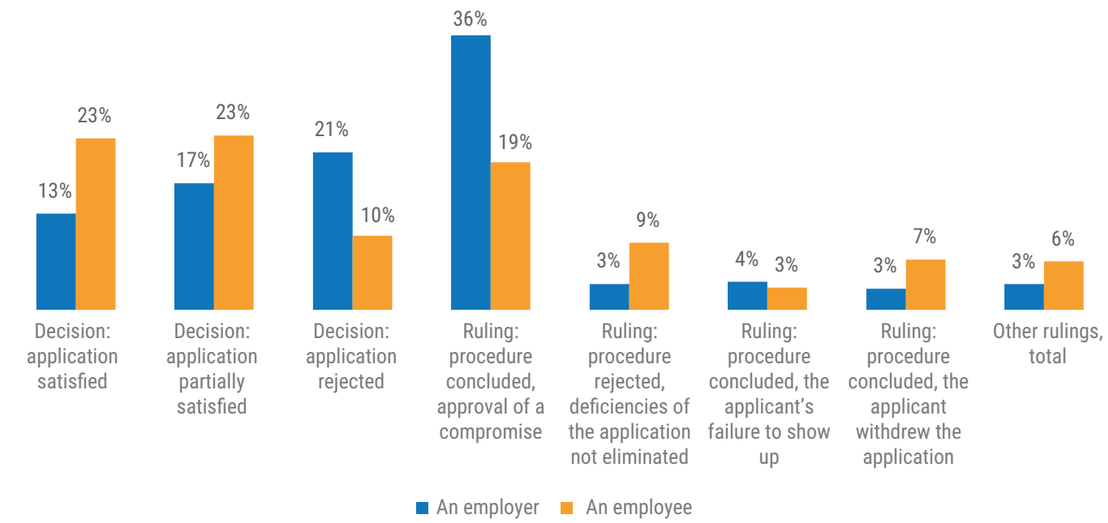
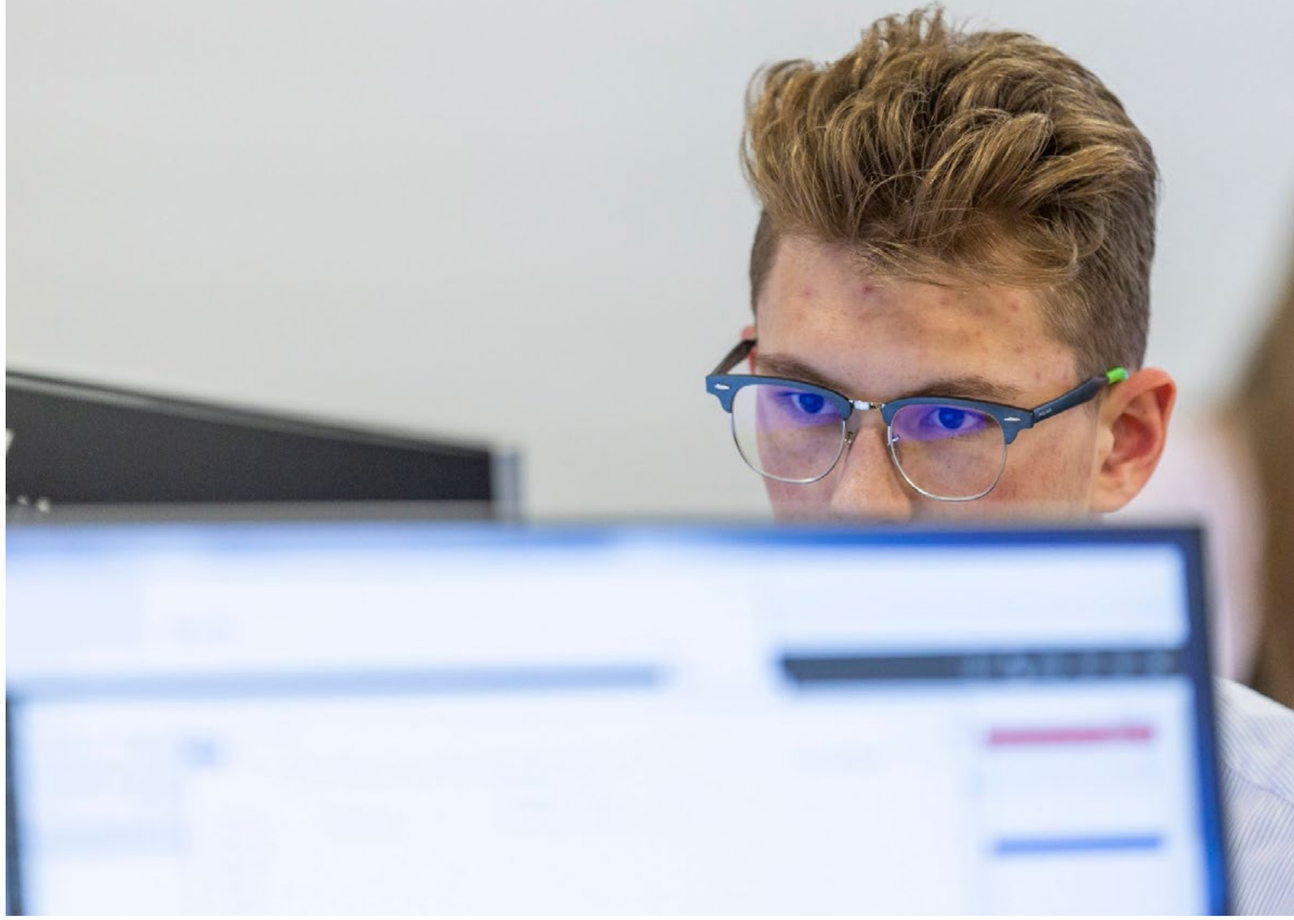


Figure 34. Rulings by the applications, 2019



DIGITAL LABOUR INSPECTORATE (TEIS)

The Labour Inspectorate has been collecting and processing data for the working environment database via the ITI information system since 2004. In 2010, a separate e-IT customer portal was created based on this information system for communication with employers. Unfortunately, all IT developments and updates age. The ITI information system of the Inspectorate is also past its best days and no longer enables efficient interfacing and data exchange with other information systems of the state. We made the changes based on the smarter governance and public administration measure of the Digital Agenda 2020 for Estonia.

We started developing a new working life information system, TeIS, with the Health and Welfare Information Systems Centre and the Ministry of Social Affairs. The system will form the basis for the creation of the digital Labour Inspectorate. The system will be developed by using an agile method. Social partners and companies of various sizes have been involved in creating it by expressing their expectations, making suggestions about how to create the system and how to test the functions of the system regularly.

The development of the working life information system is financed by the European Social Fund aid eligibility criteria 'Development of working environment that maintains and sustains capacity for work 2014–2020'.

The main purpose of the working life information system is to improve the occupational safety culture of companies by providing as much assistance from the state as possible and by issuing guidelines for the employer as well as the employee on how to fulfil their obligations arising from the law more efficiently. Improvement of the occupational safety culture will reduce the likelihood of suffering occupation accidents or occupational diseases.

It is planned to introduce the first parts of the TeIS system from April 2020. Employers, i.e. companies, will have access to the self-service of TeIS and will have their own desktop there with the information required for an employer and their duties. In the first stage, the employers have been provided an opportunity to specify the people responsible for occupational health and safety (the working environment representatives) in TeIS and perform operations related to the supervision of the Labour Inspectorate (e.g. information about the elimination of a deficiency, observing a precept, or the payment of a penalty). It is planned to expand the functionality of TeIS in the future. In the second stage, a tool for conducting the working environment risk analysis is being developed with guiding questions which will help employees conduct the risk analysis quickly.

Development of new parts of the information system, i.e. the customer portal, will continue. Completion of each stage of development will reduce the administrative burdens of the employers and the state, ensure the availability of information, facilitate the communication between companies and the state, and create new services for companies which will help them work on the occupational safety culture more efficiently.

Prepared by the Labour Inspectorate
The information may be used with reference to the Labour Inspectorate.

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Photos: The Labour Inspectorate, Virginia Kullasepp, Riho Välk

Questions about Working Life?

The Labour Inspectorate knows the answers!

LOOK

at the website of the Labour Inspectorate of Estonia at **www.ti.ee** and the Work Life portal **www.tooelu.ee**

CALL

the lawyer's hotline at **640 6000**
Mo-Fri 9:00–16:30

Mo-Fri 9:00–16:30

the self-service portal **iseteenindus.ti.ee**

WRITE

jurist@ti.ee

INVITE

a working environment consultant to your company **ti@ti.ee**

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Investing
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MARCH 2020