

RIGHTS OF THE INSPECTORS OF THE STATE LABOUR INSPECTORATE (THE SLI) DURING INSPECTION OF ECONOMIC OPERATOR

1. The right to carry out the inspection and get information related to the inspection:

1.1. upon submission of the Civil Service Certificate (professional card), Letter of Authorisation and Letter of Assignment to carry out the inspection of the economic operator*, freely and without a prior notice to enter any workplace for the inspection of the compliance with the requirements of the effective legislation regulating safety and health at work, as well as labour relations;

1.2. to get data and documents (certified copies, extracts) and any other evidence required to carry out the SLI functions from the head of the economic operator or duly authorised person, as well as to retain temporarily (up to 70 working days) documentation from the economic operator in order to carry out the SLI functions by drawing up and submitting the Document Retention List, or to make the copies or extracts of the required documents;

1.3. to get verbal or written explanations from the head of the economic operator, duly authorised persons, employees, any other persons present at the working place being inspected regarding breaches of the requirements laid down by the effective legislation regulating safety and health at work, as well as labour relations, or regarding failure to implement the orders or recommendation made by the SLI;

1.4. to invite the head of the economic operator or duly authorised person to the SLI territorial division, if explanations or any other information are not available on the site of the inspection, or if the investigation is carried out in an off-site mode in the procedure laid down by the Chief State Labour Inspector of the Republic of Lithuania;

1.5. in carrying out prevention and control of the breaches of the effective legislation regulating safety and health at work, as well as labour relations, to make photos, audio and video records without invading the privacy of natural persons prescribed by the laws.

2. The right to the assistance:

2.1. if necessary, when investigating incidents at work, which have caused a severe damage to the employees' health or resulted in the employees' death, to make the use of the economic operator's means of communication or vehicles free of charge;

2.2. if necessary, in the course of their official duties, the SLI inspectors may call in the police officers.

3. The right to give orders and recommendations:

3.1. when finding the breaches of the effective legislation regulating safety and health at work, as well as labour relations, to produce documents (requests, protocols, decisions, etc.) in a form approved and hand them in to the head of the economic operator (in case if the breaches of the legal requirements regulating labour relations are detected, the document shall be handed in to the head of the economic operator or any person duly authorised by the head of the economic operator), as well as to give recommendations regarding the implementation of the legal requirements specified;

* In case if the SLI inspector finds any serious breach(-es) of the effective legislation able to make a negative impact on the employees' life and health, the non-routine inspection of the economic operator shall be carried out upon submission of the Civil Service Certificate (professional card) and Letter of Authorisation (however, only to the extent that it is needed to eliminate the breach(-es) detected).

3.2. to give verbal orders to eliminate immediately the breaches of the legislation regulating safety and health at work, as well as labour relations, during the inspection, if appropriate;

3.3. to give orders to the head of the economic operator regarding any structures being erected or reconstructed on the company's site, as well as workstations' projects, if it appears that the solutions included in the projects are incompliant with the legal requirements regulating safety and health at work;

3.4. to prohibit the head of the economic operator from using workstations and personal protective equipment if they are incompliant with the requirements laid down by the legislation regulating safety and health at work, by other legal deeds or by the documents accompanying the equipment;

3.5. to require from the head of the economic operator to suspend immediately any works: if the employees are not trained and (or) instructed on how to work safely; if in the event of failure of the workstation or in an emergency, there is any danger to the employees' safety and health; if the work is carried out contrary to technological regulations, without any collective protective measures equipped, or if an employee(-s) has no personal protective equipment; and in any other case, where the working environment is harmful and (or) dangerous to the employees' health and life.

4. Other rights:

4.1. to discuss the results of the inspection in the meeting with the economic operator's employees held jointly with the committee of the safety and health at work or representatives of the employees;

4.2. to control the implementation of the requests given and recommendations included in the control surveys during the reinspection of the economic operator.

OBLIGATIONS OF THE INSPECTORS OF THE STATE LABOUR INSPECTORATE (THE SLI) DURING INSPECTION OF ECONOMIC OPERATOR

1. The duty to supply information:

1.1. to introduce themselves to the head of the economic operator or duly authorised person, and submit the documentary evidence to support their powers (Civil Service Certificate (professional card), Letter of Authorisation and Letter of Assignment to carry out the inspection of the economic operator), to explain the purpose of the inspection, to discuss the process of the inspection;

1.2. to explain the head of the economic operator or a duly authorised person their right to participate in the inspection, as well as to find out what policy to implement the requirements of the legal deeds regulating safety and health at work and labour relations is followed by the economic operator, measures taken to enforce it, internal system to control the implementation of the requirements embedded by the effective legislation, to discuss any issue related to the respective control survey(-s), etc.;

1.3. to notify the representatives of the employees on the inspection, if the inspection is to be carried out upon their request;

1.4. to advise the head of the economic operator or a duly authorised person on relevant issues related to the implementation of the requirements laid down by the effective legislation regulating safety and health at work, as well as labour relations, and on practical aspects to implement the requirements in the economic operator's entity;

1.5. upon consideration of the breaches of the legal deeds regulating safety and health at work, as well as labour relations, detected during the inspection, evaluation of their nature, potential scale and consequences, and based on the above, to indicate the reasons of the systematic deficiencies to the head of the economic operator, to give the order to eliminate them, to recommend any other measures to promote the development of a high quality and efficient policy implementing the requirements of the specified legislation in the economic operator's entity, as well as enforcement mechanisms and monitoring measures, and efficient internal control of the implementation process;

1.6. within a certain time limit following the completion of the inspection or investigation, to produce or fill-in a document in a form approved (control survey and (or) any other document drawn up during the inspection), and in the procedure embedded to send it / hand it in to the head of the economic operator;

1.7. to discuss the results of the economic operator's inspection with the head of the economic operator, experts in safety and health at work, occupational health professionals, any other person who has taken part in the inspection;

1.8. to introduce the results of the inspection to the representatives of the employees verbally or in written form in order to develop a social dialogue at the economic operator's level;

1.9. to inform the head of the economic operator about the employees who fail to comply with the requirements laid down by the legal deeds regulating safety and health at work, as well as labour relations;

1.10. to pass the inspection material to the law enforcement authorities, if it is found that the economic operator's violation of the legislation regulating safety and health at work, as well as labour relations, has caused or could have caused incidents at work, which have made a severe impact on the employees' health or resulted in the employees' death, or in any other serious consequences.

2. The duty to inspect with integrity:

2.1. to respect the rights and legitimate interests of the economic operator being inspected by implementing prevention and control of accidents at work, occupational diseases, as well as the breaches of the legal deeds regulating safety and health at work and labour relations as pertains to the SLI competence;

2.2. to adopt decisions and undertake any other actions impartially and objectively;

2.3. to follow the provisions of the SLI civil servant's or employee's ethical rules and the Code of Conduct;

2.4. to inform their line manager on a illegitimate effect being exerted (offering of a bribe, free services, advantages, etc.);

2.5. to keep and not to disclose any information pertained to the state secret or commercial secret of the employer, which has come to their knowledge within the course of the performance of their official duties;

2.6. to cooperate with the economic operators, to advise the economic operators on the issues pertaining to the scope of the SLI inspector's competence, to implement any other preventive measures assisting economic operators in their efforts to comply with the requirements embedded by the legislation regulating safety and health at work, as well as labour relations, and to impose the enforcement measures embedded by the legal deeds only in case of systematic irregularities or where the breach

may increase the risk of accidents at work or (and) cause a significant damage or danger to the safety and health at work, the society, environment, interests of other persons.

Any other duties assigned to the SLI inspector shall not impede the quality of the performance of the main duties, or in any other way undermine their dignity and impartiality, which are necessary for the SLI inspector's relationships with the employers and employees.