

## Annual Report of the State Labour Inspectorate: 2012

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**Member State:** Republic of Lithuania

**Title:** State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour 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 style="border: 1px solid black; padding: 2px 10px;" type="text" value="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 style="border: 1px solid black; padding: 2px 10px;" type="text" value="NO"/>	Offshore <input style="border: 1px solid black; padding: 2px 10px;" type="text" value="NO"/>
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Other:  .....

Changes in the legal framework of sanctions? **YES**

Changes in the national inspection system? **YES**

## 1.2 Staff and inspections conducted over the year; main results

<b>INFORMATION ON ENTERPRISES (COMPANIES)</b>		
		Comments (if necessary)
Total number of enterprises (companies)	200,729	Including: enterprises – 86 929; farmers – 113 800
Number of enterprises (companies) in each size category		
1 – 9 employees	181 967	
10 – 49 employees	14 271	
50 – 249 employees	4 016	
> 250 employees	475	
Total number of employees	1 110 714	
Total number of self-employed	167 786	
<b>INFORMATION ON THE STATE LABOUR INSPECTORATE (SLI)</b>		
Number of employees engaged in tasks related to occupational health and safety	211	
Number of inspectors	196	
Number of inspections	9 926	
Percentage of complaints investigated	100	
Percentage of time spent <b>outside the office</b> (per inspector per year)	66	
If available, figures regarding	46	
- inspection of companies	20	
- travel	25	
Percentage of time spent <b>in the office</b> for carrying out administrative tasks regarding	25	

visits to companies (e.g. drafting reports) (per inspector per year)		
Percentage of time devoted to other administrative tasks (per inspector per year) <i>(Including basic training)</i>	9	
Number of improvement notices	5 192	Number of improvement notices and questionnaires (recommendations)
Number of suspensions of work activities	9	
Number of administrative fines imposed/proposed by the Labour Inspectorate (including on-the-spot fines)	248	
Number of cases referred to prosecutors	197	
Percentage of cases referred to prosecutors resulting in court hearings		Not available
Percentage of registered occupational diseases investigated	100	
Percentage of registered accidents investigated	6.8	The SLI inspectors investigate all serious and fatal accidents at work.  Minor accidents at work are investigated by the bilateral commission of a company.
Number of equivalent full-time occupational health and safety inspectors	196	

### 1.3 Main activities undertaken by the SLI over the year

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

In 2012 the SLI, acting within its powers to prevent accidents at work, occupational diseases and violation of requirements of the labour legislation on occupational safety and health (OSH) and to enforce these legal provisions in economic entities, acted in the following areas:

1. consultancy, provision of information and advice;
2. public awareness raising;
3. improvement of the principles and methods of supervision of economic entities;
4. control of how economic entities implement the provisions on occupational safety and health and the labour legislation;
5. promotion of social partnership;
6. professional development of the SLI staff optimising the use of administrative and material resources.

Implementing the key priorities identified, the SLI conducted the following activities:

1. enhanced the control of illegal activities and coordinated it with other control institutions;
2. consulted and informed employers, employees and their representative organisations focusing on the activities of small and medium economic entities and the prevention of work under the influence;
3. raised public awareness on the issues relating to the application of the labour legislation and adverse consequences of any violations thereof (illegal work, accidents at work, occupational diseases, etc.) focusing on educating the youth about OSH and labour law issues;
4. carried out inspections of economic entities setting priorities based on the highest risk of OSH and labour law violations in enterprises;
5. optimised the methods and principles of inspecting economic entities, engaged in professional development of the SLI staff, enhanced internal control and strived for efficient use of resources.

#### *Prevention of illegal activities*

To increase the effectiveness of the use of human and financial resources and time, also, to improve the risk management, in 2011 mobile groups for controlling illegal employment were established by an SLI decision in five major SLI units (Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys). Those groups were assigned to control illegal work all over the country and equipped with all necessary equipment and provided with professional development (training) opportunities for their members. The decision made proved to be the right one. According to the results of control activities undertaken in 2012, the effectiveness of the illegal employment control reached 90.2% (the target is 75.0%).

The authorities conducting the control of illegal employment (the SLI, the Police Department under the Ministry of the Interior, the State Tax Inspectorate under the Ministry of Finance and the Financial Crime Investigation Service under the Ministry of the Interior) conducting within their respective areas of competence the control of illegal activities (illegal employment, activities undertaken without a business licence, without registering a business or without a licence, and other types of illegal activities) in 2012 established the following:

- the number of illegally employed persons (no employment contracts concluded):  
1 001;

- the number of cases of activities undertaken without a business licence: 1 581;
- the number of cases of activities undertaken without registering a business, without a licence and in another illegal manner: 3 341.

In 2012, the authorities drew up a total of 4 563 administrative offence reports and instigated pre-trial investigation proceedings against 442 subjects.

In 2012, about 17% of all the inspections of illegal employment conducted by the SLI (631 inspections) were carried out together with other authorities conducting control and prevention of illegal employment (the Financial Crime Investigation Service, the State Tax Inspectorate, the Police Department).

For the purposes of prevention and control of illegal activities, in 2012, the SLI conducted 3 729 inspections and as a result identified 1 710 illegally employed persons including 26 persons under 18 years of age and 13 foreign nationals. In 2012, employers received 404 administrative offence reports for the use of illegal employment regarding 696 persons pursuant to Article 41<sup>3</sup> (*Illegal employment*) of the Code of Administrative Offences of the Republic of Lithuania, and 557 cases of administrative offences were heard in accordance with Article 172 (*Procedural violations of commercial or economic activities*) of the Code of Administrative Offences of the Republic of Lithuania.

The analysis of the SLI data on identifying the illegally employed by economic activity sectors shows that the majority of cases of illegal employment in 2012 were identified in the following sectors of economic activity: construction – 35.9%, other services – 12.5%, wholesale/retail trade – 10.5% and agriculture – 7.8%. The riskiest economic sectors still remained the same: construction, wholesale and retail trade and agriculture.

In 2012, following the administrative offence reports drawn up by the SLI officers under Article 41<sup>3</sup> of the Code of Administrative Offences of the Republic of Lithuania (*Illegal employment*), the courts heard a total of 369 (91.3%) cases of administrative offences.

In 188 cases (50.9% of all cases) heard by the courts with regard to 275 illegal employees, employers were imposed a sanction of LTL 3 000 to 10 000 as provided for in Article 41<sup>3</sup>(1) of the Code of Administrative Offences of the Republic of Lithuania – on average LTL 3 400 for each illegally employed person. A lower penalty rate than the administrative penalty provided for in Article 41<sup>3</sup> of the Code of Administrative Offences of the Republic of Lithuania was imposed in 145 cases of administrative offences (39.3%) concerning 281 person – on average LTL 986.1 for each illegally employed person identified.

When imposing a sanction below the level of the administrative penalty provided for in the Code of Administrative Offences of the Republic of Lithuania, like in the previous year, the courts of the Republic of Lithuania mostly considered not only the mitigating circumstances of the administrative offence provided for in the Code but also took into consideration other criteria such as no previous administrative penalties imposed, necessity to maintain minor children, the criteria of justice and reason, difficult financial situation, a very brief period worked by a person, the offence did not cause much damage, etc.

### *Consultancy and information activities undertaken by the SLI*

#### *Consultancy events*

In 2012, more than 270 various consultancy events attended by almost 5 000 participants were held in order to provide advice and raise the awareness of employers, employees and organisations representing their interests:

- three national conferences, as part of the 2012-2013 Pan-European information campaign *Healthy workplaces. Working together for risk prevention* (about 270 participants);

- 5 regional seminars organised in conjunction with the European Business and Innovation Network (about 230 participants);
- a seminar on effective management of OSH issues in the company intended for heads of businesses, in cooperation with the Training Centre of the Lithuanian Confederation of Industrialists (a total of 38 participants);
- 58 regional and study-visit seminars on occupational risks, their management and other important issues, intended for employers and employees in small and medium-sized enterprises (SMEs) and organisations representing their interests (about 1 500 participants);
- on April 28, the SLI Spring Consultations Day took place in 45 venues farther from large cities to mark the World Day for Safety and Health at Work (about 950 participants);
- 158 consultancy seminars in enterprises provided by inspectors of territorial offices (a total of 1,900 participants).

#### *Other consultancy measures*

In 2012, apart from consultations during various events, the SLI specialists provided counselling in different other ways to over 127 000 persons including:

- 84 800 people – through telephone inquiries;
- 7 100 people – through written inquiries;
- 24 300 people – at personal appointments;
- 10 800 people – during the certification processes;
- 85 cases – consultations in enterprises at the invitation of an economic entity.

#### *Information activities*

• Given that a large share of economic entities active in the country is represented by farmers, 2012 was marked by active work under the cooperation agreement with the Lithuanian Agricultural Advisory Service (*Lietuvos žemės ūkio konsultavimo tarnyba, LŽŪKT*) on the joint consultancy events organised in the agricultural sector; within the framework of this agreement, the website of the Lithuanian Agricultural Advisory Service now has a section on occupation safety and health in the agricultural sector which publishes the SLI's notices and methodological recommendations based on the integrated information from the SLI's website on topics important for this economic activity (in 2012, 29 various information notices were published on this website);

- a new channel for informing economic entities has been introduced – the SLI's e-newsletters distributed to social partners. In 2012, 4 newsletters were drawn up and distributed;
- information for the employers on what they need to know when admitting a trainee has been drafted and published on the SLI website;
- a leaflet *What you need to know on becoming an employer (head of an enterprise)* has been drafted and published;
- a booklet *Safe Work Guide* has been published;
- the SLI's business card has been published with a brief introduction of the SLI's activities and the main contact details;
- a total of five preventive letters addressed to the employers have been prepared and sent by the Chief State Labour Inspector of the Republic of Lithuania;
- a total of 37 press releases have been drafted and disseminated;
- 7 TV programmes have been created to inform the public about the activities of labour dispute commissions established under the SLI's territorial offices, the new procedure for

handling individual labour disputes and making decisions, etc. including preventive programmes as part of an awareness-raising campaign about insobriety at work as an additional risk factor;

- a total of 50 preventive information sheets have been prepared and published on the SLI website;
- a total of 17 methodological recommendations and 2 memos on OSH issues have been prepared and published on the SLI website.

#### *Awareness-raising measures to prevent insobriety at work*

Considering possible consequences when an employee is not sober at work, in 2012 much work was done within the framework of the Alcohol and Tobacco Control Programme for 2012-2014 (the interinstitutional activity plan) approved by Resolution No 1080 of the Government of the Republic of Lithuania of 14 September 2011 on the approval of the Alcohol and Tobacco Control Programme for 2012-2014 (the interinstitutional activity plan). The SLI undertook the following measures to implement the measures of the Alcohol and Tobacco Control Programme for 2012-2014 (the interinstitutional activity plan):

- a description of the procedure for systemic analysis and generalisation of fatal and serious accidents at work where the victims were not sober was drafted;
- descriptions of cases where the victims of accidents at work were not sober were drafted and published (without disclosing the identities of the victims) on the SLI website, in the media, by e-mail to economic entities, during seminars organised by the SLI, in the SLI newsletter and in media releases;
- 2 information campaigns were organised (on 23-27 April and on 10-14 December 2012)

#### *Don't consume alcohol – don't risk everything!;*

- a memo for employers *If a drunk employee is at work* was created (the SLI website);
- a memo for employees *Drunk at work – what are the consequences?* was created;
- the recommendations on eliminating alcohol at work as a risk factor in enterprises, establishments and organisations all over the country were updated;
- a check-list on measures taken by economic entities to prevent insobriety at work was compiled.

#### *Education activities undertaken by the SLI*

Within the context of its educational activities in 2012, the SLI raised public awareness on the issues relating to the application of the labour legislation and adverse consequences of any violations thereof (illegal work, accidents at work, occupational diseases, etc.) focusing specifically on educating the youth. To that end, the SLI organised or/and took part in 66 events where the presentations of the SLI inspectors had been presented to over 1 800 young people:

- more than 30 meetings were organised with students of vocational and higher education institutions (more than 800 participants);
- lectures were given as part of a series of regional events co-organised with the Lithuanian Labour Exchange *Road of the Young to the Labour Market: Expectations and Opportunities* – 13 events (over 300 participants);
- 23 lessons on safe work were given by the SLI at schools (about 700 participants).

Also, as part of measures aimed at reducing youth unemployment, a thematic section to promote youth employment was created on the SLI website and an information leaflet for the young *First Job? Want to Know Your Rights?* was prepared and published.

### *Supervision of economic entities*

In 2012 the SLI conducted over 9 900 inspections of economic entities, of which 37.5% were routine inspections. As compared to the same period in 2011, the share of routine inspections in the total number of inspections increased more than 3.5 times.

22.1% of inspections were carried out together with other control institutions (in the presence of their representatives or labour inspectors).

In 2012 SLI inspectors established 14 300 cases where economic entities failed to comply with statutory requirements, and most of these irregularities were violations of OSH legislation. However, more than 4 000 violations were eliminated during the labour inspector's visit to the economic entity.

5 200 preventive documents were drawn up and delivered to employers, including:

- 1 564 R1-type improvement notices requiring the elimination of violations;
- 9 R2-type improvement notices demanding the suspension of operations;
- 3 619 cases of check-lists with recommendations on eliminating non-compliance with the OSH and labour legislation.

In 2012 most administrative offence reports were drawn up under Article 172 (*Procedural violations of commercial or economic activities*) of the Code of Administrative Offences of the Republic of Lithuania: 557, or 40.2% of the total number of reports drawn up. The second highest number of administrative offence reports consisted of those concerning illegal employment (Article 41<sup>3</sup> (*Illegal employment*) of the Code of Administrative Offences of the Republic of Lithuania). In 2012 the number of these reports was 404, or 30% of the total number of all reports drafted. Furthermore, 202 administrative offence reports were drawn up under Article 41 (concerning violations of labour law, occupational safety and hygiene regulations) of the Code of Administrative Offences of the Republic of Lithuania (14.7% of the total number of reports).

In 2012 the SLI adopted 248 resolutions to impose an administrative penalty and drew up 733 administrative orders, i.e. 71% of reports resulted in the adoption of a resolution or administrative order by a labour inspector.

In 2012 the average amount of the fine imposed by SLI officers was LTL 678 and depended on the nature of the violation identified.

### *Investigation of complaints and notifications and handling of inquiries*

In 2012 the SLI investigated (analysed) over 13 000 complaints and notifications concerning public-interest violations and inquiries on more than 17 200 questions, including:

- 6 200 complaints and notifications concerning public-interest violations (hereinafter referred to as notifications) raising about 8 000 questions;
- 6 900 inquiries raising about 9 200 questions.

The complaints, notifications and inquiries received within the reporting period predominantly concerned labour law issues (about 15 800 or 91.7% of all questions raised). OSH issues were raised in 1 200 cases (7.2% of all questions presented).

In the field of labour relations, the most popular subject of complaints or questions was the employment contract (employment, violations of the employment contract, illegal employment without an employment contract): 39.8% of the total number of questions related to labour law. 23.6% of the total number of labour-law issues concerned working and resting times, and 24.4% of the total number of questions raised concerned remuneration issues.

An analysis from the perspective of economic entities' economic activities of the frequency of complaints and notifications handled, showed that in 2012 most were received from the following sectors: construction (16.8%), trade (15.7%), manufacturing (10%) and transport and storage companies (8.6%).



### *Control of employment conditions of young people*

In the course of its inspections of economic entities of the country in 2012, the SLI established the following:

1. Young persons (under 18 years of age) were employed by 22 enterprises.
2. During the inspections one case (0.1% of all the infringements identified) of the failure to provide young people under the age of 18 with the privileges and guarantees set forth in the legislation have been identified.
3. The complaints and notifications received raised 1 question concerning work activities of young people (under the age of 18). The question was related to privileges and guarantees for young persons.
4. The activities aimed at the prevention and control of illegal employment identified 26 illegally employed persons under the age of 18. That number accounted for 1.5% of all illegally employed persons identified, including: in administrative and support service activities – 2, construction – 1, forestry and fisheries – 18, manufacturing – 1 person, and other activities – 4 persons. Young persons identified as illegally employed in enterprises – 22; at farmers – 4.
5. No young persons (under 18 years of age) injured at work.

### *Control of drivers' driving and rest schedule*

In 2012, the SLI achieved the targets regarding the scope of the control of driving and rest schedules of road vehicle drivers with a view to implementing Directive 2006/22/EC of the European Parliament and of the Council. The SLI verified a total of 89 003 days worked by drivers or 110.7% of the overall target set by the Government of the Republic of Lithuania.

### *Pan-European information campaign on risk assessment*

Within the framework of the 2012-2013 Pan-European information campaign *Healthy workplaces. Working together for risk prevention* initiated by the European Occupational Safety and Health Agency, the SLI organised 3 opening events for the campaign in Lithuania.

In close cooperation with the representatives of the European Business and Innovation Network represented in Lithuania by the Lithuanian Chamber of Commerce, Industry and Crafts, the SLI organised a series of 5 regional seminars in September and October for representatives of enterprises and a conference for representatives of the agricultural sector. In 2012, 4 media releases and an article in the *Verslo Žinios* were published on the subject of the Pan-European information campaign *Working together for risk prevention*. The SLI also took part in two radio programmes discussing OSH issues in Lithuania.

A European competition offering awards for the best OSH practices was organised in Lithuania receiving 8 applications from enterprises. The tripartite commission selected two of them as examples of the best practice – Saint Gobain Statybos Gaminiai UAB (in the category of enterprises with under 100 employees) and Coca Cola HBC Lietuva UAB (in the category of enterprises with over 100 employees) and nominated them for the eleventh European award ceremony for the best practice in the area of occupational safety and health.

### *Criteria for the selection of accidents at work and complaints for investigation*

The SLI inspectors investigate all serious and fatal accidents at work.

Minor accidents at work are investigated by the bilateral commission of a company, which is comprised of an equal number of employer and employee representatives. Labour inspectors assist the commission in filling out accident reports (analyse the causes and circumstances of the accident and encode the data of the report).

The SLI investigates all complaints received regarding labour law and OSH.

The SLI does not investigate anonymous complaints, except for the reports on undeclared (illegal) employment and reports related to hazards to the occupational health and safety.

*New legislation implemented over the year*

1. With a view to reducing the administrative burden on employers, 2012 saw some amendments to the Labour Code of the Republic of Lithuania and the Law of the Republic of Lithuania on Occupation Safety and Health by doing away with the requirement to fill in occupational safety and health certificates and the adoption of the following legislation:

1.1. the Law amending Articles 264, 266 and 274 of the Labour Code of the Republic of Lithuania;

1.2. the Law amending and supplementing Articles 1, 2, 11, 12, 13, 18, 19, 22, 25, 27, 29 and 33 of and the annex to the Law of the Republic of Lithuania on Occupational Safety and Health.

2. With a view to making the control of illegal activities more efficient, from 1 January 2012 the SLI inspectors have been given powers to handle cases of administrative offences on their own by imposing a penalty of LTL 500 to 1 000 pursuant to Article 172 (*Procedural violations of commercial or economic activities*) of the Code of Administrative Offences of the Republic of Lithuania (in the event of repeated offences – LTL 1 000 to 2 000). To that end, the Law amending and supplementing respective articles of the Code of Administrative Offences of the Republic of Lithuania was adopted.

3. In order to ensure the consistency of legal regulation and to duly implement Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, in 2012 the Labour Code of the Republic of Lithuania was subject to some amendments by specifying illegal work features of third-country nationals, listing control institutions and providing for the responsibilities of employers employing third-country nationals. The Labour Code of the Republic of Lithuania sets out that it is to be enforced by the SLI, the State Tax Inspectorate under the Ministry of Finance, the Financial Crime Investigation Service under the Ministry of the Interior and the police guided by the legislation regulating their activities. Similar amendments were introduced to the Law of the Republic of Lithuania on the State Labour Inspectorate regulating that the SLI would establish and publicly announce the highest-risk sectors using illegal work of third-country nationals and by 1 July of each year would provide the European Commission with the data on inspections conducted during the previous year (presenting data on each of certain sectors in absolute figures and as a percentage share among the employees of each sector) as well as the outcomes of inspections concerning employment of illegally staying third-country nationals. Given the above objectives, the following legal acts were adopted:

3.1. the Law amending and supplementing Articles 98 and 99 of and the annex to the Labour Code of the Republic of Lithuania and supplementing the Code with Article 98<sup>1</sup>;

3.2. the Law amending Articles 1, 6 and 9 of the Law of the Republic of Lithuania on the State Labour Inspectorate and supplementing it with Section 4<sup>1</sup>, Article 13<sup>1</sup> and an annex.

4. With a view to reducing the administrative burden and enabling the employer to choose for themselves how to document and account for occupational safety and health and what forms of instructions on occupational safety and health to use to instruct the employee at a specific workplace to safely complete specific work, Order No 1-107 of the Chief State Labour Inspector of the Republic of Lithuania of 20 April 2005 on the approval of the procedure for drafting and presenting occupational safety and health instructions was repealed and replaced with Order No V-240 of the Chief State Labour Inspector of the Republic of Lithuania of 10 August 2012 on the approval of a description of the procedure for drafting occupational safety

and health instructions and instructing employees provisionally posted by employers' agreement from one enterprise to another.

*Training programmes for inspectors*

The strategy of the Republic of Lithuania for the training of civil servants for the period 2011-2013 (covering also the SLI's labour inspectors) sets out the following priority objectives of the training of civil servants:

- improving their managerial capacity, strengthening their leadership, management and managerial competence;
- improving their skills regarding participation in the EU decision-making process, the enforcement of adopted decisions and the preparation of Lithuania for the EU Presidency in 2013;
- developing the knowledge of civil servants in the field of professional ethics and corruption prevention;
- improving the relevant capacities and skills of civil servants who provide services to the residents.

Bearing in mind the objectives of the training of civil servants provided for in the strategy of the Republic of Lithuania for the training of civil servants for the period 2011-2013, a training plan for the SLI's civil servants and contract workers is drawn up and approved by an order of the Chief State Labour Inspector of the Republic of Lithuania at the beginning of each calendar year.

The SLI has taken part in:

- training on leadership skills, governance and management competences within the professional development programme OLYMP;
- training on Lithuania's preparations for the Presidency of the Council of the European Union;
- training *Good practice within the exchange programme for labour inspectors*;
- an international seminar dedicated to the improvement of the information system for providing worker posting services;
- training in foreign languages (English and French).

A distance seminar on evaluation of psychosocial risk factors was dedicated to the organisation and implementation of the SLI campaign.

The SLI implemented a project funded by the European Social Fund *Introduction of the quality management system and the enhancement of citizens' service at the State Labour Inspectorate* which included some training events attended by the SLI civil servants responsible for administrative functions and employees who would work with the new system.

Training sessions took place for the SLI civil servants with a view to improving customer service. The SLI hosted a series of seminars for territorial office inspectors to improve their professional skills in the area of inspection reform, to enhance the business and technical skills of labour inspectors and to develop administrative and professional skills in the area of providing customer service on legal issues.

In preparation for the performance of the functions of labour dispute commission starting from 1 January 2013, training was organised for presidents and secretaries of labour dispute commissions.

Special skills were developed, too. There were workshops dedicated to steeplejacking works and technical designs of buildings.

At the end of 2012 the SLI held its annual workshop covering the following topics: organisation of the work of labour dispute commissions, topical issues related to the supervision of economic entities, changes and trends in investigating accidents at work, prevention of corruption and conflicts of interests, the European practice including the Online Interactive Risk Assessment (OiRA), legal problems concerning the investigation of illegal employment, presentation and discussion of the audit results of the training and certification process and practical aspects of the application of material liability of employees and civil servants.

In 2012, the total number of participants in the SLI training covered 218 civil servants and contract employees and 6 572 academic hours.

The SLI inspectors could also continue their professional development through a conference *Maintenance of potentially dangerous equipment, machinery and other work tools – occupation safety and health solutions in the Baltic States*. An annual meeting of representatives of the labour inspectorates of the Baltic States (Estonia, Latvia and Lithuania) also took place on the margins of the conference. The 2012 conference was organised in Lithuania and covered OSH and labour law issues important to all the Baltic States.

The SLI inspectors also continued their professional development and exchanged best practices in cooperation with the national labour inspectorates of Poland, Estonia and Latvia at the level of territorial offices of the labour inspectorates.

#### *Special activities undertaken, campaigns conducted and priority topics covered during the year*

##### *Thematic preventive inspections of economic entities*

In 2012, the SLI organised the following targeted thematic preventive inspections of economic entities:

- inspections in economic entities engaging in agricultural economic activities including consultative preventive activities for farmers having hired employees.

With a view to minimising accidents at work at farms all over the country, during two autumn months the SLI labour inspectors provided preventive consultations for agricultural enterprises. During that period inspectors organised seminars, provided consultations at farms upon invitation and in cooperation with regional offices of the Lithuanian Agricultural Advisory Service organised a series of lectures on the topics of safe work in agriculture, labour relations and prevention of illegal employment in various regions. Representatives of agricultural companies and farmers were also invited to a conference intended specifically for them. The questions raised during various forms of consultations covered instructions at workplace, use of chemicals, conclusion of seasonal and short-term contracts and others focusing particularly on changes in the legislation providing for an opportunity of employing a person by issuing a special service receipt.

At the same time, labour inspectors also conducted preventive inspections. Agricultural enterprises were inspected on the basis of pre-generated check-lists published on the SLI website. The activity covered about 100 inspections, mostly in Vilnius, Kaunas and Klaipėda Regions. The inspections helped to establish that one out of two farms failed to assess occupational risks and implement measures to eliminate or reduce them. About 40% of the enterprises inspected failed to assess the risks related to the use of chemicals and the employees were not instructed on how to use them safely;

- inspections of employment conditions of pharmacy staff.

Having inspected employment conditions at 90 pharmacies run by different companies, the SLI officers established that the employers at 43 pharmacies had identified possible occupational risk factors for their employees. At half of them the risks identified were due to physical factors, i.e. inadequate lights, electrostatic or electromagnetic fields and the heating climate at the

workplace. However, only 7 pharmacies had measures in place to eliminate and reduce the risk factors in place;

- inspections in construction, shipment and storage enterprises – the prevention of accidents and illegal employment.

This routine preventive inspection of 125 construction companies and 44 shipment and storage enterprises based on the check-lists revealed around 400 various irregularities, of which more than 350 (87.5%) occurred at construction sites. 25 improvement notices demanding to eliminate the violations and 17 administrative offence reports were issued to and penalties in the total amount of over LTL 3 300 were imposed on employers. Moreover, 25 persons possibly employed illegally were identified.

Almost 70% of all violations identified were cases where employees worked at inadequately equipped workplaces: dangerous areas were not properly or at all fenced, collective protective measures preventing employees from falling down from big heights and from falling objects were not installed;

- inspections in enterprises providing safety services with a view to helping to prevent violations related to work remuneration and working and resting time requirements;

- inspections in enterprises carrying out dangerous works included in the List of Dangerous Works approved by Resolution No 1386 of the Government of the Republic of Lithuania of 3 September 2002 and inspections of how staff training was organised;

- inspections at logging sites with a view to establishing the current situation and helping to prevent accidents at work and illegal employment.

The inspections covered over 140 logging sites, and more than a half of them were found to have OSH violations. Labour inspectors drew up 12 improvement notices demanding the perpetrators to eliminate the violations and imposed penalties in the total amount of over LTL 3 500 to two enterprise owners. 14 persons possibly employed illegally were identified at the logging sites;

- in cooperation with the State Tax Inspectorate under the Ministry of Finance, there were inspections concerning the compliance with the statutory requirements on working and resting times; the SLI also took part in interviewing economic entities together with the State Tax Inspectorate under the Ministry of Finance;

- inspections in educational institutions holding training sessions on OSH issues with a view to assessing the training and certification procedures;

- inspections concerning the implementation of the 2012 campaign of the European Committee of Chief Labour Inspectors on psychosocial risk factors at work.

In Lithuania, the SLI participating in the campaign conducted 89 inspections based on a special enterprise check-list and a check of psychosocial risk factors. The inspections covered 57 transport enterprises (70%), 19 transport units in various areas of economic activity (18%) and 13 medical establishments (12%). As far as the size of the enterprises is concerned, 7 enterprises had 1 to 9 employees (8%), 43 enterprises – 10 to 50 employees (48%) and 39 enterprises – over 50 employees (44%).

The summary of the outcomes showed that psychosocial risk factors were taken into account only in 35% of the enterprises inspected. The least consideration to psychosocial risk factors was given in transport enterprises (just 28%), and the most – in transport units in various

areas of economic activity (63%). The most popular psychosocial risk factors identified were related to the workload (57%), unsatisfactory interpersonal relations (51%) and unclear expectations or deliverables (43%). The risk related to the workload was mainly established in transport enterprises (63%) and least of all – in medical establishments (43%). The risk related to unsatisfactory interpersonal relations and unclear expectations or deliverables was mainly established in transport enterprises (56%) and least of all – in medical establishments (43%);

- inspections to control the safe use of work equipment controlling enterprises irrespective of their area of economic activity and authorised institutions as to how they observe the requirements concerning the deadlines and documentation of technical condition checks of potentially hazardous equipment (PHE).

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

##### *Any type of studies or projects that serve as a simulation of the intervention process*

The SLI does not provide any information on this issue.

##### *Any type of experiments or pilot programmes aimed at changing the implementation of the regulatory activities and their results*

The SLI does not provide any information on this issue.

##### *Analysis of the results or the impact of different regulatory or promotional activities carried out either by the Labour Inspectorate alone or in association with social partners*

In order to reduce the administrative burden on businesses and to optimise the methods and forms of the supervision of economic entities and to improve the quality of the services provided by the SLI, in 2012 the SLI undertook the following measures:

- while planning its activities for 2012, the SLI focused not on rigid control activities but on the assistance to companies in the form of consultancy and information activities, thus seeking to build the culture of inspections based on a mutually good-natured relationship;
- when conducting inspections of enterprises and their structural units, in 2012 labour inspectors provided consultations to heads of enterprises to eliminate irregularities in complying with OSH and labour law requirements in 84% of cases. Only in 16% of cases, to eliminate violations heads of economic entities were issued R1-type improvement notices the execution whereof was controlled;
- to reduce the administrative burden on business entities, a greater share of control inspections were conducted jointly with other authorities which supervise and control economic entities (involving representatives of these authorities or labour inspectors) – 22.1% (the annual target being 20%);
- the SLI improved the principles and forms of the supervision of economic entities set out in the rules on routine and non-routine inspections of the activities of economic entities and other supervision measures undertaken by the State Labour Inspectorate of the Republic of Lithuania:
  - the SLI provided for an opportunity for economic entities themselves to request a consultative inspection at their enterprise or a consultation on the desired topic;

- the SLI enhanced the provisions concerning economic entities active for the first year setting out that administrative measures could apply to them only in exceptional cases where there was a real danger to employees' safety and health and it was impossible to eliminate it immediately;
- the SLI continued to disseminate its good practice that two SLI inspectors were to be involved in inspections of economic entities. The decision also aimed at strengthening self-control and avoiding potential manifestations of corruption, also, at ensuring the safety of the SLI inspectors in the economic entity and at improving the competence of labour inspectors who have a possibility to directly acquire their inspection experience from the more experienced colleagues on-the-spot;
- the SLI started to compile check-lists and widely use them in practice when conducting inspections of economic entities. Such check-lists are seen by economic entities not only as control instruments but essentially also helpful documents of consultative nature. It must be pointed out that all routine inspections are conducted using the check-lists;
- suggestions concerning the performance of OSH requirements were provided to the employers after assessing inspection results and taking into consideration the general principles of the labour inspectorate on the inspection of occupational safety and health adopted by the Senior Labour Inspector Committee of the European Commission;
- in 2011, the software of the State Register of Potentially Hazardous Equipment was updated. As of mid-December 2011 and in 2012, in case of approaching deadline of the technical check of potentially hazardous equipment or the failure to perform the check, the owner of such equipment receives an e-mail notice on the obligation to perform a technical check of the potentially hazardous equipment and on the potential consequences of the failure to perform the check. The second copy of the notice is sent to the SLI territorial office of the relevant region, which helps in carrying out the functions of the supervision of potentially hazardous equipment;
- the digest of the legislation on the activities of the SLI approved by Order of the Chief State Labour Inspector of the Republic of Lithuania and granted the status of a published consultation was updated. The digest is available on the website of the SLI at [www.vdi.lt/Teisinė informacija /Teisės aktų sąvadas](http://www.vdi.lt/Teisinė_informacija/Teisės_aktų_sąvadas);
- the procedure for drawing up instructions on OSH issues was simplified by enabling the employer proper to choose how to document and account for the instructions, what forms of instructions to use to instruct the employee at a specific workplace to safely complete specific work. There is no longer any detailed regulation of the process of compiling OSH instructions;
- the SLI implemented a system of consultations based on a single telephone number and gathered a special team of consultants, thus greatly increasing the flows of persons requesting consultations who are consulted simultaneously on a variety of issues;
- the SLI continued to implement the project on the introduction of the quality management system and on the enhancement of citizens' service at the State Labour Inspectorate co-financed from the European Social Fund and the national budget of the Republic of Lithuania under the *Operational Programme for the Development of Human Resources 2007-2013*.

*Examples of reviewed current practice providing lessons to be learnt*

In 2012, the State Labour Inspectorate completed the installation of the quality management system to improve the quality of services provided by the SLI:

- development and introduction of the monitoring system of performance management indicators based on the management of balanced indicators;
- introduction of the system for assessing the level of risks posed by the operations of economic entities and the risks related to the health safety of the employees of economic entities. The system will ensure the selection of only the highest-risk economic entities for routine inspections to be conducted.

The SLI continues to improve the information system for regular monitoring of working conditions at workplaces.

The purpose of the present information system is to monitor the implementation of provisions of legislation on OSH and labour relations in companies and to improve the effectiveness of control and prevention of infringements conducted by the SLI.

### ***Work done or planned to avoid duplication of activities undertaken by EU Member States***

The SLI does not provide any information on this issue.

## **1.5 Changes in the legal framework of sanctions**

Changes made in the legal framework of sanctions:

1. Law amending and supplementing Articles 13, 35, 43-6, 43-7, 43-8, 43-10, 79, 109-1, 110-1, 111, 112, 112-1, 112-6, 112-8, 125, 138, 145, 146, 147, 149, 163, 163-13, 171-3, 172-4, 173-5, 173-16, 173-21, 187, 188-6, 188-10, 188-17, 189, 206, 206-2, 206-3, 221, 224, 225-2, 225-3, 227, 228, 232-1, 233, 235-1, 237, 239, 240, 242, 245, 246, 246-4, 246-8, 247-2, 247-7, 247-10, 259-1, 281, 304, 309 and 314 of the Code of Administrative Offences of the Republic of Lithuania, supplementing the Code with Articles 37-2, 43-13, 52-3, 52-4, 99-11, 112-9, 112-10, 112-11, 117-5, 172-28, 173-22, 181-4, 188-20 and 206-5 and Section 33 and repealing Articles 112-7, 172-8, 173-4, 206-1, 241, 246-6 and 247-3 (the part concerning the SLI competence entered into force on 1 January 2012).

One of the objectives of the Law is to make the control of illegal activities more efficient by empowering the SLI inspectors to handle cases of administrative offences on their own by imposing a penalty of LTL 500 to 1 000 pursuant to Article 172 (*Procedural violations of commercial or economic activities*) of the Code of Administrative Offences of the Republic of Lithuania (in the event of repeated offences – LTL 1 000 to 2 000).

2. Law amending Articles 1, 6 and 9 of the Law of the Republic of Lithuania on the State Labour Inspectorate and supplementing it with Section 4<sup>1</sup>, Article 13<sup>1</sup> and an annex.

To implement Article 5(2)(a) of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ 2009 L 168, p. 24), the Law sets out that financial sanctions for employing third-country nationals illegally staying in the Republic of Lithuania increase in amount according to the number of such persons and sets the amounts of penalties imposed on employers/legal entities accepting to work illegally staying third-country nationals (a penalty of LTL 3 000 to 10 000 for one illegally employed third-country national). The same offences committed by a previously penalised legal entity within one year following the final day of the execution of the penalty imposed are subject to a penalty of LTL 10 000 to 20 000 imposed on such a legal entity for every third-country national.



3. Law amending Articles 206<sup>3</sup> and 233 of the Code of Administrative Offences of the Republic of Lithuania.

To implement Article 5(2)(a) of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ 2009 L 168, p. 24), the Law sets out that financial sanctions for employing third-country nationals illegally staying in the Republic of Lithuania increase in amount according to the number of such persons.

Article 206<sup>3</sup> of the Code of Administrative Offences of the Republic of Lithuania provides that creating conditions for third-country nationals to engage in any activities other than those provided for in the employment contract where such third-country nationals do not hold a permit to engage in such activities (where a permit is required) and a document confirming their right to stay or reside in the Republic of Lithuania is subject to a penalty of LTL 2,000 to 3,000 per person imposed on natural persons, heads of legal entities or authorised representatives of heads of legal entities.

Having regard to legal changes, Article 233(3) of the Code of Administrative Offences of the Republic of Lithuania creates legal prerequisites for the SLI officers to impose the administrative sanctions specified in the provisions of the Code of Administrative Offences of the Republic of Lithuania, i.e. penalties.