

**Annual report of the State Labour Inspectorate:
2014**

Member State: Republic of Lithuania

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

1.1 Description of the scope of the institution's activities

Safety

Health

Psychology
 NO

Labour relations

Public sector

Private sector

Main sectors not included (please indicate sectors not included)

Military

Nuclear

Radiation

Railways

Self-employed

Offshore

Other:

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

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

1.2 Staff, inspections performed over the year and main results

INFORMATION ON ENTERPRISES (COMPANIES)		
		Comments (if applicable)
Total number of enterprises (companies)	214 500	of which: enterprises – 93 000; farmers - 121 500
Number of enterprises (companies) in each size class		
1-9 employees	195 100	
10-49 employees	14 900	
50-249 employees	4 000	
> 250 employees	500	
Total number of employees	1 254 700	
Total number of self-employed	202 800	
INFORMATION ON THE LABOUR INSPECTORATE		
Number of staff engaged in tasks relating to occupational health and safety	197	
Number of inspectors	179	
Number of inspections	10 582	
Percentage of complaints investigated	100	
Percentage of time spent <i>outside the office</i> (per inspector per year)	61.9	
If available, figures on:	41.7	
- inspection of enterprises		
- travel	20.2	
Percentage of time spent <i>in the office</i> carrying out administrative tasks relating to visits to enterprises (e.g. writing up	29.0	

reports, per inspector per year).		
Percentage of time spent on other administrative tasks (per inspector per year) <i>(including basic training)</i>	9.1	
Number of improvement notices	1 723	
Number of suspensions of work activities	43	
Number of administrative fines imposed/proposed by the VDI)	511	
Number of cases referred to prosecutor's office	177	
Percentage of cases referred to prosecutor's office resulting in legal proceedings	16.3	26 cases where the public prosecutor's office reported that a preliminary investigation had been commenced and was being extended or had been suspended.
Percentage of registered occupational diseases investigated	100	
Percentage of registered occupational diseases investigated	8.8	VDI inspectors investigate all incidents at the workplace resulting in the serious injury or death of a worker. Minor incidents at work are investigated by the enterprise's joint works committee.
Number of full-time equivalent VDI inspectors	179	

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 2014, the basic operational objectives of the Lithuanian State Labour Inspectorate at the Ministry of Social Security and Labour 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, paying 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, accidents at work, occupational illnesses and the like);
4. to carry out checks on economic operators in areas most at risk of the requirements of occupational health and safety and employment legislation being infringed;
5. to optimize the arrangements and principles governing checks on economic operators;
6. to create the conditions to allow labour dispute boards to operate and improve the procedure for examining such disputes;
7. to enhance the professionalism of VDI staff, step up internal controls, implement measures under the VDI's anti-corruption programme and help ensure that resources are used more effectively.

Monitoring illegal activity and coordination work

In 2014, 5 700 illegal employment control inspections were carried out (or 54 % of all the checks carried out by the VDI during the year). The majority (51.4 %) of those illegally employed were in the construction sector. From 2012 the trend has been for illegal employment in Lithuania to change into other forms - employees are hired to work part time, although time worked does not actually correspond to contractual obligations, the working time worked is not logged, overtime and night work is not accounted for, work is organized during days off without the correct procedures being complied with, requirements relating to working and rest time are not complied with. In 2014, infringements of these requirements accounted for 67 % of all identified infringements of labour legislation (compared with 58 % in 2013, 55.5 % in 2012 and 39.8 % in 2011), marking an upward trend.

VDI consultancy, awareness-raising and information activities

In order to implement the priority of consulting and informing employers, employees and their representatives, the VDI devotes more than 45 % of its time to consultancy, information and public awareness activities - in practical terms, in more than half of cases, once inspections have been carried out, recommendations on how to rectify instances of OHS and employment legislation not being enforced are drawn up and submitted to employers, attention focusing on how OHS and labour legislation policy should be framed within the company and how all these questions should be tackled by making rational use of the available human and financial resources. Throughout the year, various types of consultation events on OHS and labour legislation issues were organised for SME representatives in all regions of the country, and over 100 preventive recommendations and information notices were prepared and distributed.

In a bid to improve public awareness in the fields of OHS and labour legislation, the VDI continued its long-term campaign to teach young people about safe and legal employment. In 2014, lessons in safe and legal employment were organized in children's and young people's institutions, and in institutes of higher education the VDI organized exhibitions about VDI logos aimed at safety at the workplace and a visual media competition for young people on the subject of safety at work.

In order to expand the range of methods on offer for consulting employers, employees and their representatives and improve their accessibility, new types of consultation were launched: a digital consultant has been set up, and *Facebook* has become popular for rapid-fire consultations. In order to ensure that the policy for applying the provisions of OHS and labour legislation is uniform, the similarity and frequency of questions that crop up is established, the resultant information being analysed, assessed and continuously updated on the VDI's website (www.vdi.lt) under "FAQ" [in Lithuanian only]

In 2014, the VDI provided almost 117 000 consultations to employees and employers, meaning that one tenth of the country's working population contacted and was advised by the VDI. In all, 84 % of all consultations were of a general nature by telephone, with 94 % of callers getting through for a consultation. A new form of consultation has also been launched, namely an electronic consultancy program. The VDI website now features an electronic consultant. 97 % of economic operators who received VDI advice say that the consultation was useful, helping them understand legislation and comply with it.

Monitoring of economic operators

In 2014, the VDI carried out checks on almost 11 % of all operators engaged in economic activity on the national territory. The proportion of scheduled checks (65 %) was around 12 % up on 2012, scheduled checks of economic operators in the highest-risk class accounting for 65 % of all scheduled checks. Issues relating to the enforcement of labour legislation requirements formed the subject of 84 % of all inspections, and 46 % with the requirements of OSH legislation.

In a bid to ease the administrative burden on economic operators and optimize their surveillance, 30.5 % of inspection activities were carried out in conjunction with other control bodies (with the participation of their representatives or with VDI inspectors taking part in checks carried out by other control bodies).

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

In a bid to make the control of unlawful activity for more targeted and rational, 2014 saw the launch of scheduled checks using the system of risk assessment of economic operators from the labour legislation sector (including illegal employment).

In a bid to encourage economic operators to think more about OHS and labour legislation issues, the deadline was extended for declaring advanced information about the state of OHS and the enforcement of labour legislation. In all, the VDI undertook not to check OHS and labour legislation issues via the scheduled procedure for three years in respect of economic operators carrying out their own assessment of the state of OHS and enforcement of labour legislation and declaring this to the VID.

In response to the number of serious and fatal accidents at work in certain economic sectors, the decision was taken at the end of 2014 to start applying, as of 2015, additional electronic tools to assess the state of OHS and enforcement of labour legislation.

With the appearance of new sectors of economic activity carrying a risk and requiring monitoring, new questionnaires were drawn up featuring basic requirements from the OHS and labour legislation sectors. Economic operators can find these [in Lithuanian] on the VDI website (www.vdi.lt) under "Veikla" [activities], "Ūkio subjektų priežiūra" [monitoring of economic operators]. In 2014, 16 control questionnaires were used to carry out checks on economic operators and 9 control questionnaire to ensure that unsafe working equipment was prevented from being placed on the domestic market. The portion of VDI checks carried out using control questionnaires in 2014 accounted for almost 90% of all checks.

- New legislation implemented during the year.

New legislation implemented during the year

The administrative burden on employers was eased by amending the Lithuanian Labour Code, dispensing with the issuing and carrying of a compulsory work certificate and liberalizing the recording of working time. It is left up to employers to decide how working time is recorded, the need for the government-approved working time record having been dispensed with. These amendments have also dispensed with the need to register work contracts in work contract log books, the procedure for publicizing working arrangements has changed (employees can decide for themselves how to inform employees about new working arrangements) and it is no longer necessary to issue employees with paper records - employers can inform employees about pay and salary electronically. These amendments also limit the amount of compensation for unused leave in the event of a work contract being terminated. As from 1 December 2015, in the event of an employee dismissal, monetary compensation may not be paid for more than three years' unused leave, where the employee was not prevented from taking it in the course of work.

The provisions of the Lithuanian Labour Code about liability for illegal work have been amended - where it is found that a person is working illegally, the employer must pay him compensation for the work agreed, at the rate of no less than the minimum monthly wage, and for no less than three months (unless it is proved that the illegal work was done at a different time).

The procedure for checking information on OHS from the employer's natural person or employer's representative has been modified - the periodicity requirement of every 5 years has been dropped, and from now on information on OHS is checked once before an enterprise starts operating or providing services.

Once the amendments to the Lithuanian Law on employment support had been adopted, this Law was supplemented with a new active labour market policy measure, namely the voluntary apprenticeship scheme. A description of the voluntary apprenticeship scheme was approved by Order of the Lithuanian Minister for Social Security and Labour setting out the terms and conditions for organizing the voluntary apprenticeship scheme and the form of the apprenticeship agreement. This allows people under the age of 29 to help choose the right profession, improve their practical skills or acquire new ones by opting to do an unpaid voluntary apprenticeship in a company of their choice. Young people under the age of 18 wishing to do a voluntary apprenticeship need the permission of their parents, guardians or other representatives.

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

Inspector training programmes

2014 saw external seminars organized for labour inspectors in all of the regional divisions of the VDI, covering legal questions relating to the provision of services to enhance administrative and professional skills and questions relating to the improvement of the organisation of inspections and technical skills.

The annual seminar on the topic "I carry out an Inspection" was organized for VDI personnel.

A training programme has also been devised for use in the training of newly recruited staff to help with the assessment of labour inspectors and operational risk in the course of official duties.

- 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 2014, the following thematic inspections of economic operators were organized (or attended):

1. in public catering business networks, infringements relating to the recording and organisation of work and rest time, work remuneration and illegal employment, for prevention and control purposes;
2. on construction sites in which building renovation work is carried out (predominantly in multi-dwelling dwelling buildings) - for issues concerning the prevention of illegal work;
3. in healthcare establishments, events organized in 2014 by the EC Senior Labour Inspectors Committee to implement the campaign to prevent slipping and tripping accidents at work;
4. in healthcare establishments, infringements relating to the recording and organisation of work and rest time, work remuneration and illegal employment, for prevention and control purposes;
5. in temporary recruitment firms - to check enforcement of working time and OHS requirements;
6. in construction and public catering operators - issues relating to the control of unlawful activity and working/rest time infringements;
7. questions relating to the prevention of worker insobriety at the workplace;
8. in major retail centres - for the control of infringements of work and rest time where there are large volumes of customers in the run-up to Christmas and the New Year.

Criteria used for selecting accidents and complaints for investigation

Criteria used for selecting accidents at work and complaints for investigation

VDI inspectors investigate all incidents at the workplace resulting in a the serious injury or death of a worker.

Minor accidents at work are investigated by an enterprise's joint committee consisting of an equal number of employer and employee representatives. Labour inspectors help the committee fill out accident reports (analysing the causes and circumstances of accidents and encoding the data in the report).

The VDI investigates all complaints received regarding labour law and OHS.

It does not investigate anonymous complaints other than reports of illegal (unlawful) employment and reports of dangers to the health and safety of workers.

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 VDI has no information on this.

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

The VDI has no information on this.

Analysis of the results or impact of different regulatory or promotional activities run by the VDI alone or in conjunction with social partners.

1. Labour dispute committees operate at all 13 regional offices of the VDI. They must examine work disputes prior to litigation and are responsible for resolving specific disputes. In a bid to ensure the inclusion of the social partners, they include representatives of employers and employees (trade unions), appointed on a rotating basis. The labour dispute committees are presided over by VDI representatives. The vast majority (92%) of requests were for the investigation of work remuneration (and related sums).

2. The VDI successfully applies a new way of assessing economic operators by evaluating the information they disclose in advance about the status of OHS and enforcement of labour legislation. The information provided by employers in declarations is crucial to the organisation of business surveillance, and to the optimisation of VDI inspection work, which can focus on the areas that need attention most, thus reducing controls and easing the administrative burden on responsible, orderly and forward-looking business.

The declaration gives employers the chance to carefully and responsibly review the state of OHS and employment legislation within their own companies. The state of OHS in employer declarations is subject to the presumption of good faith, i.e. the VDI assumes the data they provide are correct.

3. The VDI is conducting a follow-up project with the trade union "Solidarumas" called "Posting of workers - increasing administrative cooperation in the Baltic region". The basic aim of the project is to ensure sufficient cooperation between all the social partners in the provision of information and consultations about the legal regulation of posted workers, and to share existing challenges and good practice in the implementation of the European Directives on the posting of workers (2014/67/EU and 96/71/EC) in the three Baltic states.

VDI specialists have provided legal consultation, given presentations at seminars, drawn up information leaflets and taken part in the production of a documentary about posted workers. The project is still running.

Examples of current practice review from which lessons can be learnt

In view of the growing interest of economic operators and employees in OHS and labour law issues, in 2014 the VDI completed implementation of an electronic consultation (e-consultancy) project. This allowed the range of consultation forms to be expanded, whilst improving their accessibility. It should be noted that electronic consultation is available round the clock, so is not just extremely convenient for economic operators and employees but also saves time for labour inspectors.

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

The VDI has no information on this.

1.5. Changes in the system of legal sanctions

On 26 June 2014 the Lithuanian Code of administrative infringements was amended and the VDI was tasked with examining the infringement referred to in Article 206⁶ (2), namely failure to provide the institution authorised by the Minister for the Interior in good time with the information on the termination of a work contract with a foreign national authorised to reside temporarily in the Republic of Lithuania or, in certain cases, to reduce his or her pay.