

Annual Report of the State Labour Inspectorate 2007

Member State: Republic of Lithuania

Name: State Labour Inspectorate of the Republic of Lithuania

1.1 Description of the scope of the Inspectorate's activities

Safety	Health	Psychology	Labour relations
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> NO	<input checked="" type="checkbox"/>
Public sector	Private sector		
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

Main sectors not included (please mark sectors not included)

Military	Nuclear	Radiation	Railways	Self-employed	Offshore
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> NO	<input type="checkbox"/> NO
Other:	<input type="checkbox"/>				

Changes in the system of legal sanctions. YES

Changes in the national inspection system. YES

1.2 Staff and inspections performed during the year, main outcomes

INFORMATION ON BUSINESSES		
		Comments (where necessary)
Total number of businesses	264 000	
Number of businesses in each size category:		
1 – 9 employees	243 560	
10 – 49 employees	15 190	
50 – 249 employees	4640	
> 250 employees	555	
Total number of employees	1 343 300	
Total number of self-employed	224 000	
INFORMATION ON THE LABOUR INSPECTORATE		
Number of staff engaged in tasks relating to health and safety of employees	210	
Number of inspectors	202	
Number of inspections	17 600	
Percentage of complaints investigated	100	
Percentage of time spent <i>in the field</i> (per inspector per year)	59	
If available, figures regarding:	49	
- inspection of businesses		
- travel	10	

Percentage of time spent <i>in the office</i> carrying out administrative tasks related to visits to businesses (e.g. writing reports), (per inspector per year).	26	
Percentage of time devoted to other administrative tasks (per inspector per year) (<i>including basic training</i>)	15	
Number of improvement notices	11 334	
Number of suspensions of operations	3 134	
Number of administrative penalties imposed/proposed by the Labour Inspectorate (including on-the-spot penalties)	1 988	
Number of cases referred to the public prosecutor	260	
Percentage of cases referred to the public prosecutor resulting in criminal proceedings	0	
Percentage of registered occupational illnesses investigated	100	
Percentage of registered accidents at work investigated	11.8	<p>The Inspectorate's inspectors investigate all serious and fatal accidents at work.</p> <p>Minor accidents at work are investigated by the company's works committee.</p>

Number of full-time-equivalent health & safety inspectors	202	
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1.3 Main activities undertaken during the year

- Priorities and general objectives of the State Labour Inspectorate of the Republic of Lithuania (VDI), inspection strategies and main topics covered.

The VDI plans its activities around a three-year strategic plan and annual action plans. Acting in the framework of its competence to prevent accidents at work, occupational illnesses and violation of legal acts regulating employee safety, health and labour relations, monitoring adherence to the requirements of the Labour Code of the Republic of Lithuania, legal acts regulating employees' safety and health, as well as providing consulting and information services to employees and employers and engaging in public education, the VDI set the following two strategic objectives in its strategic action plan for the year 2007 and the period up to 2009:

First strategic objective: to prevent infringements of regulations governing occupational health and safety, labour relations and illegal employment, by means of compliance inspections, consultations with employees and employers, and public-information activities.

Second strategic objective: to provide employers and employees with information on controls aimed at checking compliance with occupational health and safety regulations and regulations governing labour relations, and to provide information on occupational health and safety status of businesses in the Republic of Lithuania.

In an effort to implement these two strategic objectives, VDI set itself specific targets, measurable in terms of the following indicators:

1. Effectiveness of illegal work inspecting (inspections revealing illegal workers or other breaches of employment law, expressed as a proportion of all illegal work inspections) – target for 2007 – 0.63.
2. Effectiveness of visits ((documented) visits producing a result, expressed as a proportion of all visits) – target for 2007– 0.96.

To achieve its targets, VDI carried out two programmes in 2007:

1. One of them, the main programme that could have a significant effect on the Inspectorate's activities and that has been receiving all financial and virtually all human resources is the programme "Prevention of accidents at work, occupational illnesses and violations of employment laws." The continuous programme is carried out annually, based on the functions prescribed in the VDI law and in line with its competences.

Drafting of the programme was based on the following arguments: the programme would aim to implement the strategic goals of the Inspectorate, i.e. to preserve the lives, health and

working capacity of employees and carry out prevention of infringements of regulations of the labour law and illegal employment.

In the framework of the programme and based on the evaluation of the available human resources, their potential and qualifications, as well as the funds allocated to the manager of appropriations, two key target directions were projected in order to achieve potentially effective programme end results and have the most efficient influence on the VDI strategic goals:

First objective: To carry out inspections of compliance with the Labour Code and legal acts regulating occupational safety and health, regulations of labour laws and cases of illegal employment and to prevent infringements; to investigate cases of accidents at work and occupational illnesses, as well as analyse circumstances and causes of such cases.

Second objective: Along with prevention of legal acts regulating labour, occupational safety and health, to offer advice to employers and employees on these acts, perform information campaigns to raise the number of educational radio and television programmes, publications in national and county media, organise seminars, conferences and meetings with social partners, prepare information methodical materials; raise the professional level of inspectors.

In projecting the strategy and tactics of activities, VDI focuses on the results of its long-term and short-term (annual) activities. The prevention of infringements of legal acts on occupational safety and health, and of labour laws is aimed at optimising the evaluation process of occupational risks in businesses as the main factor with tangible effects on the dynamics of trauma levels at work and levels of occupational illnesses.

2. The second programme carried out is the “Special legislative programme of legal acts regulating the labour law, occupational safety and health.”

The drafting of the programme was based on the following arguments: the programme should seek implementation of the Inspectorate’s strategic objectives, namely, to preserve employees’ lives, health and working capacity, as well as prevent violations of employees’ guarantees in labour relations.

The continuous programme is carried out annually, based on the functions prescribed in the VDI law and in line with its competences.

The aim of the programme to step up, by means of publishing information publications, the provision of information to employers and employees on the state of occupational safety and health in the Republic of Lithuania and separate sectors of economy, on the prevention of accidents at work, occupational illnesses, accidents and violations of provisions of legal acts regulating labour, occupational safety and health.

Based on the evaluation of the annual awareness level of employers and employees about implementation and application of legal acts on labour, occupational safety and health, the preventive measures launched, the plan is to reach an increase of 40 percent in 2015.

To achieve its targets and challenges, in 2007 the VDI concentrated its efforts, implemented the measures set out in the strategic plan and in the more detailed action plan for 2007, and performed the tasks attributed to it. The planned tasks in inspection of businesses were

completed. The businesses inspected account for a tenth of the country's companies and active farmers.

Results of activities:

According to the 2007 results of operations to control illegal work, the effectiveness of illegal work inspections (number of inspections revealing illegal workers or other breaches of employment law as a proportion of all illegal work inspections) was 0.63, i.e. 100 percent of the target.

The Inspectorate was also successful in achieving another key performance indicator in 2007. The indicator describes the efficiency of inspections. According to the 2007 results, the effectiveness of visits to firms by various inspectors with various objectives (number of (documented) visits producing a result as a proportion of all visits) was 0.99, 3.1 percent more than the 0.96 target.

- New legislation implemented during the year.

Amendment to Article 179(1) of the Labour Code (effective on 1 January 2008).

The Law amending Articles 1, 2, 5, 8, 12, 15, 16, 21, 25, 27, 29, 34, 38, 39, 44, 45 of the Law on Occupational Safety and Health, changing the title of Section V and adding Article 12(1) and an appendix (effective on 2007-06-23, Articles 5(1), 6 and 16 are effective as of 1 July 2008).

In an effort to fully harmonise the provisions of the Law on Occupational Safety and Health with relevant provisions of the Council direction No. 89/391/EEB on measures to improve occupational safety and health at work, as well as create legal conditions for improvement of the prevention of accidents at work and occupational illnesses, harmonise the provisions of the Law on Occupational Safety and Health of the Republic of Lithuania with provisions of other legal acts, transfer some provisions of the Law on Occupational Health of the Republic of Lithuania to the Law on Occupational Safety and Health and invalidate the Law on Occupational Health, as well as based on the practice of application of the Law on Occupational Safety and Health and the state of occupational health and health in companies, an amendment to the Law on Occupational Safety and Health of the Republic of Lithuania was adopted in June 2007.

The law includes the following provisions:

- An employer aiming to guarantee safety and health of his employees may appoint one or more specialists of occupational safety and health or establish an occupational safety and health service and (or) conclude a contract with a natural and (or) legal person licensed to provide occupational safety and health services. The provision applies to all companies and agencies, without exceptions made to state or local governmental institutions or agencies;
- Legal and natural persons providing companies with occupational safety and health services should have a licensed and have third-person liability insurance;
- In cases when one or more subcontractors are involved in the design or construction of a building, one or more coordinators of safety and health should be appointed;
- The employer's representative should suspend a person failing to observe occupational safety and health requirements from work under the specific company's procedures;

- Companies should provide information on the state of occupational safety and health and the compliance of work places to the requirements of legal acts on occupational safety and health to the State Labour Inspectorate under the procedures prescribed by the chief state labour inspector;
- An employer approves the list of employees required to undergo health examination and the schedule of health examination, also exercising control over observance of the schedule;
- The procedures of pre-departure health checks of employees operating ground, air and water means of transport should be established by a person representing the employer.

In the framework of the amendments to the Republic of Lithuania Law on Occupational Safety and Health, the following documents were prepared:

- ***Licensing rules for provision of occupational safety and health services;***
- ***Amendment to the description of requirements to companies providing training and other services on occupational safety and health;***
- ***New version of a standard model set of provisions of occupational safety and health services of companies.***

Provisions on protection of employees from health hazards of artificial optical radiation.

On 5 April 2006, the European Parliament and Council passed a directive on the main health and safety requirements regarding the hazards of physical factors (artificial optical radiation) (Directive 19, as defined in Article 16(1) of Directive 89/391/EEB). This is the first legal act laying down occupational safety and health requirements regarding the effects of artificial optical radiation. Under the directive, provisions on the protection of employees against the risks of artificial optical radiation were prepared and approved by decrees of the ministers of social security and labour and health in December 2007. The provisions are scheduled to go into force on 1 April 2010.

Other legal acts include:

In order to address practical problems on social security of employees, ***the Government of the Republic of Lithuania revised the List of hazardous occupations by its resolution No. 1386 of 19 September 2007.*** The list was supplemented with jobs of children's rights protection workers of municipal neighbourhoods and municipal administrations, social support division workers, social workers of social services' agencies, social pedagogues, assistant social workers working with families and persons at social risks and persons with mental disorders and jobs in potentially explosive environments. Workers performing hazardous work have to undergo training on occupational safety and health, their knowledge of occupational safety and health has to be examined by procedures established by the employer. The employer has to determine the manner of performing hazardous work.

In an effort to bring ***The Provisions on supply of employees with personal safety means*** and ***The Provisions of equipment of jobs in construction sites*** in full harmony with relevant directives of the European Union, new versions of the following legal acts were approved.

- Training Programme for Inspectors (including a brief description of content topics, provided to the newly employed; covers technical and legal skills, etc.).

The training plans for the current and the coming year prepared by the State Labour Inspectorate are based on its strategic objectives, financial resources and the needs for training of public servants, priority training objectives of public servants and priority training groups of public servants.

The following training objectives of public servants are projected in the 2007–2010 Strategy of Training of Public Servants:

- To improve the capacities related to implementation of strategic objectives of state and local governmental institutions and agencies;
- To participate in EU decision-making and implementation processes, prepare for EU presidency of 2013;
- To improve capacities of all levels of public servants in administering EU structural assistance;
- To carry out the mandatory training stipulated in the Law on Public Service of the Republic of Lithuania;
- To broaden the knowledge of public servants in professional ethics and prevention of corruption;
- To enhance the skills in EU working languages and computer literacy.

The 2007–2010 Strategy of Training Public Servants stipulates the following priority training groups of public servants:

- Target groups of public servants in charge of implementation of strategic objectives of state and local governmental institutions and agencies;
- Public servants in charge of the use of EU structural assistance funds;
- Target groups of public servants involved in the processes of EU decision-making and implementation, as well as with Lithuania's preparations for EU presidency of 2013;
- Target groups of public servants required to complete certain training programmes, as stipulated in the Law on Public Service of the Republic of Lithuania;
- Public servants in charge of personnel management.

VDI's newly-hired inspectors undergo training under the Basic Training Programme for Labour Inspectors approved by the chief state labour inspector of the Republic of Lithuania on 31 May 2002.

The training programme for inspectors with background in technical education is 417 hours including 243 hours of theoretical and 170 hours of practical training. The main topics covered include organisation of inspectors' work, organisation of occupational safety and health in companies, basic occupational hygiene, technical legislation, occupational safety in particular industries, basic computer skills.

The Basic Training Programme for Inspectors on Occupational Hygiene is 324 hours including 209 hours of technical and 115 hours of practical training. The main topics covered include organisation of work, fundamentals of labour law, the organisation of occupational health and safety in companies, basic occupational hygiene, basic computer skills.

The Basic Training Programme for Inspectors on Employment Law is 241 hours including 126 hours of theoretical and 115 hours of practical training. The main topics covered include organisation of work, basic employment law, basic computer skills.

- Special activities, campaigns and priority topics over the year.

Under its obligations for 2007, stipulated in the strategic action plan, VDI carried out the projected scope of activities and specified fields in need of immediate intervention depending on the state of occupational safety and health or situations on the spot. The following inspection actions and special campaigns were organised:

1. Based on analysis of the condition of occupational safety and health of the past year, companies in the Vilnius, Kaunas and Klaipėda counties account for approximately 70 percent of all fatal accidents at work investigated in the country, more than 72 percent of citizens' complaints and requests regarding violations of legal acts regulating labour relations and occupational safety and health. Therefore, an intensive inspection campaign was organised in the abovementioned counties in May-June 2007 as a task of exclusive significance.

The focused and concentrated activities of the State Labour Inspectorate in May-June 2007 facilitate achievement of all objectives under the established criteria:

a) According to available data, the number of fatal accidents at work dropped by 8 percent in the Vilnius, Kaunas and Klaipėda counties during the campaign period as compared year-on-year; the indicator is 11 percent on the national scale.

b) The share of persons killed at work under the influence of alcohol has dropped from 42 to 38 percentage points by 10.5 percent from the beginning until the end of the reporting period.

c) The number of citizens' repeated complaints and requests received by VDI during the campaign period was 2 percent of the total number. However, considering the fact that some of the complaints are still pending and based on the experience that at least 40 percent of the received complaints turn out to be unfounded, a conclusion can be drawn that the indicator will be lower than 2 percent, as envisaged in the objective of this task of exclusive significance.

2. Targeted inspections of construction sites in all regions of the country were carried out in November-December 2007. In instances where infringements of legal acts regulating labour relations and occupational safety and health were established during the inspections, demands were made in written form for elimination of the violations. At the same time, inspectors scrutinized the conduct of employers in a principled and strict manner. Out of all demands to terminate operations issued over the period, almost 50 percent were made to construction sites. In addition, the share of construction company CEOs among those who were penalised with administrative sanctions in the winter period was 81 percent. Please note that the active measures and other integrated preventive measures enabled the Inspectorate achieve a decrease in the number of fatal accidents at work in the construction sector by more than 33 percent over the first five months of 2008, as compared with the same period of 2007.

3. The State Labour Inspectorate carried out target inspections in Lithuanian companies employing foreigners under employment contracts. According to summarised results, no cases were registered in the 180 inspected companies where foreign employees would be paid lower salaries than employees of the same occupation and qualifications from the Republic of Lithuania.

4. In June-July 2007, when young people actively search for seasonal employment for their school holidays, VDI carried out targeted inspections in all counties on employment of underage persons. In one decade of July, more intensive inspections were also carried in the Klaipėda county, the country's resort zone, to establish possible cases of failure to provide

safe work conditions and other work guarantees, with a focus on retail companies, restaurants and other catering companies.

5. In the framework of the European campaign dedicated to the prevention of injuries to the osteo-muscular system "Reduce the Load", VDI announced a competition for the best practice, prepared and circulated publications "When Working with a Computer," "Practical Recommendations to Employers and Employees on Avoidance of Occupational Muscle and Spine Strain when Handling Cargo and Cleaning Premises", "Recommendations of Ergonomic and Safe Transfer of Patients," "Prevention of Lower Back Disorders in the Transport Sector" and "Prevention of Lower Back Disorders in the Health Care Sector". Two seminars were organised for employers and their representatives on "Injuries of the Osteo-Muscular System and Prevention of the Injuries."

6. Started in 2006, the "Safe Workplace Initiative" campaign was continued in 2007 to rally CEOs and employees of small- and medium-sized companies and provide them with an opportunity to hear reports from national health and safety organisations on the system of organisation of occupational safety and health in companies. They were also presented with reports from companies that have successfully improved the safety and health of employees in their organisations and have benefited from abiding by the safety and health requirements. Joining the European campaign was an enormous step in the development of understanding of problems of occupational safety and health, consciousness in passing on the skills to young people at school and further professional careers. A press conference in Vilnius and a seminar in Šiauliai were organised in the framework of the campaign.

7. The Lithuanian public were informed about the campaigns organised. In order to advise employers and employees and educate the society on occupational safety and health, VDI broadcast audio and video clips on the national radio and television, published the confidential telephone number and published the most topical information in national newspapers, etc. The number of various information, articles, interviews, radio and television appearances related to the VDI competences grew by approximately 10 percent in 2007 year-on-year.

VDI prepared information about VDI's activities, with a focus on small- and medium-sized businesses of the country, for publication in the "IALI Forum" bulleting of the International Association of Labour Inspectorates.

8. To expand its activities in the development of preventive culture, VDI searched for new forms of attracting the attention of employers and employees to the unabating trauma levels and proposing effective solutions. VDI initiated a contemporary form of communication using e-mail – the chief labour inspector of the Republic of Lithuania issues appeals to all employers and trade unions, and weekly e-mails are sent containing information structured by types of economic activities about accidents at work with descriptions of circumstances of the incidents.

9. To achieve its prevention objectives, VDI did not only apply consultative and information measures, but inspectors also exercised their rights to apply administrative measures for violations of legal acts regulating labour relations and occupational safety and health – as compared with 2006, the sum of imposed fines almost doubled to nearly LTL 1.9 mln. Also, inspectors did not overlook violations of compliance of workplaces to the requirements of legal acts and issued a double number of orders to terminate activities in 2007, as compared with 2006.

10. As a rule, attention and resources were focused on the coordination of prevention of illegal employment and other measures to combat illegal work.

VDI's inspections into prevention and control of illegal work revealed 857 illegal workers in 2007. Employers of illegal workers were imposed administrative sanctions for using illegal work.

- Criteria for the selection of accidents and complaints for investigation.

The VDI's inspectors investigate all serious and fatal accidents at work.

Minor accidents at work are investigated by the joint works committee, comprising an equal number of employer and worker representatives.

The VDI investigates all complaints received concerning labour law and occupational health and safety. It also looks into all anonymous reports concerning illegal work and failure to comply with working and rest-time rules.

Other types of anonymous verbal complaints are not investigated.

1.4 Descriptive reports on initiatives and on formal evaluation of the efficiency and effectiveness of the labour inspection process.

- Any research or projects that model the intervention process (such as the Impact Ladder or the Influence Network).

(The VDI has no information on this point).

- Any experiments or pilots exploring different ways of carrying out regulatory activities - and their results.

(The VDI has no information on this point).

- Any analysis of the outcome or impact of different regulatory or promotional activities - carried out either by the labour inspectorate alone or in conjunction with the social partners (i.e. evaluation of the elements of the Construction Campaign carried out by the Committee of Senior Labour Inspectors).

VDI prepared and launched a system for the evaluation of inspectors' activities. The system covers qualitative and quantitative indicators aimed at improving the quality and effectiveness of inspections.

The main objective of the system is to encourage inspectors to improve their qualifications and study independently to achieve qualitative compliance with the General principles of work inspections related to occupational health and safety (a document prepared by the Committee of Senior Labour Inspectors).

- Examples of reviews of current practice from which lessons have been learnt.

In implementing the measures stipulated in the programme of the Government of the Republic of Lithuania for 2006–2008, VDI established an information system for Regular Monitoring of Work Conditions at Workplaces (hereinafter – DSS IS).

The objective of the information system is to monitor the implementation of provisions of legal acts regulating labour relations and occupational safety and health in companies and improve the effectiveness of control and prevention of violations carried out by VDI.

DSS IS enables:

- Storage of data on the state of conditions at workplaces, i.e., risk factors in companies;
- Storage of data on accidents and occupational illnesses in companies, companies engaged in different types of economic activities and in the country as a whole;
- Analysis of the state of and changes in the safety and health of employees;
- Response to the changes in the planning and implementation of the necessary measures of improving workplaces and preventing professional damage.

DSS IS is intended for:

- Automation of VDI processes;
- Data exchange with other state information systems and registers;
- Provision of information to institutions regarding accidents at work, occupational illnesses, the condition of occupational safety and health, instances of illegal work, as well as on issues of preserving employees' lives, health and working capacities, as stipulated in legal acts;
- Provision of public e-services to employers and information of employees on occupational safety and health, as well as VDI activities.

- Work is carried out and planned in order to avoid duplication of efforts by EU Member States.

(The VDI has no information on this point).

1.5 Changes in the system of legal penalties.

The following clauses were added to the Lithuanian Administrative Offences Code whereby:

- culpability is stipulated for persons authorised by the employer for denying entry to VDI officers into company's premises for performing their official functions, and for refusing to obey their legitimate demands (until now only the employer could be held responsible);
- the Code was supplemented with articles stipulating that VDI is granted the right to bring administrative charges and investigate cases of administrative offenses where the rules of using tachometers in vehicles carrying passengers and freight are violated, data from these devices are mishandled or misrepresented and other requirements for driving and rest-time rules are infringed upon.