

Annual Report of the State Labour Inspectorate: 2008

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

Main sectors not included (please mark sectors not included)

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

Changes in the system of legal sanctions. **YES**

Changes in the national inspection system. **NO**

1.2 Staff and inspections performed over the year, main results

INFORMATION ON BUSINESSES		
		Comments (where necessary)
Total number of businesses	281 700	
Number of businesses in each size category		
1 – 9 employees	258 200	
10 – 49 employees	15 190	
50 – 249 employees	4630	
> 250 employees	560	
Total number of employees	1 348 000	
Total number of self-employed	229 300	
INFORMATION ON THE LABOUR INSPECTORATE		
Number of staff engaged in tasks relating to occupational health and safety	218	
Number of inspectors	208	
Number of inspections	16 000	
Percentage of complaints investigated	100	

Percentage of time spent <i>in the field</i> (per inspector per year)	59	
If available, figures regarding:	52	
- inspection of businesses		
- travel	7	
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).	29	
Percentage of time devoted to other administrative tasks (per inspector per year). (including basic training)	12	
Number of improvement notices	10 980	
Number of suspensions of operations	2 401	
Number of administrative penalties imposed/proposed by the Labour Inspectorate (including on-the-spot penalties)	2 500	
Number of cases referred to prosecutors	226	
Percentage of cases referred to prosecutors resulting in legal proceedings	0	
Percentage of registered occupational illnesses investigated	100	
Percentage of registered accidents at work investigated	11.9	The Inspectorate investigates all serious and fatal accidents at work. Minor accidents at work are investigated by the company's bilateral commission.
Number of full-time-equivalent health & safety inspectors	208	

1.3 Main activities undertaken over the year

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

In 2008, acting within the framework of its competence to prevent accidents at work, occupational illnesses and violations of legal acts regulating occupational safety and health and labour relations, monitoring adherence to the requirements of the Labour Code of the Republic of Lithuania, legal acts regulating occupational safety and health, as well as providing consulting and information services to employees and employers and engaging in public education, the SLI worked to implement the objectives and tasks set out in its strategic action plan for the period 2008 to 2010:

The first strategic objective: to prevent, by means of compliance inspections, accidents at work, occupational illnesses and violations of regulations governing occupational safety and health, labour relations, and illegal employment, offering advice to employees and employers and conducting public information activities.

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

Specific targets were set in an effort to implement the specific objectives, measurable in terms of the following indicators:

- i. Effectiveness of illegal employment control (the number of inspections revealing illegally employed persons or other breaches of labour law, expressed as a proportion of all illegal employment inspections) – target for 2008 – 0.63.
- ii. Effectiveness of control (the number of (documented) inspections producing a result, expressed as a proportion of all visits) – target for 2008– 0.96.

To achieve its strategic objectives, the SLI carried out two programmes in 2008.

One of them, the main programme, that received all financial and virtually all human resources was the programme 'Prevention of accidents at work, occupational illnesses and violations of labour law'. The continuous programme is carried out annually, based on the functions prescribed to the SLI by law and in line with its competence.

For the purpose of implementing the programme, 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 the most effective influence on the SLI strategic goals:

The first direction: To carry out inspections of compliance with the Labour Code and other legal acts regulating occupational safety and health and labour relations as well as cases of illegal employment, and to prevent violations; to investigate cases of accidents

at work and occupational illnesses analysing the circumstances and causes of such cases.

The second direction: Along with prevention of violations of regulations governing occupational safety and health and labour relations, to offer advice to employers and employees on these regulations, conduct information campaigns to raise the number of educational radio and television programmes, publications in national and local media, organise seminars, conferences and meetings with social partners, prepare methodical information materials; raise the professional level of inspectors.

The programme also outlines the results of long-term activities to be achieved. In projecting the strategy and tactics of activities, the SLI focuses on the results of its long-term and short-term (annual) activities. Therefore, the prevention of violations of regulations governing occupational safety and health and labour relations 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.

The second programme is the 'Special legislative programme of legal acts regulating labour law, occupational safety and health'.

The aim of the programme is to step up, by means of 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, industrial accidents, and violations of legal acts regulating occupational safety and health and labour relations.

The results of long-term activities of the SLI are planned to be achieved in 2015:

- i. when, improving the quality of equipment of workplaces, plans of risk elimination and mitigation measures will be prepared and executed and specific measures indicated in such plans will be implemented over the period at 75% of businesses.
- ii. when, conducting integrated employee and employer consulting and information activities as well as public education on relevant occupational safety and health issues, a 40% higher awareness level of the persons concerned compared to 2006 will be achieved over the respective period.

To achieve its targets and challenges, the SLI carried out the planned tasks in inspection of businesses in 2008. The businesses inspected account for a tenth of the country's companies and active farmers. The number of inspections carried out exceeds the target by 2.3%.

In the general context of SLI activities, attention and resources were focused on the coordination of prevention of illegal employment and other measures to combat illegal work. The highest number of cases of illegal (unlawful) employment in 2008 was established in construction (36.88%), agriculture (12.25%), wholesale/retail (9.90%), other community, social and personal service activities (9.78%), hotel and restaurant activities (8.05%). Economic activity sectors associated with the highest risk included construction, agriculture, wholesale and retail, hotels and restaurants.

Results of implementation of strategic objectives. The focused and concentrated control activities of SLI in 2008 ensured the achievement of all targets:

- i. According to the 2008 results of operations to control illegal employment, the effectiveness of illegal employment inspections (the number of inspections revealing illegally employed persons or other violations of labour law as a proportion of all illegal employment inspections) was 0.63, i.e. 100 per cent of the target.
- ii. Analysis and summary of the 2008 data on inspections has shown that the actual effectiveness of inspections (the number of successful (documented) inspections as a proportion of all inspections) was 0.98, 2.1% above the target.

- *New legislation implemented during the year.*

In an effort to fully harmonise the relevant provisions of the Labour Code of the Republic of Lithuania with Council Directives 96/34/EEC, 96/71/EC, 97/81/EC, 98/59/EC, 2001/23/EC and 2002/14/EC concerning the safeguarding of employees' rights and interests, collective redundancies; social partnership, information and consulting; the dispute settlement procedure; calling and conduct of a strike; the procedure of payment for overtime and night work; the procedure of payment for work on rest days and public holidays,

Articles 22, 24, 43, 47, 52, 58, 67, 68, 69, 70, 72, 73, 75¹, 76, 77, 78, 79, 80, 83, 85, 104, 130, 130¹, 136, 162¹, 193 and 194 of the Labour Code of the Republic of Lithuania were amended.

Other legal acts:

In an effort to address the issues related to the quality of occupational safety and health services, **Model regulations of occupational safety and health services of companies** were amended and **the Licensing rules for the provision of occupational safety and health services** were approved.

- *Training programmes for inspectors.*

The following priority objectives of training of public servants are projected in the Strategy for the training of public servants in 2007–2010:

- i. To improve the capacities related to the implementation of strategic objectives of state and municipal institutions and agencies;
- ii. To participate in EU decision-making and implementation processes, prepare for EU presidency in 2013;
- iii. To improve the capacities of public servants at all levels in administering EU structural assistance;

- iv. To conduct the mandatory training stipulated in the Law of the Republic of Lithuania on Public Service;
- v. To broaden the knowledge of public servants in professional ethics and prevention of corruption;
- vi. To enhance the skills in EU working languages and computer literacy.

Newly-hired inspectors of the SLI undergo training under the Basic training programme for inspectors approved by the Chief State Labour Inspector of the Republic of Lithuania on 31 May 2002.

The duration of the basic training programme for inspectors with a background in technical education is 420 hours, including 265 hours of theoretical and 155 hours of practical training. The main topics covered by theoretical training include organisation of inspectors' work, organisation of occupational safety and health in companies, fundamentals of occupational hygiene, technical legislation and occupational safety, occupational safety in particular industries, and basic computer skills.

The duration of the training programme for occupational hygiene inspectors is 282 hours, including 177 hours of theoretical and 105 hours of practical training. The main topics covered include organisation of work, fundamentals of labour law, organisation of occupational health and safety in companies, fundamentals of occupational hygiene, and basic computer skills.

The duration of the training programme for labour law inspectors is 206 hours, including 104 hours of theoretical and 102 hours of practical training. The main topics covered include organisation of work, fundamentals of labour law, and basic computer skills.

In an effort to deepen professional knowledge and improve administrative capacities, the SLI prepares an administrative capacity and skill improvement plan for public servants and employees working under employment contracts on an annual basis.

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

Adequately responding to the safety and health situation or unexpected random situations, the SLI conducted necessary responsive intervention campaigns and events:

(1) *Prevention campaign 'A summer of active deterrent actions of inspectors'*. The analysis of data on the state of occupational safety and health for the past year leads to a conclusion that the majority of traumas are sustained where employees are poorly trained, use inadequate equipment, inadequate collective safeguards or do not use any at all. Work supervisors fail to consider the threats and hazards, particularly in mobile workplaces where working conditions are changing all the time and safeguards must be selected in view of hazards occurring during the work. Permits for works in danger zones that are continuously affected or may be affected by risk factors are not in place and work technology projects for demolition works are not prepared. Company managers fail to instil responsibility to employees for their own actions, confining themselves to random controls, formal instruction, advisory and information procedures. Therefore, in

an effort to achieve more dynamic positive changes in occupational safety and health in companies, the targeted prevention campaign 'A summer of active deterrent actions of inspectors' was organised in June through September 2008.

It is important to note very active controls of mobile workplaces (mostly at construction companies) during the campaign (mobile workplace objects account for 35% of the total number of inspections) and strict assessment of the liability of persons in charge for the violations established. Some 47% of all administrative offence reports and 80% of all orders to suspend works drawn up during the campaign were drawn up in these objects during the inspections.

Owing to the focused and concentrated preventive activities of the SLI during the campaign in carrying out the set tasks, all objectives under the established criteria were achieved and exceeded: the number of fatal and serious accidents at work at the end of the campaign decreased by 20.5% compared to the same period of last year (the target was at least 10%)

(2) *Control of employment of foreign citizens.* Implementing the preventative measures against the shadow economy, the SLI carried out inspections of employment of foreign citizens. The inspections were carried out in companies, institutions and organisations employing foreigners who have obtained work permits issued by the Lithuanian Labour Exchange and entered into employment contracts in accordance with the procedure set out in the Labour Code. Cases of illegal employment of foreign citizens by the inspected economic operators were identified during the control and prevention campaign. There was a considerable increase in the number of illegally employed foreigners in January-August 2008 compared to 2006–2007; it grew from 7 persons in 2006 to 161 persons in 2008.

(3) *Control of working condition guarantees for children and youth.* At the start of the seasonal work period when more young persons are employed, the SLI annually takes measures to control and publicise the problems of youth employment. In the first decade of August 2008, targeted youth employment inspections were carried out in all counties to identify the potential cases of failure to provide safe working conditions and other work guarantees. According to the results of inspections, violations were established in 13% of companies. Violations of work and rest schedules accounted for 36%, violations of conclusion of employment contracts for 18% and other types of violations made up 1.5 to 2% of the total number of violations. A press release on the results of the inspections was prepared and an article entitled 'Inspectors keep eye on employment of children and teenagers' was published in the national and local press.

(4) The relevant press releases and an article were prepared for the presentation of the *Europe-wide information campaign 'Healthy workplaces: Good for you. Good for business'* intended for risk assessment; audio records on this subject were broadcast by radio stations, one of them organised a radio game about hazards at work; video clips about safe workplaces were adapted and broadcast on television; a good practice competition was announced; Risk Assessment Essentials, publications of the European Agency for Safety and Health at Work, were disseminated; seminars on occupational risk assessment were organised for representatives of small and medium-sized businesses, employers and specialists of construction companies in association with the Builders Association, and for companies providing occupational safety and health services.

(5) *Consulting, information and educational activities.* There are five accents in this area of activities.

i. The first, a United SLI Spring Day was organised on the occasion of the World Day for Safety and Health at Work in April. The second event of such large-scale consultations, A United SLI Autumn Day, was organised in October.

ii. The second accent is the provision of information in view of the relevant issues of the summer season: employment of children and youth. It should be noted that consistent provision of information on this topic to the public and the SLI enhances knowledge of current legal regulation of children and youth employment. It was also proven by the fact that inspectors were frequently interviewed on this topic during radio broadcasts and by newspaper reporters at the start of the summer season.

iii. The third information accent is related to the activities aimed at more effective prevention of accidents during the work at a height, in excavations, repair and other hazardous works, and intensive inspections started by inspectors in these areas.

iv. The fourth accent is prevention of illegal employment during the campaign 'Illegal work. Stealing your future!'. This social advertising slogan was used for mobile advertisements. A flash banner was placed on the SLI website at www.vdi.lt.

v. The fifth accent was the European information campaign intended for risk assessment.

To expand its activities in the development of prevention culture, the SLI also widely uses other forms of consulting employers and employees, educating the public in the area of occupational safety and health. Seeking to attract the attention of employers and employees to the unabated trauma levels and propose effective solutions, an effective form of communication – e-mails – was used. The Chief Labour Inspector of the Republic of Lithuania uses this form of communication to appeal to all employers and trade unions of the country, and e-mails containing information for employers structured by type of economic activities about accidents at work with descriptions of circumstances of the incidents are sent on a weekly basis.

(6) *Control of illegal employment.* As a rule, in the general context of SLI activities, attention and resources were focused on the coordination of control of illegal employment and other measures to prevent illegal employment. The majority of cases of illegal (unlawful) employment established by all bodies in charge of control and prevention of illegal employment (the Police Department, the State Tax Inspectorate, the Financial Crime Investigation Service and the SLI) during the control of illegal activities (illegal employment, activities without having obtained a business licence, activities without having registered an enterprise or without having obtained a licence, and other illegal activities) within their competence in 2008 were established in construction (36.88%), agriculture (12.25%), wholesale/retail (9.90%), other community, social and personal service activities (9.78%), hotel and restaurant activities (8.05%). Economic activity sectors associated with the highest risk included construction, agriculture, wholesale and retail, hotels and restaurants. There was a tendency for the number of cases of unlawful employment in garages to increase. Although, compared to the

previous year, the trends were similar, a considerable increase was observed from the second half of 2008.

There was a tendency for the number of illegally employed persons from third countries to increase. An analysis of information on the number of illegally employed foreigners by sectors of economic activities (according to the results of SLI inspections) has shown that the highest number of illegally employed foreigners worked in the administrative and services sector (39%), agriculture (25%), construction (16%), wholesale and retail (9%).

(7) Short-term intervention campaigns to control the use of potentially hazardous equipment were conducted:

- i. control of the activities of companies manufacturing and selling potentially hazardous equipment;
- ii. control of the activities of companies using potentially hazardous equipment –ski-lifts – at the start of the winter season.

It should be pointed out that, owing to the concerted effort of the country's employers, trade unions and public bodies, the number of deaths due to unsafe workplaces and serious injuries went down by 24% last year compared to 2007.

- Criteria for the selection of accidents at work and complaints for investigation

SLI inspectors investigate all serious and fatal accidents at work. Minor accidents at work are investigated by a company's bilateral commission comprised of an equal number of employer and employee representatives.

The SLI investigates all complaints received concerning labour law and occupational safety and health.

It does not investigate anonymous complaints, except reports of illegal (unlawful) employment and compliance with work and rest schedules.

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

- *Any studies or projects modelling the intervention process.*

The SLI does not provide information on this issue.

- *Any experiments or pilot programmes changing the process of performance of regulatory activities and results thereof.*

The SLI does not provide information on this issue.

- *Analysis of the results or impact of different regulatory or promotional activities conducted either by the Labour Inspectorate alone or in association with social partners.*

Based on an analysis of circumstances of accidents at work in recent years, it has been stated that approximately 50% of cases of serious and fatal accidents at work involve persons who have worked for a specific company for up to one year. After studying the reasons behind these incidents, the SLI specialists have established that shortcomings in the training and instruction of those employees as well as provision of information on occupational safety and health were among the main causes of accidents. Insufficient cooperation of social partners in solving the abovementioned problems was another major shortcoming in the chain of directly related causes.

Therefore, the SLI has given more attention to the search for solutions to this problem for the last several years: (a) annual targeted preventive inspections of companies that reported accidents at work involving employees of the abovementioned category have been carried out to control the implementation of preventive measures; (b) during the inspections of companies, inspectors have offered advice to employers, employees and their representatives; (c) recommendations have been provided as to what preventive organisational measures should be implemented in order to inform newly-hired employees of hazards faced by them and possibilities to avoid them; (d) these topics have been widely discussed with social partners during various seminars, conferences, training sessions and other events; (e) analytical articles focusing on the construction industry have been prepared and published in the press.

It can be stated that focused work in cooperation with social partners has produced the first positive results. In 2008 compared to 2007, the number of serious accidents at work involving employees who had worked for a specific company for up to one year decreased by 13 percentage points and the number of fatal accidents shrank by 3 percentage points.

- *Examples of current practice reviews from which lessons could be learnt*

i. A system for the evaluation of inspectors' work was prepared and introduced. The system covers qualitative and quantitative indicators and is aimed at improving the quality and effectiveness of inspections.

The main purpose of the system is to encourage inspectors to improve their skills 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 Chief Labour Inspectors).

ii. The SLI installed an Information System for Regular Monitoring of Working Conditions at Workplaces (hereinafter the 'WCM IS').

The purpose of the information system is to monitor the implementation of provisions of legal acts regulating occupational safety and health and labour relations in companies

and improve the effectiveness of control and prevention of violations carried out by the SLI.

The WCM IS enables to: (a) accumulate data on the state of working conditions in workplaces, i.e. risk factors in companies; (b) accumulate data on accidents and occupational illnesses in companies, companies engaged in different types of economic activities and in the country as a whole; (c) promptly analyse the state of and changes in occupational safety and health; (d) plan and implement the necessary measures of improving workplaces and preventing professional damage in view of the changes.

The WCM IS is intended for: (a) automation of SLI processes; (b) data exchange with other state information systems and registers; (c) provision of information to institutions regarding accidents at work, occupational illnesses, the state of occupational safety and health, instances of illegal activities, as stipulated in legal acts; (d) provision of public e-services to employers and provision of information to employers on occupational safety and health as well as SLI activities.

- *Work done or planned to be done to avoid duplication of efforts by EU Member States.*

The SLI does not provide information on this issue.

1.5 Changes in the legal system of sanctions

The Administrative Code of the Republic of Lithuania was supplemented with an article setting out employers' liability for failure to ensure the guarantees for employee representatives provided for in the Law of the Republic of Lithuania on employee participation in cross-border mergers of limited liability companies.