

RIGHTS OF ECONOMIC OPERATOR DURING INSPECTION

1. The right to access to information:

1.1. to get access to information published on the website (www.vdi.lt) of the State Labour Inspectorate under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter referred to as the SLI) regarding the approved lists (plans) of the economic operators for routine inspections (for the coming period of one quarter) and amendments thereof;*

1.2. at least 10 working days prior to the routine inspection, to receive a written or an e-mail notification specifying the basis for the routine inspection, the date, as well as the subject of the inspection, and containing the list of preliminary documents to be submitted to the SLI inspectors carrying out the inspection by the head of the economic operator, as well as control surveys the routine inspection is to be based on;*

1.3. in case if the head of the economic operator has not been notified on a routine or non-routine inspection in advance, the SLI inspectors shall inform about the inspection right away upon their arrival to carry out the inspection on-site;

1.4. on the website of the SLI, to get access to the list of the legal deeds regulating safety and health at work, as well as labour relations, to the procedures for the inspections carried out by the SLI inspectors and for the appeals against the decisions made by the SLI inspectors, to the information on the consultancy available, provision of methodological support, and to the control surveys compiled and used during the SLI inspections, to the methodology of the economic operators' risk assessment;

1.5. to be provided with the consultancy or methodological support pertaining to the issues of the requirements for the safety and health at work, as well as labour relations, to the extent not impeding the aims of the supervision of the economic operators' activities (in line with the provisions of Item 5 Part 1 Article 36² of the Law on Public Administration of the Republic of Lithuania).

2. The right to participate in the inspection process:

2.1. to require that the SLI inspectors would introduce themselves to the head of the economic operator and submit the documents supporting their powers (Civil Service Certificate (professional card), Letter of Authorisation and Letter of Assignment to carry out the inspection of the economic operator);

2.2. to take part in verification of factual circumstances, to get access to information collected and documents drawn up during the inspection, to pass their opinion and explanation verbally or in written form;

2.3. to involve a legitimate representative of the economic operator's interests in all inspection activities;

2.4. to take part in drafting, amendment or revision of the control surveys on a regular basis, and if there are no control surveys applicable to their field of operation or work, to encourage the SLI to draw up such surveys.

* **Note:** except for the cases of illegal work, inclusive of the violations of working time regime and rest periods, routine inspections for control purposes, and routine inspections of construction sites of the economic operators engaged in construction activities.

3. The right to fair supervision:

3.1. the right to objective and well-grounded inspections of the economic operations, handling of requests, claims and notifications pursuant to the requirements regulating safety and health at work, as well as labour relations;

3.2. the right to appeal against the actions, inactivity or administrative decisions of the SLI inspector allegedly violating the rights or legitimate interests of the economic operator to the Chief State Labour Inspector of the Republic of Lithuania or to the Administrative Court in the procedure set forth by the Law on Administrative Proceedings of the Republic of Lithuania. The appeal against a non-routine inspection shall not suspend the inspection to be carried out;

3.3. in case of activities or conduct of a corruptive nature, to request for a specific assistance from the Special Investigation Service.

OBLIGATIONS OF ECONOMIC OPERATOR DURING INSPECTION

1. The duty to cooperate:

1.1. to allow the entry of the SLI inspectors to the site of the economic operation and facilitate their work;

1.2. not to hinder the SLI inspectors from carrying out their inspection activities, not to prevent individuals present on their working places from giving their explanations verbally or in written form regarding the irregularities of the effective legislation regulating safety and health at work, as well as labour relations, or regarding failure to implement the SLI orders and recommendations;

1.3. not to impede recording of the inspection results by audio, video or any other means;

1.4. upon the request of the SLI inspectors, to submit their explanations verbally and (or) in written form;

1.5. if necessary, to allow the SLI inspector investigating the incident at work, which has caused a severe damage to the employee's health or resulted in the employee's death, to use the economic operator's means of communication or vehicles free of charge.

2. The duty to supply information:

2.1. during the inspection, to submit any documents or copies thereof necessary for the inspection, as well as to supply any other information requested by the SLI inspector. The head of the economic operator shall have the right not to submit the documents requested by the SLI inspectors, provided for that the documents requested have been submitted to another public administration authority carrying out the supervision of the economic operator. When refusing to submit required documentation, the head of the economic operator shall specify in writing the supervisory institution they have submitted the documents to;

2.2. to supply an accurate, detailed and trustworthy information;

2.3. to submit documents in official Lithuanian language, or any other language along with the translation.

3. The duty to follow legitimate orders:

3.1. to follow the requirements and orders of the SLI inspectors (orders to suspend the work, if there is a threat to the employees' life, requests to visit the SLI territorial division and any other legitimate orders of the SLI inspectors pursuant to the effective legislation);

3.2. within the time limits specified by the SLI inspectors, to eliminate detected irregularities of the effective legislation regulating safety and health at work, as well as labour relations, irrespective of whether a penalty has been imposed or not.
