

**Annual Report of the State Labour Inspectorate:
Year 2013**

Member State: Republic of Lithuania

Name: State Labour Inspectorate of the Republic of Lithuania at the Lithuanian Ministry of Social Security and Labour (hereinafter "SLI")

1.1 Description of the scope of the Institution's activities

Safety Health Psychology Labour relations
NO

Public sector Private sector

Main sectors not included (please mark sectors not included)

Military Nuclear Radiation Railways Self-employed Offshore
NO **NO**

Other:

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

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

1.2 Staff and inspections performed over the year, main results

INFORMATION ON ENTERPRISES (COMPANIES)		
		Comments (where necessary)
Total number of enterprises (companies)	207 700	of which: enterprises – 90 790; farmers – 116 910;
Number of enterprises (companies) in each size class		
1 – 9 employees	188 690	
10 – 49 employees	14 550	
50 – 249 employees	3 960	
> 250 employees	500	
Total number of employees	1 219 000	
Total number of self-employed	159 000	
INFORMATION ON THE LABOUR INSPECTORATE		
Number of staff engaged in tasks relating to occupational health and safety	210	
Number of inspectors	193	
Number of inspections	10 069	
Percentage of complaints investigated	100	
Percentage of time spent <i>outside the office</i> (per inspector per year)	60.4	
If available, figures on: inspection of enterprises	41.5	
Travel	18.9	
Percentage of time spent in the office carrying out administrative tasks relating to visits to enterprises (e.g. writing of reports) (per inspector per year)	31.4	
Percentage of time spent on other administrative tasks (per	8.2	

inspector per year) (Including basic training)		
Number of improvement notices	1 934	
Number of suspensions of work activities	42	
Number of administrative fines imposed/proposed by the Labour Inspectorate (including on-the-spot fines)	455	
Number of cases referred to prosecutor's office	198	
Percentage of cases referred to prosecutor's office resulting in court hearing	15.7	31 cases where, on the basis of notifications received from prosecutor's office, notification was received that pre-trial investigations had been commenced, extended or suspended.
Percentage of registered occupational diseases investigated	100	
Percentage of registered accidents investigated	6.9	SLI inspectors investigate all serious and fatal accidents at work. Minor accidents at work are investigated by an enterprise's joint works committee.
Number of full-time equivalent occupational health and safety inspectors	193	

1.3 Main activities undertaken during the year

- Priorities and general objectives of the labour inspectorate, inspection strategies and main topics covered by them

In 2013, the basic operational objectives of the SLI were as follows:

1. to step up the control of illegal operations and coordinate this activity with other control bodies;
2. to consult employers, employees and their representative organisations, and pay greater attention to the operations of small- and medium-sized economic operators;
3. to raise public awareness about the application of employment legislation and the negative consequences of its being infringed (illegal employment, occupational accidents and diseases, etc.);
4. to carry out checks on economic operators in areas where there is a high risk of the requirements of occupational health and safety and labour law being infringed;
5. to optimize the arrangements and principles governing checks on economic operators, enhance the professionalism of SLI staff, step up internal controls and aim to ensure that resources are used more effectively.

Monitoring illegal activities and coordinating checks

In 2013, a success rate for monitoring illegal activities of 94.2% was achieved (versus the planned figure of 80%).

4 500 illegal employment control inspections were carried out. These identified 1 400 cases of illegally employed persons, seven of whom were under 18 and four of whom were foreign nationals. The majority of illegally employed individuals (44.9%) were in the construction sector.

SLI consultancy, awareness-raising and information activities

Of late, the SLI has substantially increased its activities aimed at assisting businesses in terms of advice, information and awareness-raising. This has increased the numbers of seminars and consultations organized by the SLI on topics relating to occupational health and safety (OHS) and labour law. In total, 420 consultancy events of various types were organized in 2013. In addition to this,

- 21 preventive recommendations of a methodological nature were drawn up and published on the SLI's internet site;
- 56 preventive information notices were drawn up and published on the SLI's internet site;
- 5 SLI electronic bulletins for employers were drawn up;
- 40 press releases circulated;
- 43 consultancy checks carried out at the request of an economic operator.

In a bid to improve public awareness in the field of OHS and labour legislation, in 2013 the SLI organized, for the second year running, lessons in safety and legal employment in schools, children's social centres, professional training institutions and children's homes (82 educational events organized).

In 2013, employers, employees, their representatives and other SLI stakeholders were consulted about labour legislation and OHS issues in the following ways:

1. via a single consultation service, all stakeholders being provided with daily consultations by phone, all conversations being recorded;
2. at the SLI head and regional offices, orally and in writing;
3. via the SLI's head office, advice being offered via e-mail in reply to electronic inquiries;
4. by means of advice on labour legislation and OHS issues during inspections of economic operators' premises;
5. by means of public consultations on the SLI's internet site;

6. by means of consultations during seminars arranged for economic operators or on arrival at a business at the invitation of an economic operator;
7. by means of consultations provided via a special electronic periodic bulletin;
8. by means of consultations provided via the media, *Facebook* and on other internet portals;
9. by providing interested parties with methodological assistance via the SLI internet site;
10. by means of consultations provided in educational institutions during attestations in the OSH field.

Since the start of 2013, consultations falling under the SLI's remit have been carried out via a single advice hotline. A description has been drawn up and approved of the SLI's single advice hotline arrangements, setting out the sequence of procedures followed by consultants.

In order to frame a uniform policy for applying the provisions of labour legislation, the similarity and frequency of questions asked is established, the relevant information being analysed, assessed and continuously updated on the SLI's internet site.

Up until 2013, the heavy demand for consultation services meant that just 30-40% of callers seeking advice got through, whereas in 2013, once the advisory hotline had been set up, the SLI hotline consultation success rate rose to 95.6% with a comparable demand.

In 2013, 93 300 interested parties were given advice over the phone.

In total, almost 114 000 consultations took place in 2013 (all types). In order to expand the range of services offered, consultations have begun on the social networking site *Facebook*. These types of consultation are becoming increasingly popular.

It should be noted that 96% of economic operators who had been provided with advice by the SLI had found it useful and said it had helped them understand the relevant legislation and how to comply with it.

Monitoring of economic operators

1. During 2013, the SLI carried out 10 100 checks on economic operators, 52.5% of which were scheduled checks. Compared with 2012, the proportion of scheduled inspections increased by around 15%. Issues relating to compliance with the requirements of labour legislation were checked during 8 100 inspections (80.6% of the total), and issues relating to compliance with OSH requirements were checked during 5 400 inspections (53.9% of the total).

2. Drivers' work/rest schedules were monitored, with 87 400 checks carried out on driver working days.

3. Almost 5 000 complaints and public-interest notifications were registered and investigated.

4. 339 notifications concerning fatal and serious accidents at work were registered and investigated, including deaths at the workplace and incidents on the way to/from work.

5. 5 200 employment disputes were assigned for investigation.

In a bid to ease the administrative burden on economic operators and optimize surveillance, a significant proportion of inspections are carried out in conjunction with other control bodies (with the participation of their representatives or with SLI inspectors taking part in checks carried out by other control bodies). Joint inspections were carried out in 19.7% of cases.

In order to optimize the ratio of scheduled to non-scheduled inspections of economic operators, minimize disruption of their operations and ensure the rational use of State funding, 2013 saw the completion of the system for the risk assessment of economic operators, this being supplemented with criteria from the field of illegal employment. Labour dispute commissions were set up at the SLI's regional offices, and it was decided to investigate a percentage of complaints without visiting the economic operator's premises. These decisions also had an impact on the rational use of the skills of SLI specialists in terms of the targeted prevention of infringements of OSH and labour legislation.

From the beginning of 2013, scheduled inspections have been carried out by selecting the highest-risk economic operators according to the principles, processes and criteria (40 criteria assessed) set out in the methodology for the risk assessment of economic operators in the OSH field.

In 2013, scheduled inspections accounted for 94.9% of all scheduled inspections of businesses in the highest-risk areas of economic activity.

In 2013, SLI inspectors identified a total of 37 900 instances of failure to comply with the requirements of OSH and labour legislation. In carrying out inspections of economic operators and taking stock of the undertaking's OSH status, the managerial stance on how to resolve OSH problems and other circumstances, and drawing on the information obtained from the completed control questionnaires, the SLI inspectors (two inspectors take part in inspections) generally advise business managers on remedying identified instances of non-compliance with the requirements of OSH or labour legislation. However, where there have been serious breaches of OSH and labour legislation requirements, SLI inspectors have made use of the powers to act conferred on them by Lithuanian legislation. In 2013, SLI inspectors issued 1 934 notices for RI infringements to be rectified, signed 1 702 notices for infringements of administrative law, and in 42 cases had operations halted.

- Any specific activity planned to develop special inspection strategies due to new risks / hazards.

In a bid to provide economic operators with methodological assistance, particularly those who have just started up, and reduce psychological stress during inspections, the VID, in carrying out inspections of economic operators, is constantly expanding the scope of the control questionnaires. In 2013, use was made of 14 control questionnaires to carry out inspections of economic operators, and 8 control questionnaires to prevent unsafe work appliances being placed on the domestic market. All control questionnaires are published on the SLI's internet site (www.SLI.lt) under "Ūkio subjektų priežiūra" [monitoring of economic operators, in LT only] Economic operators can thus find out about statutory requirements and familiarize themselves with the issues to be checked during the visit by the SLI inspectors. This reduces the psychological strain on both the economic operator and the VID inspectors during the check. There are also plans to update the questionnaires to take on board comments made by economic operators and SLI inspectors.

New control questionnaires are drawn up once new sectors of economic activity carrying a risk and requiring monitoring have appeared. 81.7% of all inspections completed in 2013 by the SLI were conducted using control questionnaires.

- New legislation implemented during the year.

New legislation implemented during the year.

1. In a bid to honour international commitments and ensure the consistency of the legislative framework, Articles 2, 3, 4, 10, 13, 22, 25, 33, 34, 42, 43, 44 and 45 of the Lithuanian Law on occupational safety and health were amended and supplemented, as were Articles 281 and 282 of the Lithuanian Labour Code.

These amendments were designed:

1) to bring the terms used in the legislation being amended into line with the terms used in Commission Regulation (EU) No 349/2011 of 11 April 2011 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on accidents at work (OJ 2011, L 97, p.3). And, in terms of the practical application of legislation, to streamline the legal regulations governing the investigation of accidents at work, stipulating that all incidents at the workplace resulting in harm to an employee's health or the death of an employee must be investigated, the relevant documents being

signed off only once an investigation has been carried out into the circumstances of the incident and its link with the duties concerned;

2) to complete preparations for ratification of the 2006 Maritime Labour Convention adopted by the International Labour Organisation and implement the provisions of Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (OJ 2009 L 124, p. 30).

2. In order to ease the administrative burden on temporary work agencies and help temporary employees find work more quickly, amendments have been made to the Lithuanian Law on temporary employment agencies.

In accordance with the general provisions of the Lithuanian Labour Code, the employer must inform the State Social Insurance Fund administrative body about the commencement of work by an individual at least one working day before the scheduled start of work. Furthermore, pursuant to Article 3 of the Law amending and supplementing the Lithuanian Law on temporary employment agencies, the deadline for informing the State Social Insurance Fund administrative body about the commencement of work by an individual has been shortened to one hour, thus making it easier for employers to hire temporary staff as and when the need arises.

3. In a bid to improve to improve the procedure for setting up workers' health and safety committees and regulate the possibility of these being set up on board vessels, a law amending Articles 266, 269 and 275 of the Lithuanian Labour Code was adopted and amendments made to the relevant articles of the Lithuanian Law on employee health and safety. Likewise, the Lithuanian Minister for Social Security and Labour, by Order of 9 September 2013, approved the new provisions of the occupational health and safety committees.

4. Adoption of an amendment Article 281 of the Lithuanian Labour Code revising the list of bodies which the employer must inform in the event of an acute occupational disease leading to the death of an employee. As currently worded, Article 281(3) of the Lithuanian Labour Code states that in the event of acute occupational diseases resulting in the death of the person in question, the employer must immediately report to the district prosecutor's office, the State Labour Inspectorate and the Public Health Centre of the district in question.

5. On 11 September 2013, the Lithuanian Senior State Labour Inspector signed the Order on the provision (declaration) to the State Labour Inspectorate of information on the state of health of workers and compliance of workplaces with statutory requirements on the health and safety of workers.

This information must be provided by all private and public legal entities, farmers and self-employed natural persons registered in the Republic of Lithuania who are engaged in activities and hire employees working under an employment contract and/or government officials. The general OSH status declaration also gives employers another opportunity to take careful stock of the status of OSH and employment rights within their own companies. Answering the questions in the declaration allows them to scrutinize the business's current status and draw up an OSH "road map" which will help monitor, assess and remedy shortcomings, thus reducing the number of accidents at work and the risk of occupational illnesses.

- Inspector training programmes (including a brief description of the subject matter – new recruits, technical, legal, skills etc.)

Training programmes for inspectors.

In 2013, a total of 225 civil servants and contract employees took part in SLI training, completing 4 375 academic hours in all.

Lithuania's strategy for training civil servants (including SIL labour inspectors) during the period 2012-13 set the following priority objectives:

- improving managerial capacity, strengthening leadership, management and managerial competence;
- improving skills relating to participating in the EU decision-making process, monitoring compliance with adopted decisions and preparing Lithuania for the EU Presidency in 2013;
- enhancing civil servants' knowledge of professional ethics and the prevention of corruption;
- improving the capacities and skills of civil servants who deal with the general public.

At the start of each calendar year, account is taken of the civil servant training objectives and priority areas set out in the 2011-13 Lithuanian strategy for the training of civil servants and stock taken of the needs and financial resources available for the civil servants and contract agents working in the SLI's central and regional offices, in order to draw up and approve a training plan for SLI civil servants and contract agents by Order of the Chief State Labour Inspector of the Republic of Lithuania.

In 2013, people attended the following:

- training on leadership skills, governance and managerial competence;
- training on Lithuania's preparations for the presidency of the Council of the European Union;
- introductory training for newly recruited civil servants;
- external training courses to enhance the administrative and professional skills of inspectors in the SLI's regional offices in legal matters and questions relating to improving the organisation of inspections and technical skills;
- seminars and courses to enhance special professional knowledge and administrative skills;
- language courses abroad (English).

The SLI implemented a project funded by the European Social Fund entitled "Setting up a quality management system and improving services to the public at the State Labour Inspectorate", which included training events attended by SLI civil servants responsible for administrative functions and employees scheduled to be working with the new system.

On 1 January 2013 labour dispute commissions started up at the regional offices of the SLI, so training was organized for the chairpersons and secretaries of these commissions.

- Specific actions, campaigns and priority topics during the year
Special activities, campaigns and priority issues during the year.

Theme-based preventive inspections of economic operators

In 2013 a good number of preventive projects were arranged (or attended) with a view to monitoring illegal employment and bar the way to infringements of labour law and OSH, with the dissemination of summary information on prevention.

1. The following seven scheduled events on the monitoring of illegal employment were organized:

- 1.1. for the prevention of work and rest time infringements and illegal employment in companies where the average remuneration per employee is less than the minimum monthly wage;
- 1.2. forest logging inspections;
- 1.3. provision of invoiced agricultural and forestry services;

- 1.4. identification of benefit abusers;
 - 1.5. conduct of checks of the illegal employment of individuals from third countries;
 - 1.6. checks on illegal employment in Lithuanian coastal resorts during the summer months (public catering services, accommodation and wholesale/retail trade sectors);
 - 1.7. stepping up the monitoring of illegal employment in a key region of the country - that of the capital, Vilnius.
2. Attendance of scheduled events on illegal employment organized by other institutions:
 - 2.1. "Operation metals" organized by the Police Department at the Ministry of the Interior to reduce the scale of the shadow economy;
 - 2.2. The initiative to carry out taxi passenger transport inspections organized by the State Tax Inspectorate at the Ministry of Finance.
 3. 9 campaigns organized to monitor compliance with OSH and labour law requirements, including:
 - 3.1. forest logging preventive control campaign;
 - 3.2. preventive campaign for the control of companies providing long-distance haulage services;
 - 3.3. campaign to monitor compliance with the provisions of the Lithuanian Law on guarantees for posted workers;
 - 3.4. sharp instruments injury prevention campaign, carried out in healthcare establishments;
 - 3.5. thematic inspections of construction sites;
 - 3.6. campaign of scheduled inspections on temporary employment agencies and employment users;
 - 3.7. scheduled campaign of checks on hired labour force in agriculture;
 - 3.8. enterprises providing security services were monitored using the scheduled preventive method;
 - 3.9. unscheduled prevention campaign aimed at clarifying how major retail networks organise accident and other emergency prevention.

Criteria used for selecting accidents and complaints for investigation

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 an enterprise's bilateral commission 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 accidents and encode the report data).

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

The SLI does not investigate anonymous complaints, except for reports of illegal (unlawful) employment and reports of dangers to workers' health and safety.

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 provides no information on this issue.

Any experiments or pilot programmes changing the process of performance of regulatory activities and their outcomes.

The SLI provides no 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.

1. On 1 January 2013, 13 labour dispute commissions began to operate at the regional offices of the SLI. These must examine work disputes prior to litigation, and are responsible for resolving specific disputes. In a bid to ensure that labour disputes are resolved effectively and transparently, the labour dispute commission comprises representatives of both employers and employees (trade unions). They are appointed on a rotating basis from a list drawn up by the Tripartite council secretariat and approved by the Senior State Labour Inspector of the Republic of Lithuania. The labour dispute commissions are presided over by designated labour inspectors.

In 2013, the labour dispute commission examined 5 200 labour disputes. The success rate of the work of the labour dispute commissions (number of complaints unchallenged under law and not admitted by the courts as a proportion of total labour disputes) is 100%.

2. From 1 January 2013, the SLI began to apply a new method for assessing economic operators, i.e. the advance information declared by them on the status of OSH and compliance with labour legislation. The information provided by employers in declarations is crucial to the organisation of business surveillance, and to the optimisation of SLI inspection activities, which can be focused on the most sensitive areas, thereby reducing controls and easing the administrative burden on responsible, orderly and forward-looking business. The data supplied will also play a role in assessing and correcting the risk assessment of economic operators.

The stipulation that employers must provide the SLI with information on the status of jobs within undertakings in order to allow the working conditions of enterprises to be monitored was again enshrined in the 2008 Lithuanian Law on the health and safety of employees. To make it easier for employers to do this, in 2013 the electronic declaration system was set up. This allows data to be submitted remotely. The questionnaire sets out the basic legal provisions for ensuring decent working conditions. These take their cue from the business inspection questionnaires which have been used for a number of years and which are publicly available.

The declaration gives employers another chance to take careful stock of the status of OSH and employment rights within their own companies. The OSH status for declaring employers is subject to the presumption of fair treatment, i.e. the data they provide are assumed by the SLI to be correct.

Examples of current practice reviews from which lessons could be learnt.

In 2013 the SLI completed work on the quality management system and the system for the risk assessment of economic operators, expanding the latter with criteria from the illegal employment sector.

These activities have allowed SLI's planning, governance and sound public management indicators to be incorporated, making the monitoring of economic subjects efficient and effective, ensuring the rational use of financial and human resources, and allowing the results of SLI work to be constantly monitored and assessed.

Work done or scheduled to help avoid duplication of efforts by EU Member States.

The SLI provides no information on this issue.

1.4 Changes in the legal framework of sanctions

Law amending Articles 41² and 41⁵ of the Lithuanian Code of administrative infringements (in force since 25 May 2013).

One of the aims of the law was to expand the range of individuals who can be held administratively liable for refusing to allow SLI officials access to enterprises, bodies and organisation

falling within their field of competence for inspection purposes and for failing to ensure compliance with the legitimate requirements of SLI officials. Under the previous version of Article 41²(2) of the Lithuanian Code of administrative infringements, officials could be found liable for such infringement, whereas pursuant to the version of 25 May 2013, any individuals can (e.g. employees protecting company premises and the like).

The amendment to Article 41⁵ of the Lithuanian Code of administrative infringements increases the maximum administrative fine for failing to record employees' working hours on a time sheet or deliberately recording incorrect information on a time sheet concerning the working hours of contract staff in undertakings, institutions or organisations (including overtime, night shifts, work on rest days and public holidays where there are deviations from normal working conditions) from LTL 3 000 to LTL 5 000. This amendment to Article 41⁵ of the Lithuanian Code of administrative infringements means that it is no longer possible for persons committing a work time recording offence to be given an administrative sanction (half the minimum fine set out in the sanction).