

Yearbook of the Labour Inspectorate 2023



REPUBLIC OF ESTONIA
LABOUR INSPECTORATE

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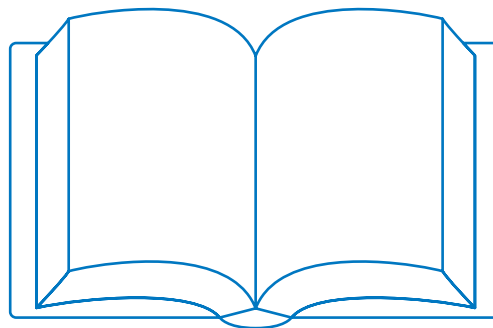
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*The information may be used with reference to the Labour Inspectorate
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FOREWORD

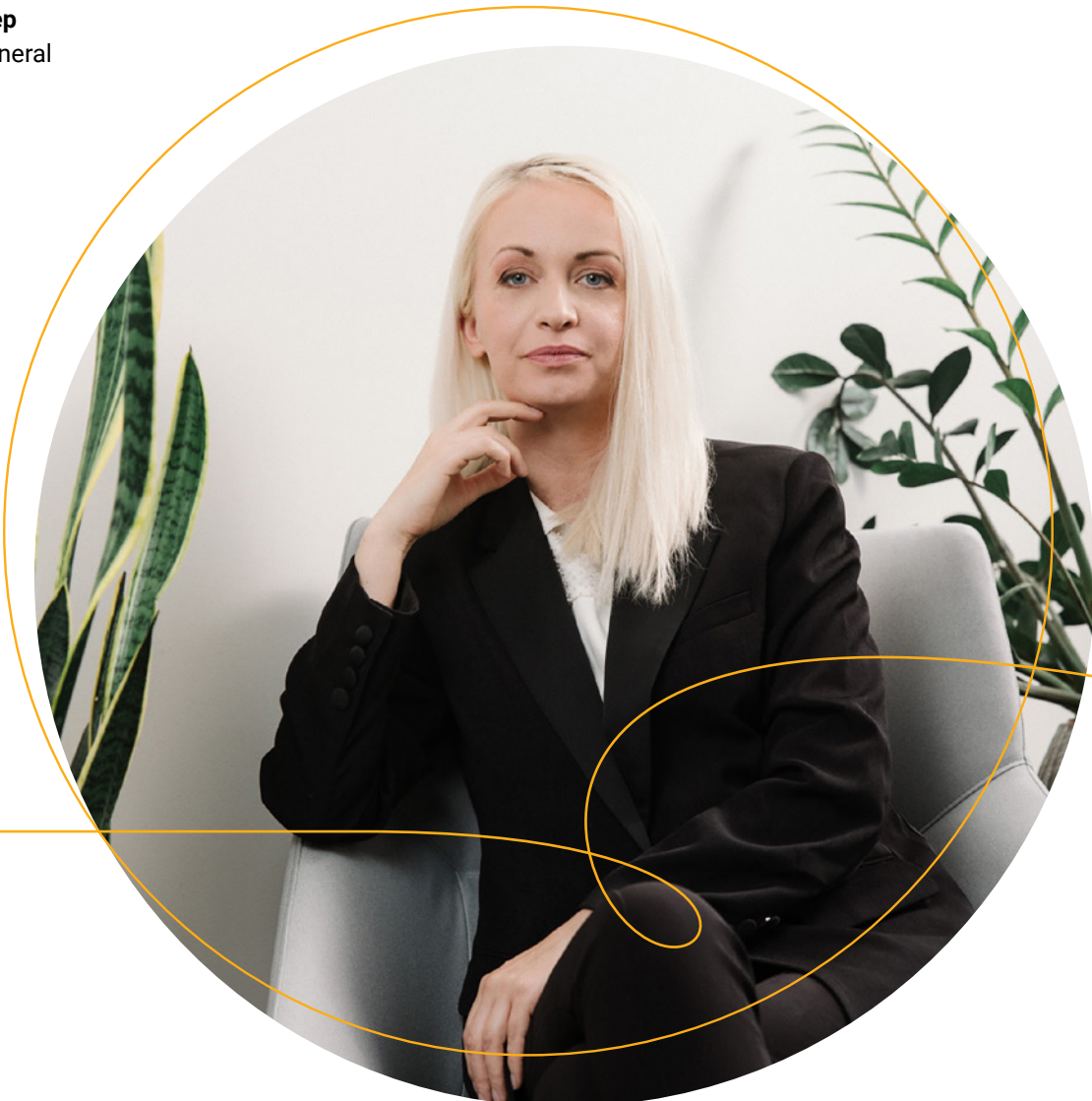
It is important for every employee to have a safe and healthy working environment. A safe working environment not only reduces the risk of accidents, but also increases employee motivation. This in turn affects the performance of enterprises and contributes to economic growth.

In 2023, working life was strongly influenced by a cooling economy, the rapid development of technology and changes in the organisation of work. Production processes are being automated, remote work is becoming more common, and artificial intelligence is increasingly used. All this brings new challenges and a constant need to adapt.

Increasing attention is paid to the mental health of employees. For example, an employee had to quit their job because they did not want to watch a colleague being bullied on a daily basis. Employers are more aware that the well-being of employees is not only limited to the physical working environment, but psychosocial hazards should also be taken into account. Workplace bullying, work stress, burnout and other factors that negatively affect the mental health of employees are a cost for the employer.

While almost 20 years ago there were 69,184 people with mental and behavioural disorders in Estonia, then in 2023 the number is 118,059. In many cases, employees have to stay on sick leave due to mental health issues, which means that the employers need to reorganise work and spend resources on the temporary recruitment of a new employee. Therefore, employers, employees and the state must go hand in hand – to protect our people and their health.

Kaire Saarep
Director General

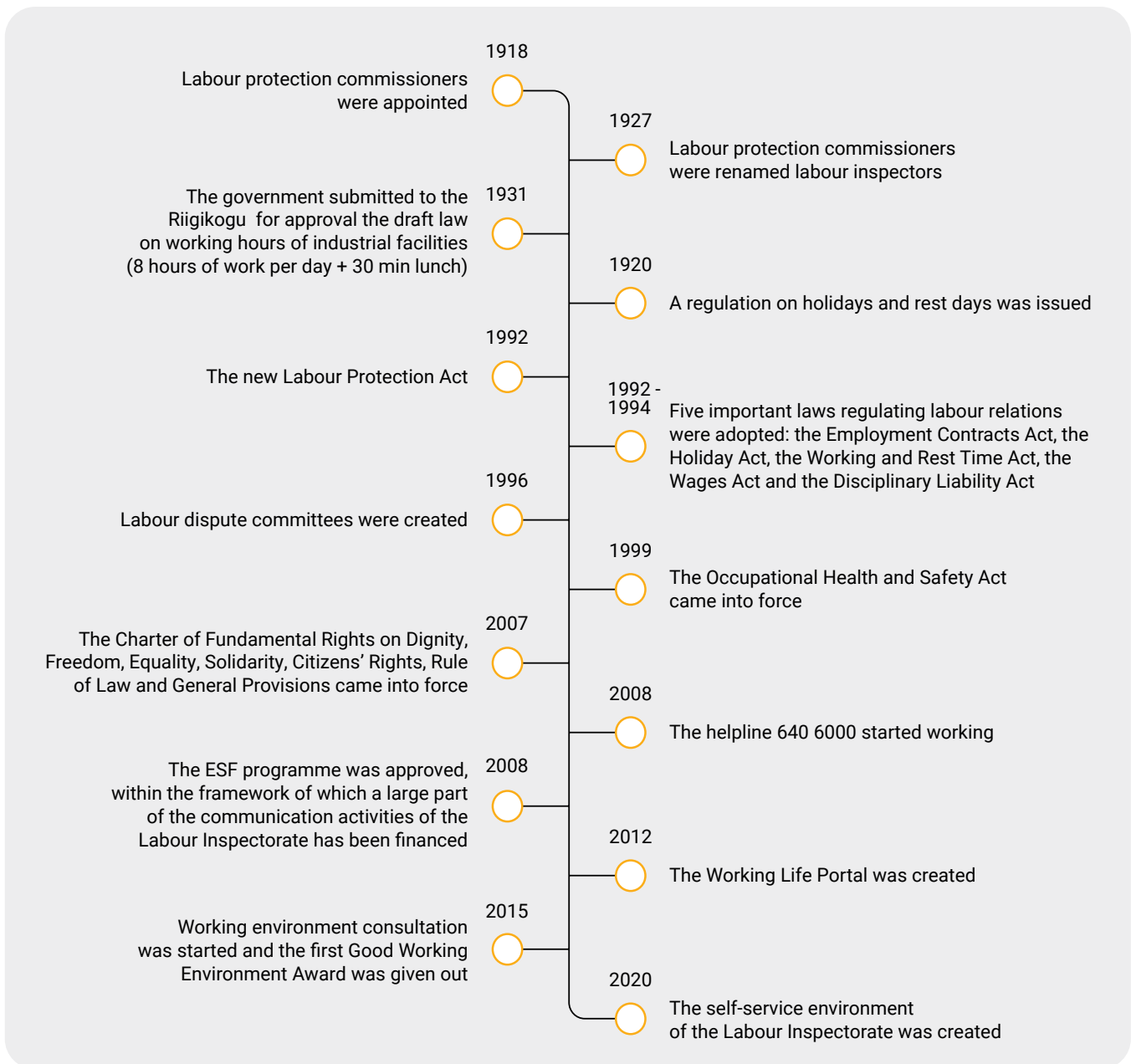


ABOUT LABOUR LAW AND SAFETY THROUGHOUT HISTORY

The beginning of the Labour Inspectorate can be considered 14 December 1918, when the Provisional Government gave the order to appoint labour protection commissioners. The duties of labour protection commissioners at that time were comparable to the duties assigned to labour inspectors today.

In 1940, the labour inspectors went under the authority of the People's Commissariat for Labour. In June 1940, the annexation of the Republic of Estonia by the Soviet Union stopped state labour protection supervision for fifty years. This role was fulfilled by work equipment inspectors who were part of the Estonian trade union council and branch trade union committees and who worked according to the instructions given from Moscow.

In the re-independent Estonia, the Labour Inspectorate was re-established as a national supervisory system. Today, in addition to supervision, the Labour Inspectorate offers two more important services – settlement of labour disputes and counselling.



LABOUR INSPECTORATE IN FIGURES



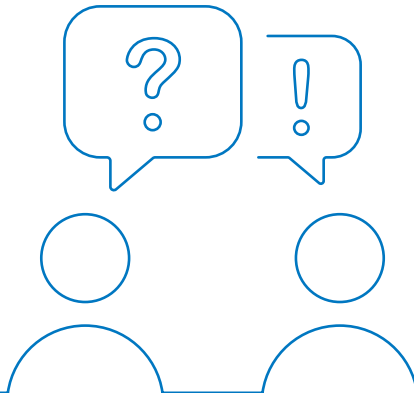
AS OF 31 DECEMBER 2023, A TOTAL OF 112 PEOPLE WORKED IN THE LABOUR INSPECTORATE.

The goal of the Labour Inspectorate is to ensure that working relationships are clear, the working environment is safe, and work is health-friendly. Every year, the Labour Inspectorate checks the workplace safety of nearly 100,000 employees. The priority is to reduce the number of serious and fatal occupational accidents. In addition, supervision is carried out over employment relationships, posted workers, working conditions for minors and the provision of labour market services and temporary work agencies. Advice is given approximately 40,000 times a year by e-mail and telephone, occupational safety and mental health issues are consulted in nearly 100 companies, and more than 2,000 labour disputes are resolved annually.

PREVENTION AND COUNSELLING

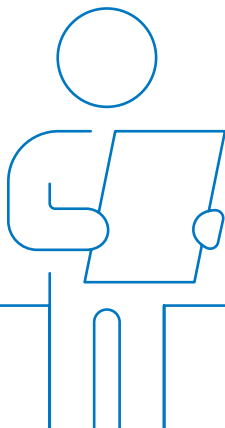
One lawyer answered about **3,628 inquiries**.

Working environment consultant service used by nearly **100** companies



RESOLUTION OF LABOUR DISPUTES

One labour dispute committee settled an average of **272 petitions**

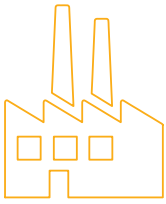


SUPERVISION

One supervisory official **per 1,729 enterprises** and **per 12,039 employees**

ESTONIAN LABOUR MARKET





According to Statistics Estonia, there were **153,883 enterprises** in Estonia at the end of 2023

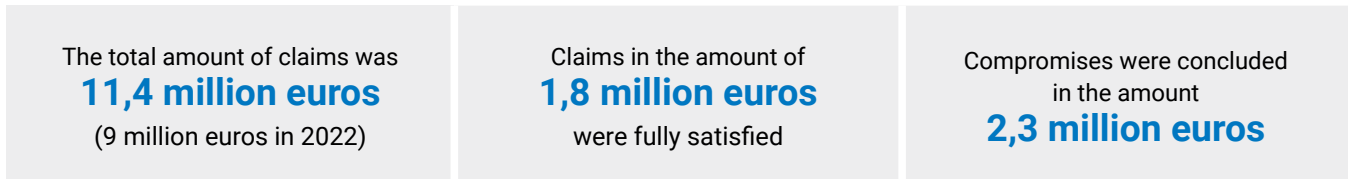


According to Statistics Estonia, the number of employed people in Estonia was **694,600**

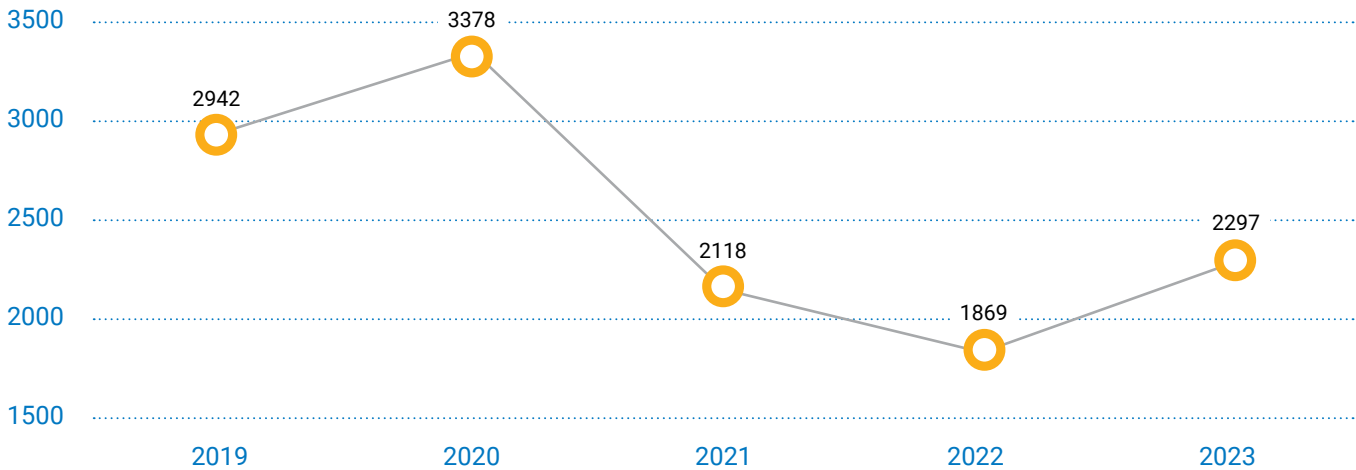
The cooling of the Estonian economy in 2023 has been reflected in several areas, which affects both enterprises and employees. Due to the cooling of the economy, enterprises may experience a decrease in sales revenue, which in turn may lead to layoffs. In 2023, the number of unemployed people increased by 7,500 compared to the previous year. However, the number of people of working age increased by 25,600, because many war refugees from Ukraine entered the Estonian labour market.

The complexity of the economic situation has created tensions between employers and employees, leading to an increased number of labour disputes. The Labour Dispute Committee (LDC) is an out-of-court dispute resolution body that resolves labour disputes between employers and employees. Labour dispute statistics show that in 2023, 2,297 applications were submitted to the labour dispute committee, of which 2,046 came from employees and 251 from employers. **Compared to the previous year, the number of labour disputes has increased by 428.**

In addition to the increase in the number of labour disputes, the number of claims has also started to increase. In previous years, it was seen that employees turned to the labour dispute committee for smaller amounts, but today the amounts are significantly larger.



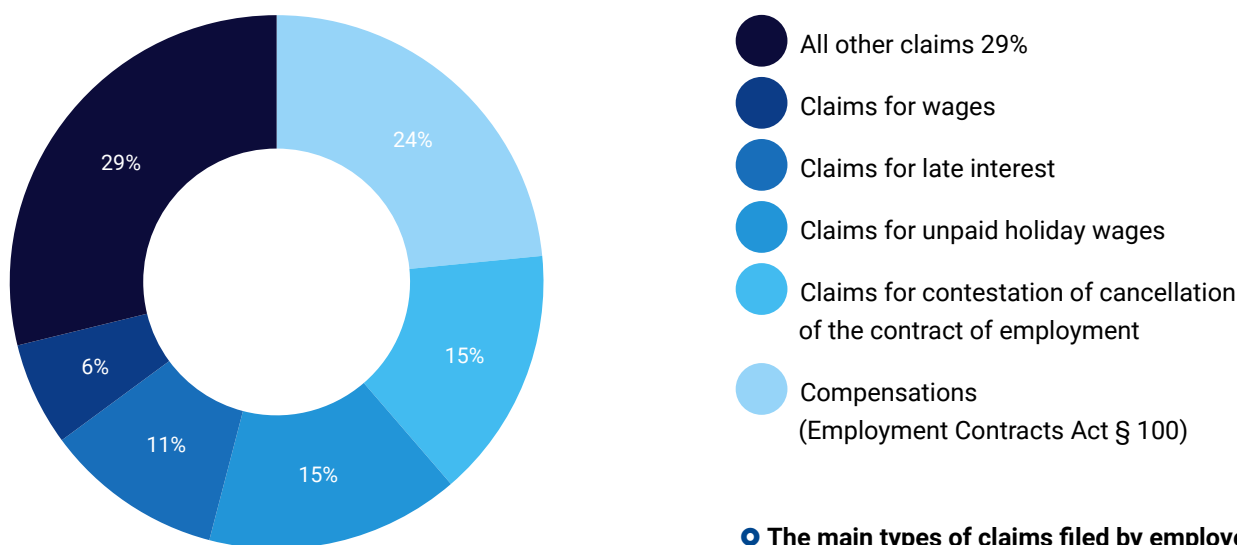
● The number of petitions received by labour dispute committees (2019–2023)



Most of all, the **employees** demanded unpaid wages and holiday pay and other compensations. At the beginning of 2023, the applicants still received their wages, even if in parts or with a delay. At the end of the year, however, there were already many enterprises in the LDC that were not able to pay their employees even partially. Several enterprises had a restraining order or filed for bankruptcy due to debts. In 2023, 2,000 companies in Estonia closed their operations, some by filing for bankruptcy. If, in the case of bankruptcy, the employee can claim the employer's debts at least partially through the Unemployment Insurance Fund, getting money from enterprises that have nothing left requires special efforts from the employees, and even then a positive result is not guaranteed.

For example, a catering establishment heading towards insolvency failed to pay wages partially or fully to around ten employees for several months. At the same time, new employees were hired, who were also not paid. Most of the employees were young people and several of them were minors. Those who could and dared turned to the labour dispute committee to receive the money. Most likely, the young people did not get their missed payments until half a year later, because in the case of bankruptcy, the Unemployment Insurance Fund partially compensates the employer's debts to the employees. The same employer decided not to respond to e-mails during the proceedings of the labour dispute committee, and the state spent hundreds of euros on forwarding the registered letters alone.

Temporary work agencies stood out negatively in 2023. A temporary work agency is a company that signs a contract of employment with an employee and pays wages, but sends the employee to work at another employer (user undertaking). The employee must be clearly and comprehensibly informed about temporary agency work in the contract of employment, although it is not uncommon for the employee to be unclear about who their employer is. Therefore, claiming wages and other benefits through the labour dispute resolution body is difficult or even impossible in the absence of evidence. Several temporary work agencies send employees to work at the user undertaking, but fail to fulfil their obligation to pay wages.







● The main types of claims filed by employees (2023)



On the employers' side, the claims were related to the cancellation of the contract of employment and compensation for property damage caused by the employee. It can be seen from the disputes that the employees cancel the contract of employment too lightly. In addition, **an important deficiency in employment relationships is the lack of communication between the parties**, which often leads to misunderstandings and disputes. In a situation where the employer draws attention to deficiencies in the employee's work, this is interpreted as injustice or workplace bullying, which the employee cannot prove in the event of a later dispute.

For example, before the extraordinary cancellation of the contract of employment, the employee sent a letter to the employer, in which they claimed to be experiencing workplace bullying. The employee only described a conflict with a colleague, which had been resolved, and now the colleague's attitude towards the employee was more friendly. Thus, it wasn't clear to the employer what exactly qualified as workplace bullying. However, the employer appealed to the labour dispute committee to establish the invalidity of the cancellation of the contract of employment. The LDC found that based on the evidence presented by the employee, it cannot be concluded that they had been treated badly for a long time and systematically, and established the invalidity of the extraordinary cancellation of the contract of employment.

Several employers did not want to make a final layoff decision, hoping for a future possible rise in the economy, and therefore tried to find solutions to postpone possible layoffs. For example, employees often asked about being sent on 'forced leave'. The Holiday Act, which was in force until 1 July 2009, really allowed such an opportunity for employers (for three months in a 12-month period with holiday pay of at least 60% of the applicable minimum wage). In addition, employers offered employees unpaid leave, which, however, requires the agreement of the parties to the contract of employment. If an agreement was not reached regarding the use of unpaid leave, but work was also not allowed, a work stoppage situation arose for the employees, in which case the employer is obliged to pay the employees the average wage for that period according to § 35 of the Employment Contracts Act.

  In 2023, the Labour Inspectorate answered 38,642 calls, which is **8.2%** more than in 2022.

  The volume of e-mails increased by **16%**.

  The number of questions related to pre-redundancy situations and redundancies increased. Many questions were received on the topic of working and rest time and unpaid wages.

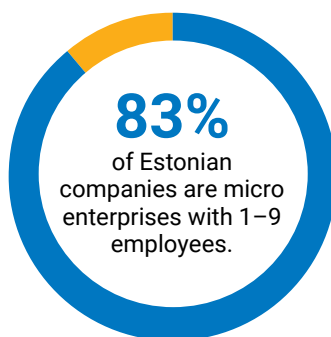
In addition, the **psychosocial hazard** rears its head in Estonian working life. In working environments, due to various crises and economic pressure, relations are tense, and there is workplace bullying and humiliation.

For example, an employee wrote: 'The manager monitors every activity in my work, looks for various mistakes, makes comments, sends letters about the mistakes via e-mail to my superiors, and does not treat me equally to other employees. As a result, my work has been disrupted, anxiety has arisen, and my ability to concentrate has also begun to decrease.'

The working environment of Estonian companies has improved year by year, and employers' awareness of occupational safety has increased. This is also indicated by the decrease in the number of occupational accidents, but it can also be partly attributed to the cooling of the economy. There were **11% fewer occupational accidents than a year earlier**. Certainly, the safety culture has improved in some sectors, but it can be assumed that even minor incidents are left unreported for fear of losing one's job.

Micro enterprises with up to ten employees give the greatest weight in the Estonian working environment, accounting for around 83% of the total business environment. The share of small enterprises (with 10–49 employees) is approx. 14%, the share of medium-sized enterprises is 3% and the share of large enterprises in the Estonian working environment is only 0.4%.

Most companies and employees are in the trade and construction sector, which is why the Labour Inspectorate pays a lot of attention to these sectors. However, the number of employees with contracts of employment is the largest in the processing industry, approx. 98,000 (a decrease of approx. 6,000 compared to a year ago).





PROCESSING INDUSTRY:
approx. 5,000 enterprises with 98,000 employees



TRADE:
9,000 enterprises with 86,500 employees



EDUCATION:
1,800 institutions with 62,100 employees

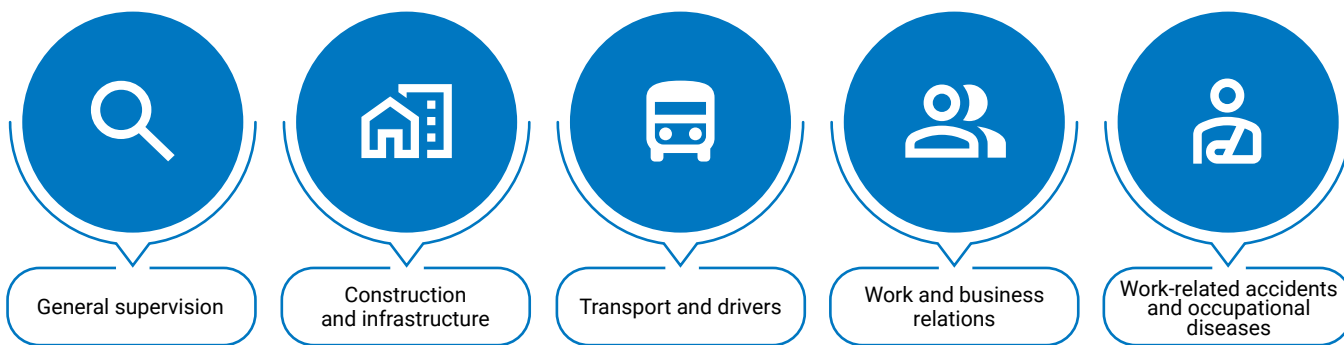


CONSTRUCTION:
approx. 7,100 enterprises with 40,000 employees

Enterprises vs employees with a contract of employment (2023)



The supervision of the Labour Inspectorate is divided into five task forces



3,523 supervision proceedings per year.

Employment of **2,361** posted workers was registered in Estonia.

16,618 deficiencies were identified.

136 misdemeanours were processed, the majority of which resulted in fines totalling **37,112** euros.

Labour Inspectorate officials exercise state and administrative supervision and conduct misdemeanour proceedings. Penalties are applied in cases where the violation has taken place for a long time, affects many workers, endangers human life or health, and can no longer be remedied. In 2023, misdemeanour matters were processed on 136 occasions as a result of supervision, with the majority of these proceedings ending with a penalty payment. The total amount of penalty payments was 37,112 euros and the average amount was 285 euros.

111 misdemeanours were processed in an expedited procedure against a natural person. On the basis of the Occupational Health and Safety Act, 50 misdemeanours were processed, which is 5 times more than the year before.

Major causes of misdemeanour proceedings

1. Violations of the Traffic Act – in the case of passengers and cargo transport, there were deficiencies in the storage and submission of data.
2. Violations in the construction sector – for example, construction work was carried out on the roof of an apartment building at a height of approx. 9 metres. There were no safety barriers to prevent falls at the workplace and workers were not wearing safety equipment. Unfortunately, in such examples there is a danger to a person's life and there's not much time to think. The company was fined 200 euros. Therefore, it is important that paths of movement and ladders are safe and do not endanger people in the immediate vicinity.
3. Failure to ensure proper working and rest time.



Personal protective equipment saves lives in the construction sector



In 2023, the Labour Inspectorate inspected the working environment of **839** construction companies.

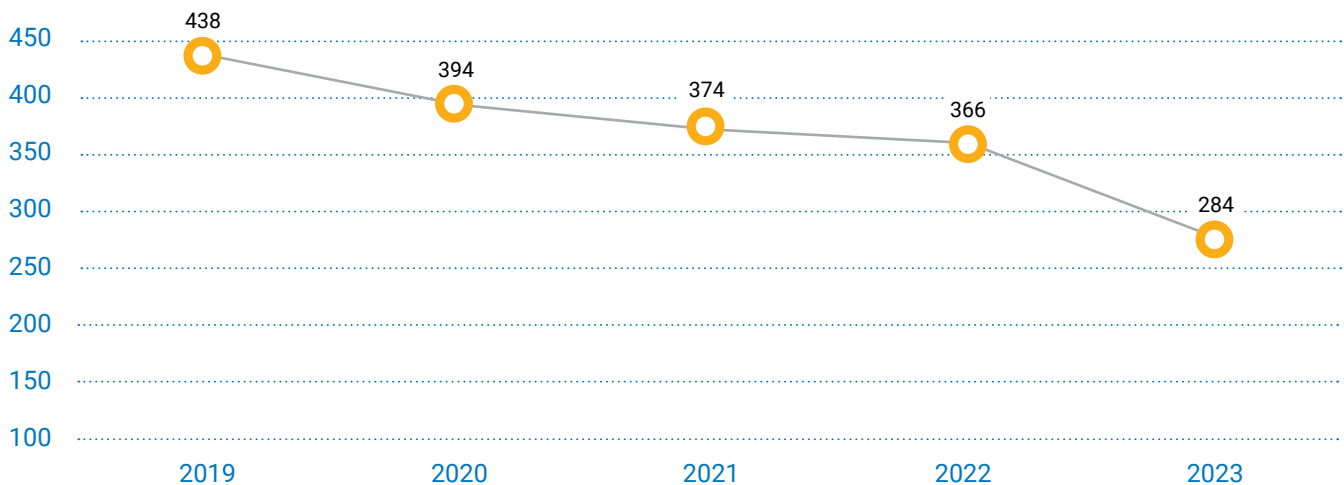
Only **9%** of the inspected companies in the construction sector had no deficiencies.

The main problem: non-use of personal protective equipment and maintenance of paths of movement.

Occupational safety and health are critical in the construction industry, but unfortunately safety is not always guaranteed in the workplace. The statistics regarding occupational accidents in the construction sector are also sad, because there were 284 accidents at work during the year, three of which ended in death.

One of the fatal occupational accidents was caused by loss of control over the work equipment. Namely, a young man drove the boom lift over a canopy and turned himself against the canopy with the boom lift basket, getting trapped between the structure of the canopy and the basket. In another case, a worker was fatally struck by a train, and a third worker fell from a height.

○ The number of accidents at work in construction



However, it's pleasing to note that **the number of occupational accidents in the construction sector has decreased for the fifth year in a row**, and compared to years ago, no more than five people a year die on a construction site.

Compared to other sectors, construction had the highest number of labour disputes between employees and employers.

In 2023, they also appealed to the labour dispute committee with claims for unpaid wages, holiday pay and compensations. During the year, there were a total of 418 labour disputes in the construction sector, or 18% of all labour disputes.

What stood out when inspecting the construction sites?

During the inspections, the labour inspectors saw that **there were deficiencies in the instruction and training of employees.** However, this is extremely important in preventing occupational accidents. Instruction and training are necessary for the employee to be aware of the risks in the working environment and to be able to avoid and reduce them. Statistics show that approximately a quarter of occupational accidents occur with employees who have been on the job for less than a year, ie with employees who have not received sufficient training to begin work. Instruction and training are the foundation of preventive action, helping to prevent accidents and illnesses related to work. In addition, well-planned instruction helps to increase work efficiency and also reduce costs.

Almost a third of the inspected construction sites had **deficiencies in the occupational safety plan.** Construction sites with a higher risk must have an updated occupational safety plan, which must also be presented and available to employees. An occupational safety plan is of no use if the employee cannot refer to it when necessary.

Work equipment with which most occupational accidents occurred in construction



For example, an employee used a ladder to set up a projector. The mechanism of the ladder broke and the victim fell from a height of five metres to the floor. The victim dislocated their leg. The patient was not allowed to lean on their leg for the next 8 weeks – they used crutches and a walking frame. The employee was away from work for 182 days

In the construction sector, it is extremely important to wear **personal protective equipment** such as protective helmets, safety harnesses and safety shoes.

For example, a helmet saved one employee from the worst consequences. Namely, the worker fell from a flat roof from a height of seven metres, but thanks to the helmet they escaped with only minor scratches. He kept the cracked helmet as a memento and a reminder.

Unfortunately, **in 125 of the occupational accidents that occurred in 2023, the employee did not have the proper personal protective equipment.** During inspections, labour inspectors also often see that the employer has given the necessary tools and equipment to the employees, but they are not being used. The reason given is the inconvenience of personal protective equipment. Employers have an important role here – to provide employees with high-quality and appropriate personal protective equipment and to ensure that they are comfortable and usable.

In addition, there were 46 **deficiencies in the enclosing and marking of danger zones** and in the use of scaffolding on the inspected construction sites. The working platforms did not have the prescribed safety barriers, the access ladders were installed incorrectly, the anchoring of the scaffolding was insecure, and the support on the base was insufficient. However, these are deficiencies that must be taken more seriously in order to prevent accidents, because often the worker can fall badly due to the lack of safety barriers.

Falls often happen also because **the path of movement is not in order** and temporary wires, cables, production waste, etc are lying around on the ground. The worker may trip over objects that prevent movement and fall. During the year, there were a total of 919 falls at workplaces, both on the same level and from above. With a seemingly simple type of occupational accident, a worker can fall very seriously, break a leg or arm, and be away from work for a very long time. The average number of days of the certificate of incapacity for work issued as a result of a fall was 32 per year, which is extremely high.

For example, an employee boarded a bus to move wheeled containers. However, the wheels of the container did not turn properly, so the employee had to take a quick step backwards. Unfortunately, they stepped so badly that they injured their leg. As a result, the employee had to be off work for 199 days.

OTHERS ABOUT US: SUPERVISION

The Labour Inspectorate regularly asks for feedback from the participants in the supervision

Satisfaction: 9.2 points out of 10

'Very pleasant co-operation. The inspector was a very polite and professional specialist. The communication was very pleasant and productive.'

'A very knowledgeable inspector who knows the field. Good recommendations and advice!'

The most serious accidents occur when working at heights

Working at heights is one of the biggest sources of danger in the construction sector. That is why the Labour Inspectorate inspects twice a year workplaces where people work at heights. As part of targeted inspections, a total of 196 companies were inspected, of which only approximately 8% had no deficiencies.

During the targeted inspection, many deficiencies were also found in the use of ladders. The ladders were

- deformed or partially broken;
- placed at the wrong angle;
- unstable, because the possibility of slipping was not prevented;
- the wrong length – the ladder must extend one metre above the access level.

Workers working on high roofs are often at risk of falling with serious consequences.

For example, two workers were working on a suspended ceiling at a height of 7 m. One employee went to get the necessary tools from the car and when they returned, they heard something fall. The worker discovered a colleague lying on the ground with a safety harness on but not connected. The victim was taken to the hospital. As they recovered, the victim called and asked what had happened because they couldn't remember anything about the fall.

During supervision, employees often say they are experienced enough and will not fall. At the same time, they forget that accidents often happen due to a small mistake or slip. In order for the working environment to be safe in the construction sector, it requires the employer's constant attention and consistent risk assessment, raising employees' awareness and effective supervision by the Labour Inspectorate.

In manufacturing and industry, machines are not safe



In 2023, the Labour Inspectorate inspected the working environment of **650** production and industrial enterprises.

Only **12%** of the inspected enterprises had no deficiencies.

The main problem: safety barriers for work equipment are not used.

The main areas of concern are the safety of work tools in production and industry, ie there is a tendency to remove safety barriers or Soviet-era work equipment is in use, which is not aligned with current requirements. The reason given for the removal of safety barriers is that they interfere with work, reduce visibility and decrease production speed (eg in the case of piecework remuneration).

For example, there was a jigsaw at the workplace, with which a serious occupational accident had occurred years ago. Unfortunately, no lessons were learned from this, and an accident occurred again, the reason for which was the lack of the necessary safety barrier. The upper part of the saw blade had a safety barrier, but it was not enough. There was also material stored in front of the saw, so the worker tripped over the materials, fell, and the rotating saw blade cut off their foot. A device manufactured before the year 2000 needed to be brought into compliance with modern safety requirements or replaced.

In addition, the labour inspectors also noticed deficiencies in the risk assessment. Occupational health and safety documents are often drawn up just for the sake of ticking the box, without thinking about the health of the employees. A person spends most of their life at work, which is why, due to a dangerous working environment, an employee may spend their old age with work-related health damage (back problems, hearing loss, leg and arm pain, etc). Small companies often do not understand why they are subject to the same rules as larger companies. However, it does not matter whether the company has 1 or 100 employees; everyone's life has the same value, and even this one employee wants to go home healthy and happy in the evening. Unfortunately, one of the industrial workers did not make it home alive.

An employee lifted pallets with a forklift and placed them on the shelf. The forklift operator turned the wheels of the forklift to start moving. Unfortunately, a 28-year-old colleague had fallen into the forklift's blind spot and was fatally hit by the forklift. The fellow colleague had bent down to take boxes of goods from the pallet, so the forklift driver did not notice them. The rule that an assembler cannot be in the danger zone of a working forklift was not observed.

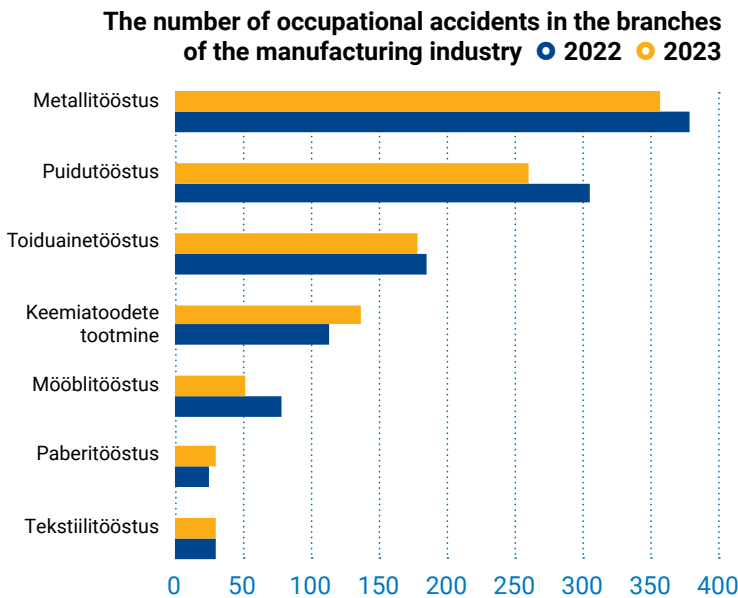
Enterprises may have risk assessments of the working environment, but unfortunately they have often remained untouched for years. A risk assessment is a document that changes over time and must reflect the real dangers of the working environment and also contain actions that are planned to be taken to mitigate the hazards.

Industry is increasingly moving towards automation. It is increasingly difficult to find a suitable workforce, which is why investments are made in equipment that would take over the work of humans. In this regard, it may be mistakenly assumed that employees no longer need as many rest breaks for recovery, because the risk of physical overload has been significantly reduced. At the same time, one must not forget that the **surveillance of the operation of the device also requires attention and effort, from which it is necessary to recover.**

For example, in the timber industry, whereas previously parts were painted manually with a paint gun, a paint line was introduced. Fewer employees are needed, but still the human resource puts the line into operation, monitors the work process, eliminates errors and adds details.

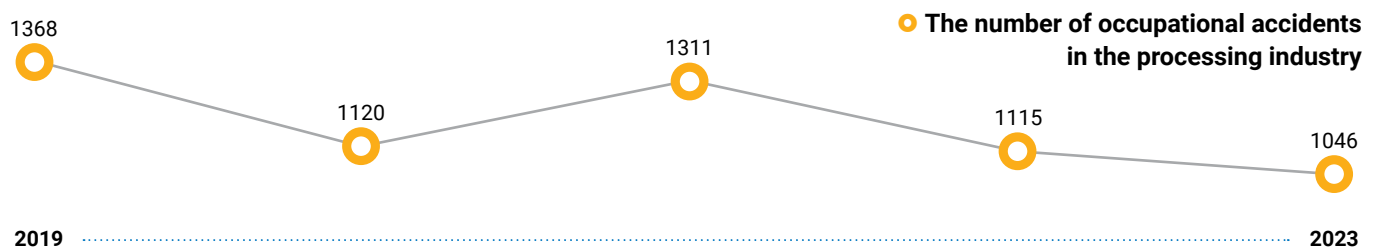
In 2023, the focus was on the metal industry and agriculture

In 2023, two targeted inspections related to production and industry took place. The first of them was a targeted inspection of the metal industry, where the highest number of occupational accidents occur in the production sector.



The Labour Inspectorate notified employers of the start of targeted inspections and directed them to review their working environment and machines. The inspections showed that the employers had taken the letter seriously and no serious deficiencies were discovered.

However, labour inspectors saw machines without protective devices at workplaces, but fortunately, the more dangerous machines were equipped with safety barriers. In addition, there were deficiencies in the documentation (risk assessment, training registration), there were no eye showers, and paths of movement were overburdened. Compared to the previous targeted inspection that took place in the same field, signs of improvement could be seen, and the number of occupational accidents in the processing industry is also decreasing.



The second targeted inspection took place in agriculture.



Here, **80** enterprises were inspected in the course of targeted inspections of agriculture.

A total of **373** deficiencies were found in these enterprises.

The main problem: violations of working and rest time.

Most often, occupational accidents in agriculture are related to machines and equipment. There are also falls and the unexpected behaviour of animals.

For example, a worker cleaned a cow's wound and gave it an injection. The animal was startled and kicked against the open metal fence, which in turn hit into the victim's face.

Year after year, the same worries and problems are repeated and they are solved only after the inspector has visited the company. In enterprises in the field of agriculture, there are deficiencies in the organisation of medical checks, first aid and training, and often the risk assessment does not correspond to reality. In addition, compliance with working and rest time requirements is a concern in agricultural companies. The reasons given are labour shortage and dependence on the weather, ie if it doesn't rain, many more hours are worked than promised. Unfortunately, such violations also resulted in misdemeanour procedure because a person needs rest in order to recover and maintain their capacity for work.

A tired lorry driver makes mistakes and gets into an accident at work



The working and rest time of **1,832** vehicle drivers was inspected to the extent of **102,048** working days.

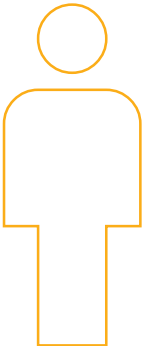

In 2023, **271** occupational accidents occurred in the transport sector, three of which resulted in death.

The main problem: violations of working and rest time (daily rest time).

The Labour Inspectorate supervises compliance with the working, driving and rest time requirements of the motor vehicle driver in the Traffic Act, the tachograph (a device that records the driver's driving and rest time and also the vehicle's speed and distance travelled) and data storage requirements. In 2023, 271 occupational accidents occurred in the transport sector, three of which resulted in death. Among them are not only crashes, but also accidents when loading goods and falls when entering or exiting a lorry.

Two fatal occupational accidents were caused by material falling on the worker. The third occupational accident occurred due to loss of control of the vehicle.

In terms of gender, lorry drivers had the most occupational accidents among men in 2023.

Men	Women
<p>Truck drivers</p> <p>Welders</p> <p>Servicemen</p> <p>Construction carpenters</p> <p>Forklift drivers</p> <p>Warehouse keepers</p> <p>Construction and repair workers</p> <p>Rescue workers</p> <p>Woodworking machine operators</p> 	<p>Sellers / customer attendants</p> <p>Cleaners</p> <p>Nurses</p> <p>Cooks</p> <p>Carers</p> <p>Milkers</p> <p>Kindergarten teachers</p> <p>Livestock farmers</p> <p>Packers</p> 

In the transport sector, it is important to ensure sufficient working and rest time for employees. In 2023, the Labour Inspectorate checked the working and rest time of 1,832 drivers. Long working hours can end badly for both the employee and fellow road users. A tired driver poses the biggest danger.

During the inspections, mainly violations in the daily rest time requirements were discovered. Insufficient rest time affects the driver's reaction speed, attention and decision-making ability, which is why it is extremely important for the employee to rest as well.

As a rule, daily driving time may not exceed nine hours. In exceptional cases, it can be extended to ten hours twice a week to reach a suitable stop. Unfortunately, this exception is used too often, which is why the working day of drivers could be extended to more than 15 hours.

Violations also occurred with the interruption of the daily rest period on the ferry. Ferries provide an important connection between countries, but at the same time, they make planning rest periods challenging for drivers. The daily rest period may be interrupted twice and the total duration of the activity may not exceed one hour. Unfortunately, there were three rest period interruptions instead of two, or the total duration of other activities exceeded one hour.

However, there are carriers who monitor compliance with the requirements and also co-operate with drivers. An example could be drivers who, after committing a violation, write the reason why the violation occurred on the printout of the tachograph.

Inspection of posted drivers

Posted drivers and drivers who carried out cabotage operations, ie transported goods between countries, were also supervised. Together with the European Labour Authority and the Police and Border Guard Board, two joint inspections were organised – in Tartu County, where there were observers from Lithuania and Finland, and in Tallinn, where there were observers from Germany, Belgium and Poland. In total, nearly 100 drivers were checked, out of whom three drivers did not have a posting declaration, and a misdemeanour procedure was initiated against the companies.



In the labour dispute committee, the employers submitted large claims for damages to the drivers



The amount of the average claim was **3,047** euros.

The average satisfied claim was **397** euros.

The largest damage claim was **11,294** euros.

The largest satisfied claim was **1,000** euros.

In 2023, among other things, claims for damages submitted by employers against professional drivers, ie in the transport sector, where traffic accidents are a common risk, were argued in the labour dispute resolution body. The size of the average claim was 3,047 euros (the smallest claim was 161 euros, the largest was 11,294 euros). The average satisfied claim was in the amount of 397 euros (the smallest was 161 euros and the largest 1,000 euros), while the smallest claim was satisfied in full because the employee did not submit substantive objections. For all other claims, the claim was partially satisfied. For comparison, the year before, the largest damage claim that the court satisfied was 84,090.49 euros.

In damages disputes, the main factors affecting the amount of damages are:

- voluntary comprehensive insurance – employers find it unreasonably expensive, however, labour dispute resolution bodies found that the lack of comprehensive insurance is not automatically a basis for reducing the compensation, but is still a factor in determining the amount of the compensation. In particular, a bus driver whose negligence causes damage with a bus that does not have an insurance contract should not be in a more difficult situation than a driver who causes an accident with a bus that has the appropriate insurance;
- work experience of employees and previous accidents caused during work – generally a short working time is a circumstance limiting liability.

*For example, **one bus driver had caused six traffic accidents in eight months**. Although an employee becomes a professional bus driver upon starting work, for whom the standard of care is higher than usual, the labour dispute resolution body considered that working for only five months (four of which during the probationary period) was a limiting circumstance. However, the short duration of the employment relationship was not taken into account in this story.*

- Amount of wages – the employee's ability to pay compensation for damage.
- A higher than usual risk of damage arising from the nature of the work.
- Degree of guilt – negligence or intentional violation, condition of the vehicle.
- Driving speed and compliance with traffic rules.
- Weather conditions.

It is difficult to prove complicated road conditions in the case of an accident that happened a year earlier. One possible option is to do this with post-crash recordings. For example, one employee proved the road conditions with a news story where the employer's representative commented on the weather conditions.

In the context of freight transport, a damage claim arose because the employee did not follow the employer's instructions in choosing a safe parking place and the lorry's tyres were punctured. The employee shared false information with the employer about repairing the tyres, the process was delayed and therefore the transport cycle was extended, and the employer incurred additional wage and posting costs. **In the claim for damages (11,294 euros), the labour dispute committee considered damages in the amount of only 290 euros, ie a fine for not using load belts and replacing lost belts, as proven.**

In addition, the fines imposed on drivers are current. Although the fine is generally imposed on the driver, on one occasion the labour dispute resolution body did not satisfy the employer's corresponding claim against the employee because the employer gave the employee a trivial order, thus taking advantage of the employee as a weaker party based on their own interests. Namely, the employee received a fine in the amount of 2,100 euros due to overload in a foreign country, but since the employer was proven to expect the employee to violate the rules, the cost was borne by the employer.

Maritime labour: deficiencies in seafarer's employment contracts and instruction



A total of **86** supervision proceedings took place in the year.

The main problem: deficiencies in seafarer's employment contracts and working and rest time.

By its very nature, maritime labour is of a very specific form, starting with the isolation of crew members and the availability of high-quality medical care, and ending with the potentially catastrophic consequences of ship accidents caused by the human factor.

There are problems with ships whose owners are from outside Estonia and who **do not have a sufficient overview of Estonian laws**. In some places, Estonian legislation has stricter requirements than the Maritime Labour Convention of the International Labour Organisation, which is why there are problems with seafarer's employment contracts and monitoring the requirements for working and rest time of crew members. If the ship operator, the appointed person or the company responsible for the manning of the ship has previously operated in Estonia and is familiar with Estonian legislation, the situation is better.

In most cases, **there were deficiencies with seafarer's employment contracts or working and rest time**. For example, the employer had not taken into account that in the case of summarised working time only, more than 40 hours can be worked per week. Risk assessment of the working environment and instructions of employees were also incomplete or even completely missing. On some ships that had been inspected years ago and all the problems had been solved, a later re-inspection revealed that nothing had been done to ensure compliance with occupational health and safety requirements in the intervening years. For example, dirty and damaged personal protective equipment purchased years ago was lying around in the ship's workshop.

Overwork as a silent enemy: working and rest time violations



NEW INTERPRETATION:
weekly rest time must be preceded
by daily rest time

One of the most common violations is failure to ensure proper working and rest time. This means that the employee is not guaranteed daily or weekly rest time, and it can be established that this is not an exceptional case.

Working time restrictions are established to protect the health and safety of the employee, and rest time is necessary to maintain and restore capacity of work. In March 2023, the European Court made a decision in the case C-477/21, which changed the previous practice of Estonia in the implementation of working and rest time requirements and primarily affects employees who work based on a schedule. As a result of the court ruling, the employee must be guaranteed both daily and weekly rest time consecutively at least once during a seven-day period, ie **11 + 48 = 59 hours, in the case of summarised working time 11 + 36 = 47 hours, in the case of a 24-hour shift 11 + 11 + 36 = 58 hours**. The new interpretation required some employers to review the organisation of work and adjust their schedules.

An important factor contributing to overwork is long work shifts, which are especially burdensome in physically demanding jobs. Long working time with heavy work causes muscle overload and a person's capacity for work decreases. The rate of growth of the added value resulting from working slows down, and at the same time, the state incurs additional costs in the health and social security system.

In order to reduce the damage caused by overwork, it is important to be aware of its risks and implement measures to ensure a balanced work and rest time. For example, frequent shorter breaks, the possibility of sitting during rest breaks for physical work, and movement and stretching for sedentary work are recommended.

300 hours per month! There are serious violations of working and rest time in welfare institutions



A total of **22** welfare institutions were inspected.

169 violations were detected; no violations were detected in only one nursing home.

In 2023, the Labour Inspectorate checked compliance with employment relationship requirements in various welfare institutions that offer general care services provided outside the home. As a result of the inspection, it became apparent that there are serious violations in the organisation of the working and rest time of welfare institutions. For example, it was found that **caregivers in a welfare institution sometimes worked without proper daily rest time**. The employees had continued to work for another 3–12 hours after working for 24 hours. There were also violations of the weekly rest period, which means that employees worked 8–17 working days in a row. In the case of summarised working time calculation, the employee must rest at least 36 consecutive hours per week (Employment Contracts Act § 52, subsection 2), which was clearly violated. The Labour Inspectorate started a misdemeanour procedure in the case.

Working hours among nursing home employees are extreme. For example, they worked an average of 51–72 hours per week. One employee worked 304 hours in July 2023. In addition, three caregivers in the welfare institution **repeatedly had to work for 48 hours in a row, ie two consecutive 24-hour shifts**. Under legal and humane conditions, it is allowed to work an average of 48 hours per seven-day period up to a four-month calculation period (Employment Contracts Act § 46, subsection 1).

At this point, it should be emphasised that, in addition to the violations of the stated working and rest time requirements, there are cases when instead of a contract of employment, contracts for the provision of services under the law of obligation (an authorisation agreement and a contract for services) are drawn up with the employees of the welfare institution, while the contractual relationship has the characteristics of a contract of employment. As a result, employees are deprived of their right to holiday, remuneration for working overtime and on public holidays, and other compensations under the Employment Contracts Act.

Why is rest time not observed?

Employers have explained that the situation in the care sector is difficult, as there is always a shortage of caregivers and their recruitment is complicated, primarily **due to the working conditions of the area of activity and low wages**. Many caregivers work **in multiple care facilities to earn income**, which in turn puts pressure on the persons making working time schedules. It is not uncommon for caregivers to start a 24-hour shift after completing a 24-hour or even longer shift at another facility.

Workplace bullying, tension, work-related stress: mental health in the workplace is becoming more and more important



The main problem: there is no systematic approach to addressing workplace concerns.

In the summer of 2023, a mental health consultant started working at the Labour Inspectorate. The creation of this position illustrates which topics are currently relevant in the working environment and which topics are increasingly being addressed to the Labour Inspectorate. Four years ago, 6% of the tip-offs sent to the Labour Inspectorate were related to psychosocial risk factors. In 2023, their share has risen to as much as 14%.

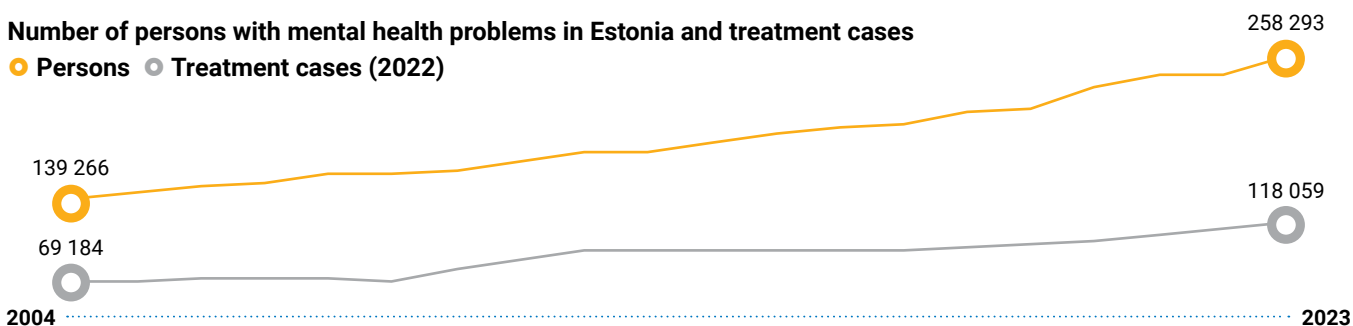
For example, a now former employee made a tip-off: 'Workplace bullying and the atmosphere of fear made me quit my job, although I wasn't bullied myself, I witnessed it. Today, employees go home crying and show their emotions to their families when they come home from work. I have received multiple emergency calls from now former colleagues, asking me to reach out to you because the management does not currently take what is happening seriously. There is no distribution of workload, no feedback on workplace bullying, and the law on working and rest time is also being violated.'

As of 2023, diseases caused by psychosocial hazards were also added to the list of occupational diseases. Employers are interested in how it is possible to prevent such diseases in the working environment and how to deal with mental health issues such as burnout, depression and anxiety in the working environment.

The number of people with mental health problems is increasing. In 2023, there were a total of 118,059 of such people in Estonia. Over a period of almost 20 years, prescriptions or treatment invoices have been submitted for a total of 3.7 million euros. Social setbacks caused by the COVID-19 virus, the war situation in Ukraine, crises and the economic situation have certainly left their mark here, which reaches the level of the individual and in turn is transmitted to the working environment.

Number of persons with mental health problems in Estonia and treatment cases

● Persons ● Treatment cases (2022)



Workplace bullying is becoming more and more common. However, solving these situations is very difficult and time-consuming. Many victims of workplace bullying are forced to leave the workplace and may be left alone with their problem and unprotected. Unfortunately, even employees who have endured workplace bullying and have turned to the labour dispute committee are often unable to prove that it happened. However, a recent dispute in the labour dispute committee (LDC) illustrates that claiming non-patrimonial damage and fighting for one's rights is also appropriate.

According to the employee, it all started with baseless accusations. In their conversation with the manager, they constantly endured insulting comments. The employer then knowingly and intentionally began spreading defamatory false information, which reduced the opportunities for the employee to communicate with someone at work. In addition, such actions damaged the victim's personal reputation and mental health. The presentation of all the false information finally culminated in the declaration of extraordinary cancellation of the contract of employment. The LDC established that the employer had indeed bullied the employee for 4 months and that the extraordinary cancellation of the contract of employment was unlawful. The employee was awarded compensation in the amount of three months' average wages and compensation for non-patrimonial damage in the amount of 8,472 euros (gross).

Psychosocial hazards should be reflected in the risk assessment of enterprises

Psychosocial hazards are factors related to work content, organisation of work, working environment and relationships. For example, excessive workload can lead to stress, fatigue and mental exhaustion, or insufficient organisation of work or lack of control over one's work can increase anxiety.

The workplace often lacks a systematic approach to dealing with workplace bullying, harassment, psychological violence or other conflicts. Therefore, the focus should be on organisation of work, communication, organisational climate, work tasks and organisational goals. A satisfied employee makes the organisation sustainable and productive.

Although the content of each tip-off submitted to the Labour Inspectorate is different, noticeable patterns emerge in their handling.

- The employee avoids direct communication with the employer, working environment representative or specialist and turns directly to the Labour Inspectorate.
- Employees are not aware of whom they should turn to with such topics in the working environment.
- The employer or responsible employee lacks conflict management skills, and the problem spills over into the entire working environment, involving other employees as well.
- The employee applies to the Labour Inspectorate only when the contract of employment has been cancelled.

People's ignorance deprives them of social goods: reassessing contracts under the law of obligations



Among the employees of 76 employers, **452** service contracts under the law of obligations displayed the essential characteristics of an employment relationship.

When concluding a contract under the law of obligations, the employee cannot take a holiday, may lose health insurance, and in the case of a dispute, it is not possible to turn to the labour dispute committee for solutions.

Contracts under the law of obligations are most common in service, accommodation, construction, catering, transport and medicine.

One of the important priorities of 2023 was the substantive assessment of contracts under the law of obligations, the aim of which was to identify hidden employment relationships. If the inspector identifies circumstances in which the legal relationship between the parties can still be considered a contract of employment, the employer is ordered to inform the employee of important working conditions within the meaning of the Employment Contracts Act. During 2023, labour inspector-lawyers checked the content of employment relationships among the employees of a total of 76 employers. **452 service contracts under the law of obligations actually displayed the essential characteristics of an employment relationship.**

An explanation of what a contract of employment is and how to distinguish it from other contracts is provided by the Employment Contracts Act.¹ In the case of a contract of employment, a natural person performs work for another person under their direction and control, and the employer pays the employee for the work. An employment relationship is not characterised by a situation where the person doing the work is largely independent in choosing the way, time and place of doing the work.

It is not uncommon for employers to enter into contracts with employees, the title of which refers to some of the more common types of contract for the provision of services (eg authorisation agreement, contract for services). In most cases, this is also indicated by the entry 'contract under the LOA' made by the employer in the employment register.

Unfortunately, the supervision of the Labour Inspectorate shows that, in the background of the seemingly displayed service, in reality an activity that has the characteristics of a contract of employment takes place. Unjustified use of contracts for the provision of services is more likely to occur by those employers who do not want to fulfil the requirements applicable to the employment relationship (eg a written contract of employment, ensuring rest time for the employee, granting holidays, etc). At the same time, it cannot be ruled out that there are employers who, in the economic interests of the company, may take advantage of the ignorance of the employees regarding the rights actually included in the contract.

The conclusion of a contract under the law of obligations may seem like an easier path for the employer, but it may not be a financial saving for the company if the employees turn to the labour dispute committee to ensure their rights.

For example, an employee performed work for another person, providing a freight transport service, and also received payment for this. The employer also paid the petitioner posting allowance and expenses on the basis of an advance report. These activities characterise an employment relationship. The employee wanted to receive the unused annual holiday compensation, which the labour dispute committee satisfied.

When determining the legal relationship, the degree of subordination of the employee is also important, ie the extent to which the employee is bound by the orders of the alleged employer, the way, time and place of work. In order to define the legal relationship, other relevant circumstances must also be taken into account, such as the behaviour of the parties to the contract. Therefore, to determine the nature of the contract, it is also possible to take into account who organised and managed the work process, who paid for work equipment, materials, premises and covered other expenses related to the performance of the work, whether periodic remuneration was paid for the work, whether the employee acted for several persons providing work or received all or a substantial part of their income from the alleged employer.

In summary, in recent years, Labour Inspectorate inspectors have dealt with hundreds of employers who have had to be obliged to notify thousands of employees of the working conditions listed in subsection 1 of § 5 of the Employment Contracts Act, because instead of a seeming contract for the provision of services, a contract of employment has actually been identified during supervision proceedings.

¹ Additional information: Judgment of the Supreme Court No. 2-18-6908

Young people's first work experience must be positive: employment of minors



During the year, **246** children aged 7–12 began to work.

Children worked in theatres, in youth centres, in schools as textbook and book sorters, and in kindergartens as sports activity instructors. **4%** of children also volunteered.

There were **18** occupational accidents involving minors.



Issues concerning minors have been under the increased attention of the Labour Inspectorate for years. This is particularly noticeable in the summer months when many children look for summer jobs to earn pocket money. The Labour Inspectorate wants all these children to stay healthy and not be forced to do work that is not age-appropriate or does not match their mental or physical abilities.

Working life of children aged 7–12 years

In 2023, a module for minors was completed in the self-service environment of the Labour Inspectorate (TEIS), the purpose of which was to make the registration of minors aged 7–12 for work and the submission of data easier, more convenient and more transparent.

The employer does not have to request consent from the Labour Inspectorate to employ a young person under the age of 13, but is obliged to make a corresponding entry in the employment register ten business days before the 7–12-year-old begins to work and enter the data in the Labour Inspectorate's self-service environment. In using the self-service environment, the employer has the opportunity to communicate directly with the labour inspector handling the procedure through the chat window.

In addition, when concluding a contract of employment with a minor employee, the employer is obliged to ask for the consent of their legal representative. **In the self-service environment, a parent whose minor child is going to work can view information about their child's working conditions and give or withdraw consent to work.** A 7–12-year-old is allowed to do light work in the field of culture, art, sports or advertising. A child of at least 13 years of age may perform auxiliary work in an agricultural, commercial, service, catering or accommodation establishment or perform other lighter work. Thereby, the employer must take into consideration that the work provided to a child may not entail contact with working environment risk factors that are prohibited for children.

During the year, according to the Labour Inspectorate, 246 children aged 7–12 began to work. Half of the children were employed with a contract under the law of obligations, half with a contract of employment. The working conditions of all those who wanted to work corresponded to the provisions of the law, which is why it was not necessary to issue any refusals. However, there were some deficiencies in the working environment of minors. During the year, only 12 deficiencies were found. Mainly, the employer had not implemented the necessary measures to avoid the health risks of the minor employee. Another reason for identifying a violation was the minor's rest time. The employer must take into account that the working and rest time of a minor is significantly different from that of adult employees.

Occupational accidents involving minors

In 2023, 18 occupational accidents occurred with minors. Compared to the previous year, it is eight less, which is very positive. Fortunately, no young people died at work during the year. Most of the cases involving children are cuts on the finger with a knife or other sharp object. There were no occupational accidents involving children under 16 years of age. However, the working environment, and especially the working environment of children, must be such that no employee gets hurt.

Minors in labour disputes

- 14 minors (twelve 17-year-olds, one 14-year-old and one 16-year-old) turned to the labour dispute committee.
- However, six applications were not taken into the proceedings either because the application had been withdrawn or the deficiencies in the application had not been eliminated.
- In three cases, the application requirement was fully satisfied, in the case of two minors it was partially satisfied, and one dispute ended with a compromise.
- The minors appealed to the labour dispute committee with claims for wages in the total amount of 5,560 euros.

A minor employee is often in a working environment for the first time and may accept unsuitable conditions out of ignorance.

For example, a minor started working in construction for an acquaintance of the family based on a verbal agreement. When the site was finished and the summer holiday ended, the young person's enthusiasm from their first work experience also ended. The employer disappeared and the son of the grandmother's friend didn't know anything about it either. The minor employee was forced to go to the labour dispute committee with their parent. Since the minor did not have a contract of employment, an SMS conversation had to be used to prove the employment relationship. As a result of the dispute, the labour dispute committee awarded the minor their wages, but at the time of the dispute, according to the Tax and Customs Board, the company had a tax debt, and the young person probably has not received a few hundred euros to this day.

OTHERS ABOUT US: COUNSELLING SERVICE

Satisfaction: 8.8 out of 10

The Labour Inspectorate asks applicants for feedback on the counselling service every month. Feedback shows that speed of response, thoroughness of content, and examples and explanations provided in plain language are valued for the responses of counselling lawyers and working environment consultants.

For example, one applicant wrote in the feedback: 'A thorough and quick response. :) You are doing a good job! You don't have to wait for an answer for centuries like in some other places.'

Feedback makes it possible to evaluate how the applicants' situation improved after counselling and how to further develop the counselling service.

In 2023, it was written as feedback that, thanks to the counselling service, the applicants have got confirmation that they have understood the provision of the law and received explanations and recommendations for solving situations. An employer has pointed out that counselling helped to avoid mistakes when cancelling the contract of employment with the employee.

An employee facing layoff wrote that counselling eased tensions and reduced fear regarding the employer's layoff plan. In addition, it has been stated that as a result of the counselling, the applicant managed to receive their wages.

Undoubtedly, it is gratifying to see from the feedback that, thanks to the counselling, enterprises have decided to change their internal processes and it has been possible to conclude a suitable agreement with the employer without the labour dispute committee.

Diverse working environment: the contribution of foreigners to the Estonian workforce is increasing



484 disputes related to foreign workers reached the labour dispute committee.

105 applications for a total amount of **738,409** euros were satisfied.

Most of the claims were financial – claims for unpaid wages, holiday pay or compensations.

Most applicants were in the construction sector (**30%**), administration and support activities – temporary agency work and cleaning services (**14%**) and transport and storage (**8%**).

The Estonian labour market has become an attractive destination for many foreigners. In particular, there are workers in Estonia who come from outside the EU member states – Georgia, Uzbekistan, India, Azerbaijan, Tajikistan, Moldova.

148 different employers were involved in labour disputes concerning foreign workers in 2022. By 2023, the number was already 285. Of the applications received by the labour dispute committee, 21%, or 484, were related to foreign labour. As many as 21 applications came from one company. In 2022, there were 7% fewer applications from foreigners.

Most of the claims were financial – claims for unpaid wages, holiday pay or compensations. For example, a worker from Moldova had a job in an Estonian construction company. The employee signed a contract of employment, which stated the amount of their wages, working hours and other working conditions. After some time, the employee began to notice that the employer was steadily delaying the payment of wages. The employee continued to work, trusting the employer, but the situation did not change. Several months later, their wages still hadn't been transferred to their bank account, and their financial situation became increasingly difficult. After turning to the labour dispute committee, the employee was awarded more than 10,000 euros in unpaid wages.

Of the 484 applications concerning foreign workforce submitted to the labour dispute committee, 79 were fully satisfied for a total of 298,495 euros and 105 were partially satisfied for a total of 738,409 euros. Thus, the total amount of claims in labour disputes related to foreigners was 1.3 million euros. Compromises were approved for 75 petitions for a total amount of 281,335 euros. 34 applications are pending and the remaining 142 applications were closed.

49 applications were rejected. It can often be difficult for a foreigner to stand up for their rights in the labour dispute committee, especially if there is no written contract of employment. Without written agreements, it is difficult to prove working conditions. If a foreigner does not speak Estonian or has no one to represent them, it may be difficult for them to express their views, which also affects the final decision of the labour dispute committee. However, it is possible to call the Labour Inspectorate's helpline for advice, where answers are given in Russian, Ukrainian and English. In 2023, almost 30% of all answered calls were in foreign languages.

Posted employees

Employees posted to Estonia must be registered by the employer before the employee actually starts working in Estonia. The notification of posting will be submitted from July 2023 in the self-service environment of the Labour Inspectorate (TEIS).

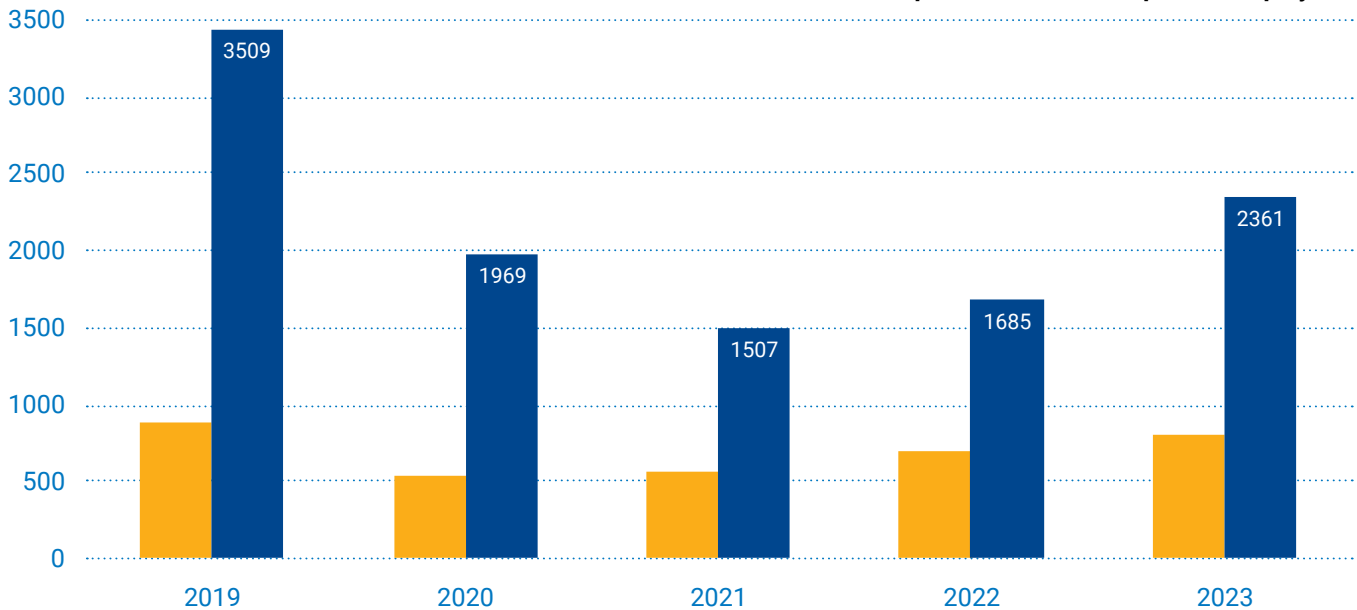
Previously, employees posted to Estonia had to register by filling in a registration form found on the website of the Labour Inspectorate and forwarding it to the Labour Inspectorate by e-mail. Submission is now simpler and more user-friendly, thanks to the self-service environment of the Labour Inspectorate. In addition, the posted employee's employer now has a clearer overview of the submitted posting notices and, if necessary, it is easier to change the data.

In 2023, the number of posted employees has increased significantly compared to the numbers of previous years. During the year, 2,361 posted workers were registered, which is 40% more than the year before. Most workers arrived from Latvia, Poland, Lithuania and Germany. In terms of professions, electronic mechanics, hearth potters, welders and electricians are most in need.

The Labour Inspectorate inspected undeclared and illegally working persons in co-operation with the Police and Border Guard Board and the Tax and Customs Board. In addition to the self-service environment of the Labour Inspectorate, a citizen of a third country must also be registered with the Police and Border Guard Board.

The number of notifications received and the number of posted employees (2019–2023)

● Number of reports ● Number of posted employees



Working environment of Ukrainian workers



Inspectors inspected the workplace of **611** Ukrainians.

Deficiencies were found in nearly **60%** of companies.

The main problem: failure to notify of the working conditions.

Ukrainians also play a large role in Estonian work culture, partly due to economic challenges, but also due to the war in their homeland. The military conflict in Ukraine has forced many people to find a suitable job in a foreign country, familiarise themselves with local laws and learn the language.

Most of the war refugees have mainly found work in the construction and service sectors. Out of 3,544 supervision proceedings carried out in 2023, Ukrainians were amongst the employees in 158 companies. Fortunately, there are no major deficiencies in the working conditions of Ukrainians. The main bottleneck was failure to notify of the working conditions. For example, the procedure and deadlines for the notice of cancellation of the contract were not correctly reflected in the written document of the contract of employment, the working hours, the conditions for remuneration for work and the procedure for overtime work were not reported. In addition, there were problems with instruction and training – sometimes it was completely neglected – and there were also violations of working and rest time.

Of the 2,297 labour dispute applications received during the year, **183 were related to Ukrainian workers**. For the petitioner, 100 applications, or 69%, received a positive decision in the total amount of 425,719 euros. For the most part, like most workers, Ukrainians turned to the labour dispute committee with claims for unpaid wages and compensations. However, the end of the year also led to claims from employers regarding claims for compensations related to the departure of the employee. The total amount of claims per year was 621,469 euros.

Ukrainian citizens collect information from social media

People who have come to Estonia from foreign countries first try to gather information on Facebook, because a social network has not yet been established with the locals. War refugees from Ukraine are no exception. When they arrived in Estonia, they joined existing groups led by Estonians or started to open new ones. Social media was the main channel where they actively shared their experiences and asked questions.

That is why the communication specialist of the Labour Inspectorate, who is from Ukraine, started sharing pieces of information on labour law and occupational safety in **55 Facebook groups**. Half of them have been created to help Ukrainian

refugees or by Ukrainians themselves, for example 'Ukrainians in Estonia', 'Friends of Ukraine in Estonia'. The other half are groups created by local Russian-speaking people ('We are from Narva', 'Our Estonia').

In 2023, 1,353 new people began to follow the Russian-language Facebook page of the Labour Inspectorate, and employment-related questions are asked both by calling the helpline of the advisers and also directly on Facebook. For example, Ukrainian citizens want to know: 'What to do if the employer has not paid out my wages?' and 'When can I go on holiday?'. Thanks to the active response and quick replies, the majority of war refugees now know what the Labour Inspectorate is.

In addition, the Working Life Portal has a blog 'Ukrainian in Estonia', where it is possible to read articles about real-life cases that have reached the Labour Inspectorate, as well as the experiences of a Ukrainian communication specialist. Legal explanations are written in understandable language and with humour. The blog has also been translated into Estonian.

Malicious employers exploit people: human trafficking in Estonia



The main problem: victims of human trafficking are mostly foreign citizens.

Fortunately, severe labour exploitation, which is defined as human trafficking, is rather rare in Estonian work culture, but there are still cases where the ignorance of employees is exploited. Labour exploitation has not been identified in Estonia and cases have not been investigated in criminal proceedings to the same extent as in 2023.

Victims of exploitation are often workers from abroad. In 13 of the 14 human trafficking crimes, foreign workers who worked in cleaning services, massage parlours, and the construction sector were exploited. The victims came from different countries, such as Ukraine, Poland, Moldova and Uzbekistan.

Often, people from foreign countries are willing to make an effort in the hope of good income, which puts them in a more vulnerable role. In addition, most foreigners are not familiar with Estonian legislation, and employers can take advantage of this situation. For example, employers may force employees to accept inhumane and dangerous working conditions that may harm their health or even endanger their lives.

Main problems regarding human trafficking:

A) VULNERABILITY OF FOREIGN LABOUR

Malicious employers take advantage of the vulnerability of foreign labour. Employees from abroad are not familiar with the language or the laws in force. When inviting foreigners to work in Estonia, the legal requirements are met on paper, but the reality is the opposite.

For example, in an application to the Labour Inspectorate, an employee described that they had been granted a temporary residence permit for employment. However, the employer had threatened to cancel it if the employee did not agree to work at least 300 hours a month. If the employee complained about excessive working hours or lost wages, the employer threatened to terminate the employment relationship. This, in turn, puts the foreign worker in a helpless situation, because when the employment relationship is terminated in the employment register, they will be sent back to their home country. Since the period of voluntary departure is very short, often a week, the victim does not have time to stand up for their rights or turn to the labour dispute committee before returning to their home country. However, the employer continues to take advantage of their next employees and thus gains a competitive advantage over those employers who fulfil all the requirements of the law.

Of the nearly 800 tip-offs received during the year, 100 were related to foreign labour.

Example: 'The company hires Ukrainians, lets them do a week of trial days, and then sends them away without paying anything. Employees work off the books, wages are deducted for minor mistakes.'

The supervision proceedings are started at the enterprise.

B) IGNORANCE OF LAWS AND REGULATIONS

In the countries from where most foreigners come to work in Estonia, the labour market situation and regulations are different. Even if the employer pays a foreigner working in Estonia less than the minimum established by law, the wages earned in Estonia may be many times higher than the wages paid for the same work in their home country.

C) THE VICTIMS DO NOT WANT TO ADMIT THE PROBLEM

A large part of possible cases of human trafficking do not make it to the proceedings, because the employees who have become victims may not themselves feel that they are victims of exploitation. When dealing with the case, the victim may keep the facts quiet due to manipulation, and the restriction of freedom cannot be proven in criminal proceedings.

Here we give an example from real life. A construction worker from a Central Asian country came to the office of the Labour Inspectorate to write a statement to the labour dispute committee. According to the employee, the employer had not paid them their wages, although the applicant had asked for it on several occasions. In the course of the further conversation, it became apparent that proper rest time had not been guaranteed either. During the few months that the employee had worked in Estonia, they had only rested for a few days, and in the previous month they had not had a single day off work. Meanwhile, the working days were up to 16 hours long. When the employee had promised to contact the Labour Inspectorate due to non-payment of wages, the employer had threatened to 'take them into the forest'. The employee feared that the threat might be carried out. In addition, there were threats that the Migration Board would expel them from the country. Finally, the employer indicated the termination of the employment relationship in the employment register, and the Police and Border Guard Board deported the employee from the country.

Labour exploitation and human trafficking are not easy to detect because the victims are generally afraid of the authorities and the perpetrators manipulate the victims to hide information. Here, the Labour Inspectorate closely co-operates with the Police and Border Guard Board when investigating cases of human trafficking, and if necessary, information is also forwarded to the Tax and Customs Board. Tip-offs sent by labour inspectors and labour dispute committees are checked by the police with extreme seriousness – they talk to possible victims of exploitation and, if necessary, go check the information on the spot. In addition, joint inspections take place every year.



Occupational safety is noticed: a record number of tip-offs were received during the year

In 2023, **791** tip-offs were sent to the Labour Inspectorate, which is a record compared to all previous years.



We are happy about this – it is important for people that their working environment is healthy, that employment relationships are honest, and that the feeling of security in the employment relationship is guaranteed.



For example, a man who was worried about his wife turned to the Labour Inspectorate. His wife had come home from work many times with sore hands and burn marks on her arms. The cause of the burns was a tool that the wife used every day at work – a multi-hundred-litre tilting kitchen boiler. According to the employees, the boiler had been malfunctioning for at least three years since it was commissioned. During this time, all the other employees had been burned as well. The tilting boiler must be surrounded by a so-called cooling water jacket, so that when pouring the ingredients into a smaller container, every accidental contact does not end up with a painful burn. According to the employees, a maintenance technician had also been called several times to repair the boiler, but to no avail. The labour inspector explained that the tool should be decommissioned, but the employees were concerned that approximately 1,000 people would then go without food. A precept was issued to the company along with a penalty payment. The boiler was replaced and the employees no longer had to endure burns.



Before making a tip-off, you should definitely inform the manager, the company's working environment specialist or the working environment representative about the problem. This is important so that the employer can take the necessary steps to resolve the concern.

WORK-RELATED ACCIDENTS AND ILLNESSES

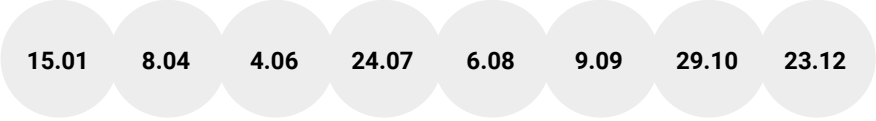




3,296 occupational accidents, including **10** fatal occupational accidents

There are **4.7** occupational accidents in Estonia per 1,000 employees

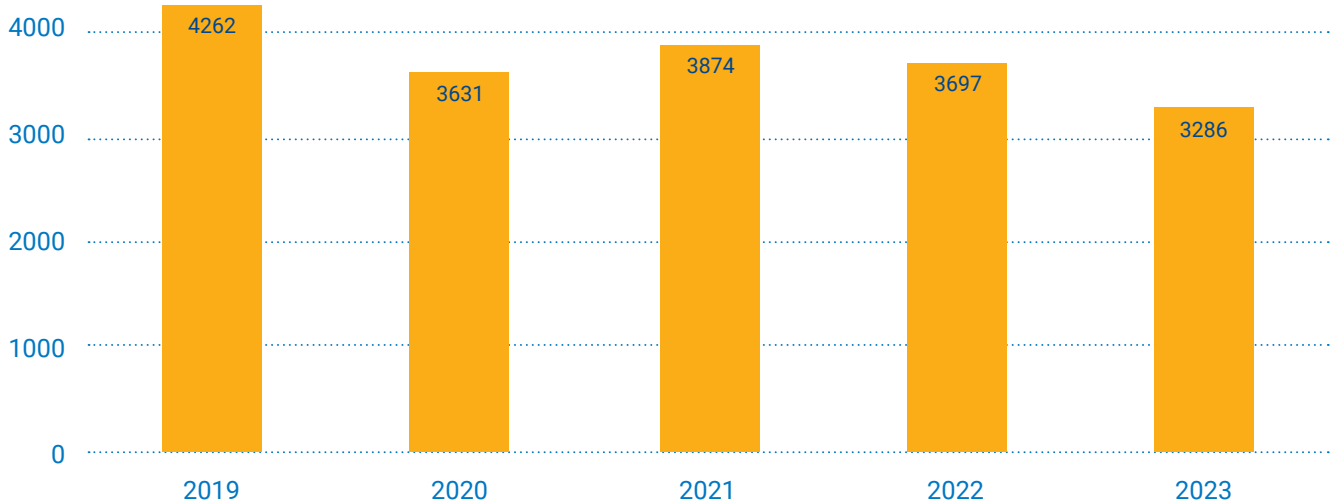
In 2023, there were only 8 days without occupational accidents:



In 2023, there were 3,296 occupational accidents, which means that an average of eight occupational accidents occur at workplaces every day. Fortunately, there were 11% fewer accidents than the year before, but it is still too many. In 632 cases, the employee did not have to get a certificate of incapacity for work, the circumstances of eight cases are still being clarified at the time of compiling the review. Unfortunately, these are only accidents registered by employers. However, it is estimated that more accidents happen.

Most occupational accidents occurred in medium-sized enterprises (31%). 29% of occupational accidents happened in large enterprises, 23% in small enterprises and 12% in micro enterprises. Large enterprises report almost all occupational accidents, but in smaller enterprises, serious occupational accidents are registered more often, because it is not possible to hide them. Therefore, a high number of occupational accidents in an enterprise may not be a bad sign at all, but may actually show an exemplary organisation that cares about its employees.

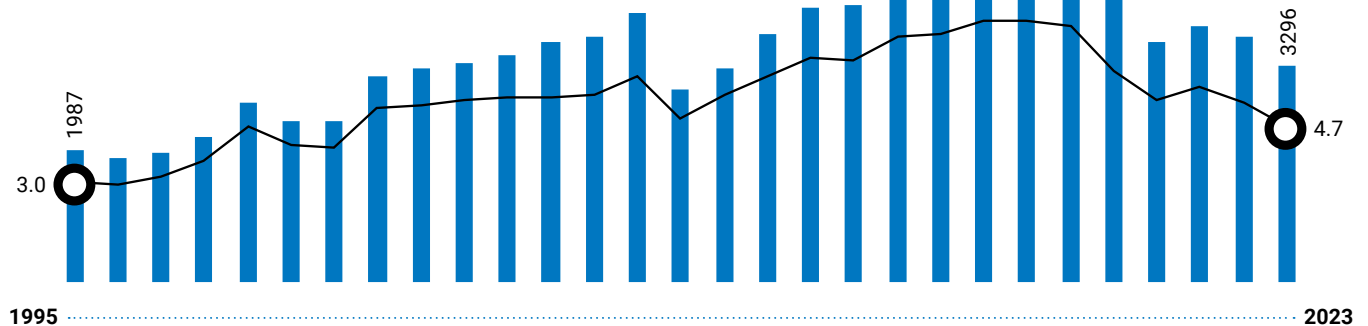
● Registration of occupational accidents (2019–2023)

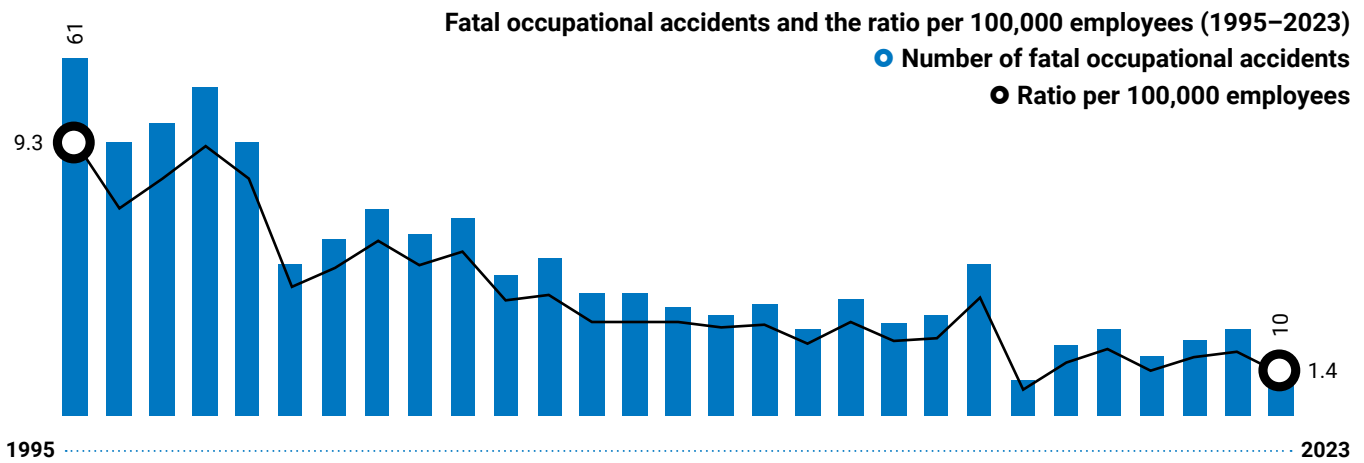


Unfortunately, these are only accidents registered by employers. However, it is estimated that more accidents happen. At the same time, the number of occupational accidents recorded since 1995 has increased significantly, which does not mean that the state of occupational safety has deteriorated, but that awareness has increased.

Registered occupational accidents and the ratio per 1,000 employees (1995–2023)

- Number of occupational accidents
- Ratio per 1,000 employees





In the last 29 years, 739 people have lost their lives at work. Compared to that of 1995, the situation has improved significantly, but no one should lose their life in the course of performing their occupational duties.

Due to occupational accidents, both the state and the employer lose money

	Country	Society
<i>Sickness benefits</i>	54%	35%
<i>medical expenses</i>	6%	1%
<i>permanent incapacity for work</i>	38%	45%
<i>cost of deaths</i>	0.1%	12%
<i>administrative cost</i>	3%	0,3%
<i>material cost</i>	0%	7%

As of 2023, occupational accidents in Estonia will no longer be classified as light or serious bodily injury according to the severity of the diagnosis determined by doctors. From now on, only cases of temporary incapacity for work and fatal occupational accidents will be registered.

The impact of occupational accidents on the state budget and resources is significant. One occupational accident is very expensive financially. Sickness benefits are only one component of the cost of occupational accidents. In addition, there are treatment costs, costs related to permanent incapacity for work, death-related costs, rehabilitation costs and administrative costs. Each year, the state lost about 1 million working hours and **nearly 5.5 million euros** in Health Insurance Fund money due to occupational accidents. Based on the data of 2021, it can be said that one occupational accident cost the state 2,890 euros on average, and cost the society, as various costs, 23,144 euros. The cost of occupational accidents in 2021 was 1.1% of GDP (does not include the cost of hidden occupational accidents) (-1.6% in 2019).



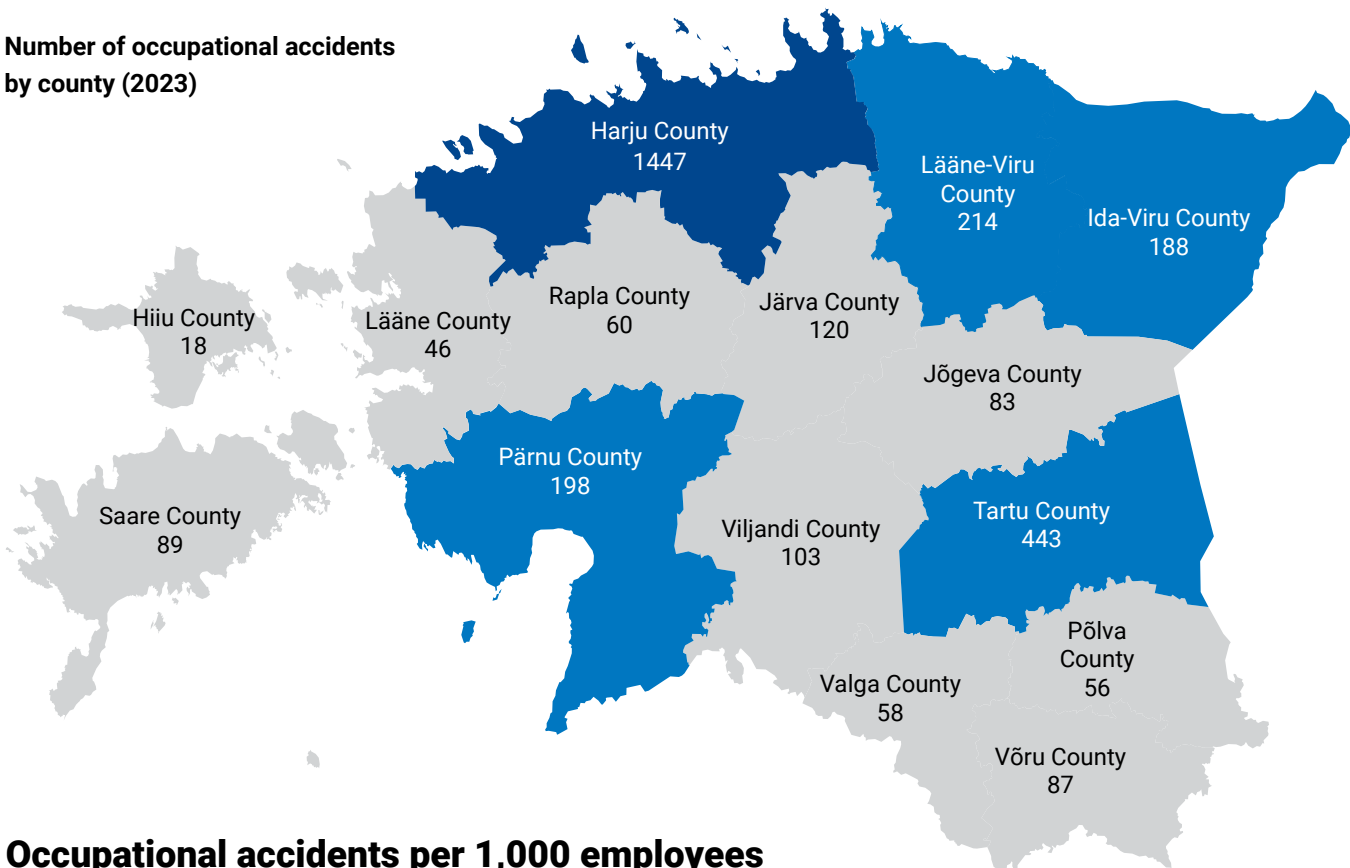
Each year, the state lost about 1 million working hours and nearly 5.5 million euros

The cost of compensation for occupational accidents based on the data of the Estonian Health Insurance Fund (2019–2023)

Compensation for occupational accidents	2019	2020	2021	2022	2023
Number of sick leaves	8341	7379	7425	7502	6,756
Number of days compensated by the Health Insurance Fund	158 728	140 747	141 067	141 879	126,311
Amount of compensations	5 339 000	5 174 000	5 334 000	5 575 000	5,498,169
Average compensation per day (eu-ros)	33,6	36,8	37,8	39,3	43.5
Average length of sick leave	19	19,1	19	18,9	18.7

Monitoring the number of occupational accidents has found its way into the health profiles of counties and rural municipalities. Greater attention at the local level helps to prevent all kinds of accidents in the county. The highest number of occupational accidents is still registered in Tallinn and Harju County, where the majority of enterprises and employees are situated.

Number of occupational accidents by county (2023)

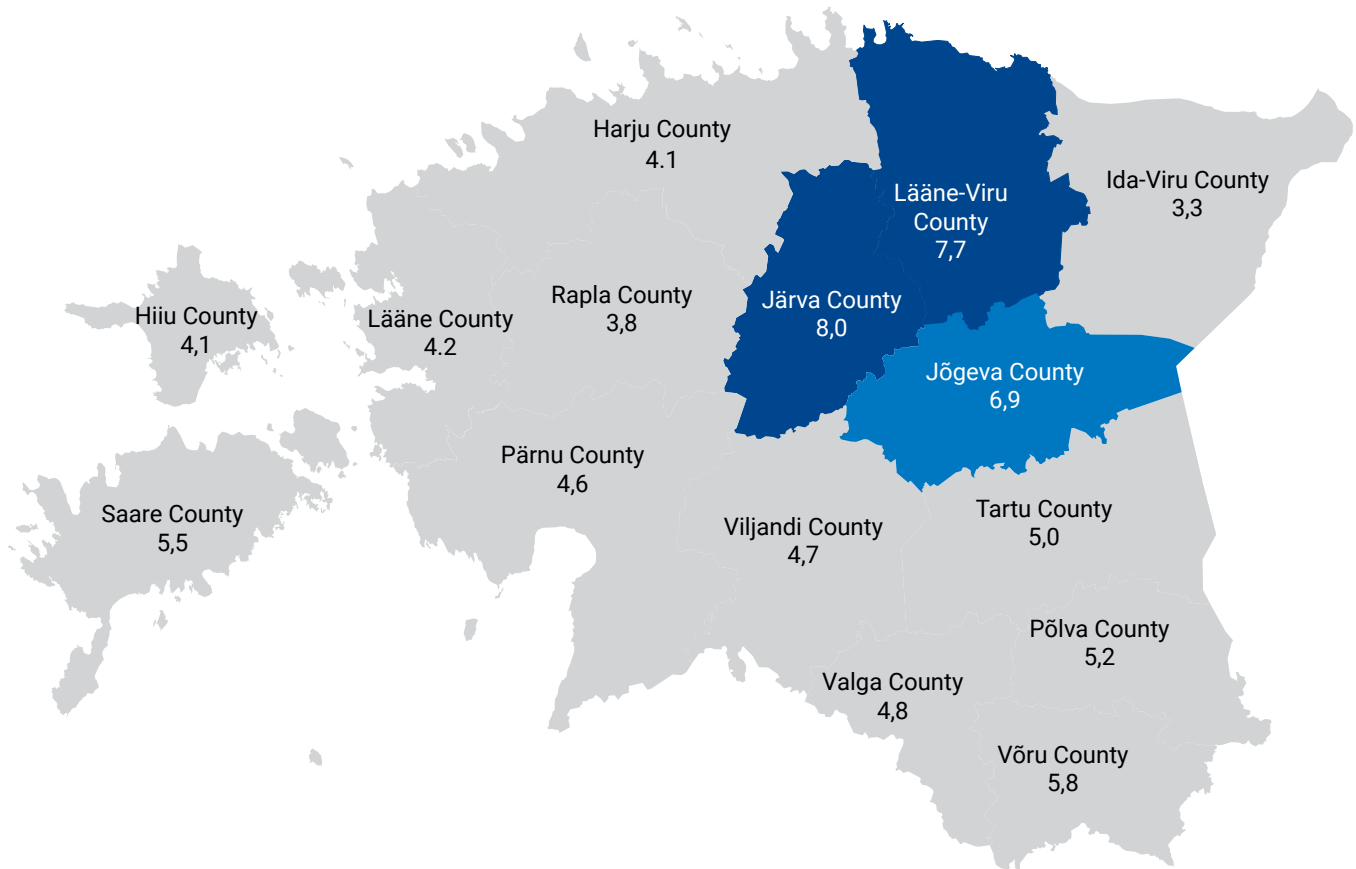


Occupational accidents per 1,000 employees

In 2023, there were an average of 4.7 occupational accidents per 1000 employees in Estonia. Taking into account the number of employees in the county and the number of occupational accidents that have occurred there, the counties with the highest number of occupational accidents are Järva County, Lääne-Viru County and Jõgeva County. In Järva County, occupational accidents mostly occur in agriculture, the timber industry and the production of metal products. In Lääne-Viru County, however, in national defence, the food industry and the timber industry.

This ratio is certainly affected by changes in the number of employees in the county. Compared to 2022, when the ratio was 11.2 in Lääne-Viru County, the decrease has come from the fact that there are 2,400 more people employed and the number of accidents is lower.

Occupational accidents per 1,000 employees by county (2023)



The safest counties in terms of occupational accidents are Hiiu County, Ida-Viru County and Rapla County. **However, some occupational accidents are not registered in Ida-Viru County.** Considering that Ida-Viru County has large industries and a total of 56,400 employees, it can be assumed that the statistics of the county are not quite accurate.

In addition to the accidents that occurred in Estonia, accidents also happened to Estonian workers in foreign countries. Ninety-five such cases occurred in 2023, which is 36 incidents fewer than the previous year. The highest numbers of these occupational accidents continue to involve our employees in Finland and Sweden – construction workers in Finland and truck drivers in Sweden.

Who are involved in occupational accidents and why?



64% of occupational accidents happen to men.

It is men aged 25–34, ie young men, who are most often the victims of occupational accidents. Certainly young men are the majority on the labour market, but often their sense of danger may be lower than that of more experienced workers.

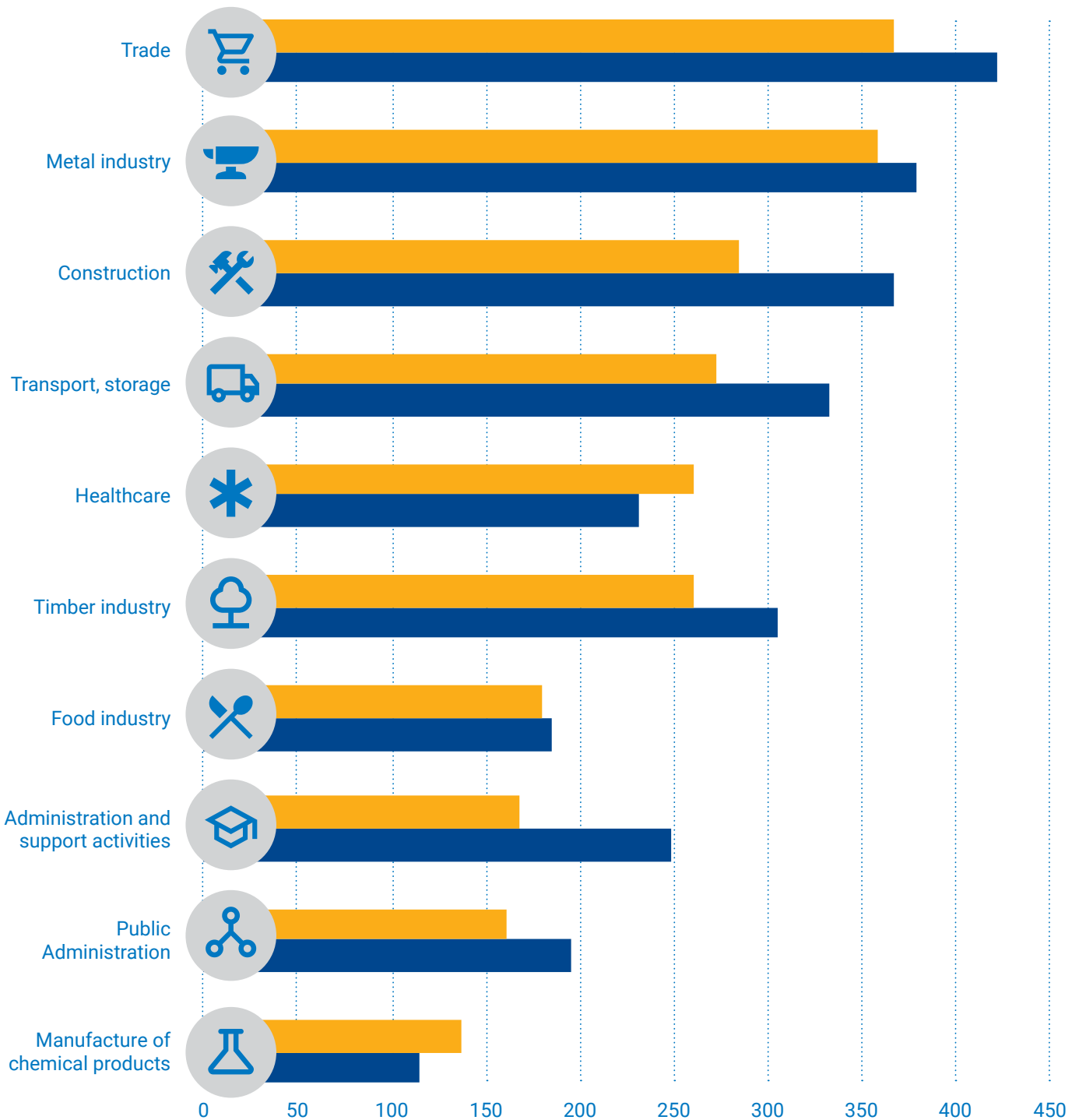


In the case of women, the most occupational accidents occur between **45–64** years of age, or rather among the older population.

Compared to last year, we see a decrease in occupational accidents in almost every sector, but mostly in construction, the field of administration and support activities, the transport sector and trade. However, the number of occupational accidents has increased somewhat in the field of healthcare, accommodation, catering and agriculture.

During the year, the highest number of occupational accidents was registered in trade, which for the fourth year in a row has primarily replaced both the construction and metal industry sectors. The reason lies in the large number of employees in the trade sector, which is why there are more accidents.

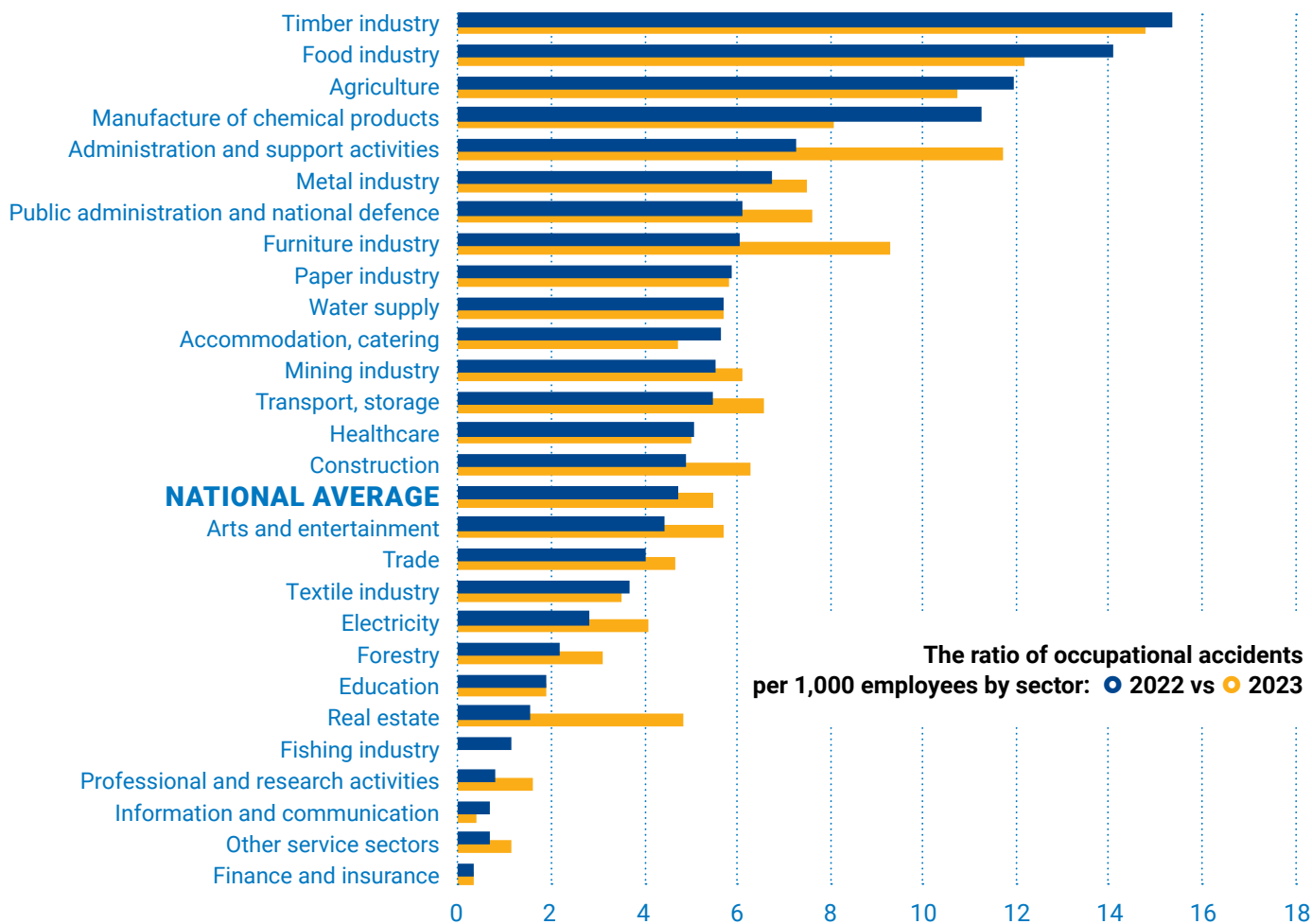
The sectors with the highest number of occupational accidents in Estonia: ● 2022 vs ● 2023



An alternative perspective of the frequency of occupational accidents in different sectors is based on the ratio per 1,000 employees. In this perspective, trade is no longer such a dangerous sector. **The highest probability of suffering an occupational accident was still in the timber industry and food industry.** The probability has increased the most in the production of chemical products, where the number of employees has decreased, but the number of occupational accidents has not. In the food industry, the number of employees has also decreased by 2,500, but there have been essentially the same number of occupational accidents as the year before. The number of employed people in the timber industry has also dropped significantly (by 3,600), but the number of occupational accidents is quite high.

The safest areas of activity in Estonia continue to be the financial and insurance sector, other service sectors and the information and communication sector.

Where are occupational accidents more likely to occur?



What went wrong?

As a rule, one occupational accident has several causes – the employer does not sufficiently check the compliance of the workplace or work equipment with the safety requirements, or the employee does not comply with the safety requirements.

Most of the accidents happened when **the employee lost control of the work equipment, vehicle or animal**. Accidents happened with various hand tools – knives, circular saws, hammers, wrenches.

For example, an employee was talking to a colleague. At the same time, they kept their finger on the trigger of the nail gun. The employee placed their left palm against the end of the nail gun, accidentally driving a nail into the palm of their hand with the nail gun.

Many occupational accidents happened **when lifting and storing various packages/goods**, where the employee lost control of the items being carried and they fell over or on the employee's foot.

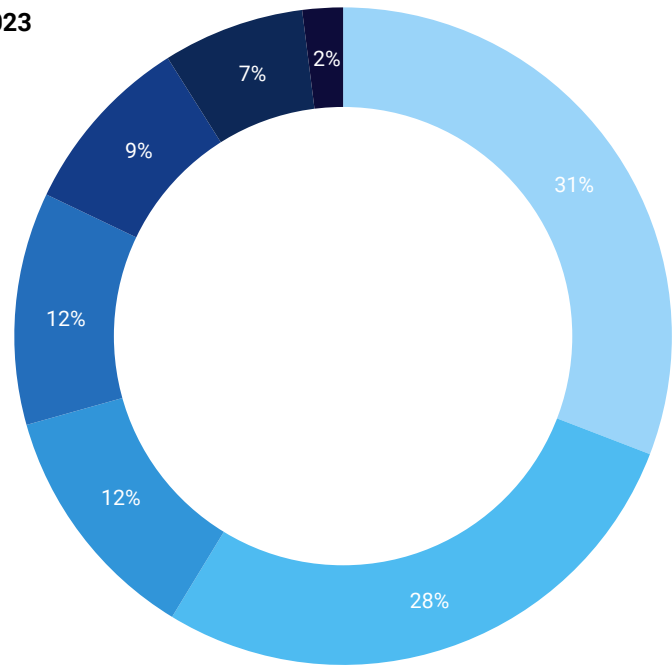
Not significantly fewer accidents occurred **due to slips, trips and falls**. There were 919 falls at work per year. The reason is often that there are excessive objects on the paths of movement, the road is slippery and the floors are wet.

In third and fourth place are cases where the employee suffered an injury **due to physical exertion**. Employees often overestimate their abilities, so lifting and moving objects incorrectly often results in back, wrist or ankle sprains/strains.

Accidents also happened in situations where the employee themselves did nothing wrong, but the accident happened because of a co-worker or a fellow citizen. For example, in the case of road accidents, the driver of the vehicle may drive in a law-abiding manner, but a fellow road user may cause the accident.

Deviations which caused an occupational accident 2023

- Employee lost control of equipment, vehicle, animal
- Employee slipped, tripped, fell
- Violence, assault, threat (incl. by animals); incorrect position of the employee, endangering themselves or others
- Injury caused by physical exertion (overload)
 - Injury caused by a sharp object, a blow from a falling object
- Breaking, slipping, falling, collapsing of materials (incl. substances, objects, soil, buildings)
- Other deviations, incl. cases to be investigated



Work-related illnesses are increasingly related to people's mental health



A total of **51** cases of work-related illnesses were registered.

The main problem: heavy physical exertion.

Almost half of the patients were diagnosed with joint pain.

During the year, 13 new occupational diseases were registered^[1] (OD). Occupational health doctors are too lenient with regard to employees with health damage, allowing the employee to continue working. Only prohibitions are imposed on employees, such as 'it is not suitable to lift weights over 7 kg' or 'wear personal protective equipment to reduce health damage caused by noise' or 'according to your abilities'. However, if the employee overestimates their abilities, or if the handling of loads is one or even the main part of the employee's work process, then health damage generally worsens quickly.

registered. Comparing the number of sick employees in Estonia with other European countries, it is obvious that too few work-related illnesses are diagnosed in Estonia. Employees who do not dare to complain to a doctor about their real concerns for fear of losing their job can also play a role here.

A very important part of preventing health problems is **regular medical checks with an occupational health doctor**. If an illness caused by work is discovered in time, its progression can be slowed down by changing the nature or organisation of the work. Unfortunately, we often see that employees are sent for a medical check only after ten years of employment, or the re-examination deadlines set by the occupational health doctor have not been followed.

Effective risk assessment in the risk assessment of the working environment is also an important part of preventing work-related illnesses. Employers cannot assess the real impact of physiological hazards on human health or the combined effect of different hazards. For example, the negative effect of physical exertion is higher in the case of working in excessively cool rooms. Tense muscles attempt to preserve the overall body temperature by increasing the muscle tone, which in turn further increases the muscular tensions.

Most work-related illnesses are caused by physiological hazards, ie heavy physical work, repeating similar movements, forced positions and movements which cause fatigue, and other similar factors which may result in health damage over time.

For example, a man who worked in a company engaged in the production of prefabricated wooden buildings and their elements developed an occupational disease in just two years. The 48-year-old man had made repetitive movements while moving heavy objects.

¹ An occupational disease is a disease caused by a working environment risk factor or the nature of the work included in the list of occupational diseases. An illness caused by work is an illness caused by a working environment hazard and not deemed to be an occupational disease.

However, alongside physiological illnesses, more and more diagnoses due to psychosocial hazards are emerging. 10% of the illnesses were affected by psychosocial hazards. In this perspective, the main danger is human relations at work. 6% of illnesses were caused by stressful organisation of work, 4% by conflicts with the employer or co-workers, and 2% of those who became ill were diagnosed with burnout. The youngest person diagnosed with a work-related illness was a 29-year-old, who was diagnosed with severe recurrent depression and post-traumatic stress disorder. Mental health does not ask for age, and unfortunately work stress has caught up with younger and younger people.

For example, an employee who has worked in a library for 35 years experienced unfair behaviour from their employer starting in 2022. The relationship between them got so bad that the employee needed a certificate of incapacity for work. The general practitioner referred the employee to a psychologist and later to a psychiatrist. The employee was diagnosed with moderate depression and post-traumatic stress disorder.

Diagnosis	Proportion of diagnoses
Joint pain	49%
Other soft tissue conditions related to application, overexertion, and pressure	47%
Carpal tunnel syndrome	39%

Hazard	Proportion of hazards
Repetitive movements	65%
Carrying and lifting weights	43%
Working positions	24%
Other psychosocial factors	10%

Tööõnnetuste taga peituv tõde: tööandjad teevad järelduisi liiga kergekäeliselt

In Estonia, more than 3,000 occupational accidents occur annually, or an average of eight accidents every day. In order to avoid similar occupational accidents in the future, the employer must find out the circumstances and causes of the accident and put in place measures on how to work more safely in the future. The employer prepares a report on the result of the investigation of the occupational accident.

During the targeted inspection 'Employer's investigation and implementation of measures regarding the causes of occupational accidents', it was checked how objectively the employers themselves have investigated occupational accidents. A total of 102 investigations of occupational accidents conducted by the employer were assessed.

The results show that 89% of employers performed the necessary actions for the investigation, such as taking explanations from the victim or witnesses, taking photos of the workplace or work equipment and assessing the appropriateness of risk assessment and instruction.

Unfortunately, in 27% of cases, the opinions of labour inspectors and employers were not concordant regarding the reasons. In most cases, the employer had indicated that the cause of the accident was the employee's behaviour.

For example, the cause of the occupational accident indicated in the report was a violation of occupational safety requirements by the employee, but the labour inspector estimated that, instead, the cause was the non-compliance of the work equipment with occupational safety requirements. Namely, the employee was pressing plates with a machine, and a defective plate ended up on the line. The employee could put their hand in the safety area and their fingers were caught between the plate and the roller. Fortunately, the employee escaped with minor health damage

The conclusions are of no use if the employer does not dare to admit their mistakes and state that the working environment was dangerous and that the accident was therefore inevitable.

In a total of 10 cases, the labour inspector-investigators found that the real cause was something other than the employee's negligence – non-compliance of the work equipment with safety requirements, insufficient training, non-compliance of the building or other factors.

For example, when opening the protective cover of the wire straightening frame, the device did not stop automatically, so the employee's finger got into the danger zone during the maintenance of the device, causing health damage. However, the employer did not indicate in the report that the equipment has a deficiency. This shows how employers often attribute accidents only to the negligence of employees, hiding the real problems of the working environment.

Most often, employers indicate 'other reasons' as the cause in the report on an accident at work, taking the easier path. Labour inspector-investigators use this reason much less. When looking for the causes of occupational accidents, employers often fail to mention the non-use of personal protective equipment in their analyses.

CAUSES OF OCCUPATIONAL ACCIDENTS IN 2023		
Cause according to the report on an accident at work	Reason indicated by the employer	Causes of occupational accidents investigated
Other causes	59%	25%
Non-use of personal protective equipment	4%	12%
Non-compliance of the work equipment with occupational safety requirements	3%	6%

Unclear conclusions can be attributed to employer ignorance as well as superficial analysis. For example, one employer had based their investigation only on the information in the doctor's report. One of the important tasks of labour inspector-investigators is to guide employers and share the necessary knowledge so that the investigation of occupational accidents will be more targeted in the future.

The investigation of occupational accidents must be taken seriously and one must strive for objectivity in order to ensure the safety of employees. Many employers are of the opinion that the main way to prevent occupational accidents in the future is to train employees, but no matter how many times an employee is trained, the best protection is still safe and controlled work equipment and working environment.

A SAFE WORK CULTURE STARTS WITH PREVENTION AND NOTIFICATION



The Working Life Portal provides answers to your questions



In 2023, the Working Life Portal was visited **668,337** times.

People are most often looking for information on the website about cancelling a contract of employment.

Working life is constantly changing, and various questions can often arise, to which it can be difficult to find reliable answers. The Working Life Portal managed by the Labour Inspectorate contains news, changes in law, specific answers to people's questions and instructional materials. The information is available in three languages.

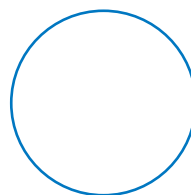
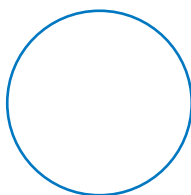
Each week, the portal publishes an applicant's question, to which the Labour Inspectorate provides an answer. The most popular article of 2023 was 'How much weight can an employee lift?'. People also wanted an answer to the question 'Can the employer terminate the employment relationship because I was on sick leave?'. People are not only looking for general news, but also for practical guidance to navigate through the twists and turns of professional life.

Employees and employers use the Working Life Portal regularly to get clarity on topics such as cancellation of the contract of employment, working time rules and questions related to holidays. Readers are also very interested in changes in law, especially if their content has been explained in a clear and simple manner.

In addition to changes in law and answering questions, cancer prevention received attention in 2023. At the awareness event 'Invisible dangers at work – about occupational cancer', specialists gathered to talk more about the dangers at work and the development of cancer. No occupational cancers have been officially diagnosed in Estonia, but it is estimated that there may be hundreds of them every year. Unfortunately, the development of cancer is a long-term process, and diagnosing occupational cancer is very difficult. However, it must be recognised that the occurrence of work-related cancer is increasingly on the agenda.

The most important topics that people want to know about:

- 1. Unilateral cancellation of employment contract**
- 2. Working time**
- 3. Holiday pay**



The Good Working Environment Award

Estonian occupational health and safety has made significant progress in the last ten years. Every year we see more and more good enterprises that have done their best to create a safe and health-preserving working environment for employees. That is why the Labour Inspectorate gave out the Good Working Environment Award for the ninth time.



This year, applicants were asked to present best practices regarding how the enterprise has improved the well-being of employees and made the working environment safer. In the category of small enterprises, *Solita OÜ* won the award. They have a well-functioning team dealing with the working environment and systematically invest in maintaining the mental health of employees.

In the category of larger enterprises, *AS Fujitsu Estonia* received the award. They are actively involved in the organisation of occupational health and safety at all levels, and employees who work remotely are also not neglected.

Enterprises can submit an application to win the Good Working Environment Award. When choosing the winner, the application and the data on the enterprise in the Labour Inspectorate's information system (occupational accidents, occupational diseases, labour disputes, supervision results, misdemeanour proceedings) are evaluated. The enterprise is then visited by a working environment consultant.

Employers can also invite working environment consultants to their enterprise. They give practical advice on how to make the working environment safer and offer practical solutions and recommendations in the case of deficiencies. One of the great advantages of consultants is their ability to look at the working environment with fresh eyes. They notice details that may be common to the day-to-day employees of an enterprise, but have a significant impact on occupational health and safety. For example, when working environment consultants visited enterprises, they found a deficiency regarding the containers of chemicals that were not labelled or the labelling was not in Estonian, potentially causing employees to miss important information.

In addition, it had to be recognised during the consultation that the enterprises had safety manuals, but unfortunately there were deficiencies in them. For example, one enterprise was using safety manuals that were almost twenty years old and no longer reflected the current work or working environment. The consultants recommended to update the inaccurate and outdated manuals, because otherwise the employees will not receive the necessary information.

EXTERNAL COMMUNICATION DEVELOPS CO-OPERATION



It is extremely useful for the Estonian Labour Inspectorate to co-operate with other countries. International co-operation makes it possible to gather valuable knowledge and experience related to the implementation of various working environment norms, laws and best practices. Analysing the practices of other countries provides an opportunity to learn from new approaches and thereby also improve one's own work methods.

International co-operation helps to understand global labour market trends, monitor labour movement and harmonise international occupational safety and health standards. This allows us to stay abreast of changing working conditions, adjust supervisory measures and establish contacts that can be useful in solving problems.

European Labour Authority – ELA

The Estonian Labour Inspectorate actively participates in working groups, training sessions and international joint inspections of the European Labour Authority (ELA). The aim of ELA is to improve co-operation between the countries of the European Union, coordinate joint inspections and analyse topics related to labour mobility between countries.

For example, in Prague, the employees of the Labour Inspectorate talked about the features of the contract of employment, the legal prerequisites and the competence of the Labour Inspectorate to re-evaluate contracts under the law of obligations into contracts of employment. The Member States shared their experiences on undeclared work and supervisory practices.

For the first time, our employees took part in a study trip to Poland, where they exchanged experiences on supervision activities regarding the working conditions of posted employees and visited shipyards. Co-operation and exchange of information with Poland is important, as the largest number of posted employees come to Estonia from Poland.



Fafo

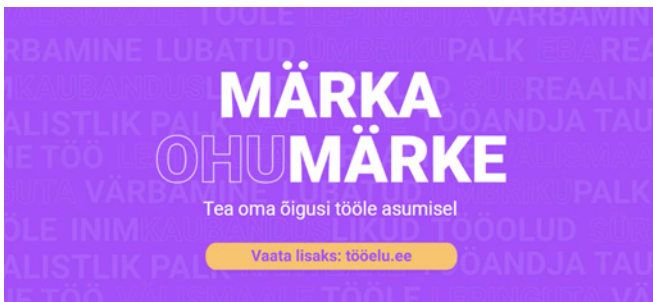
The aim of the Better Enforcement Through Improved Nordic-Baltic Cooperation (BETIC) project of the Norwegian research agency Fafo is to promote co-operation between the Baltic and the Nordic countries in supervising the working conditions of posted workers and to find solutions to problem areas.

The Labour Inspectorate has conducted interviews for research papers on the functioning of legislation and supervision, on the basis of which the first research paper regarding the supervision measures of posted employees has been completed. Fafo also developed a questionnaire for labour inspectors to help identify posted employees and violations during supervision.

IMI

With the help of the European Commission's Internal Market Information System (IMI), co-operation is also carried out with the labour inspectorates of other Member States of the European Union. Through the IMI, information exchange with posted employees (including those from third countries) and, if necessary, notification of a possible violation, delivery of documents and decisions, and international entry into force takes place. In 2023, there were a total of 193 IMI inquiries, of which 79 were received by the Labour Inspectorate and 105 inquiries and/or notifications were sent by the Labour Inspectorate itself. Estonia enjoys very good co-operation with Finland, from whom 47 inquiries were received to find out whether a person is still posted to Estonia or not.

The Labour Inspectorate also co-operates with the Association of Estonian International Road Carriers (ERAA). The main goal is to determine the actual employment of temporary agency workers entering the Estonian labour market in another Member State of the European Union. In addition, Estonia contributes to the procedural actions of other Member States. The Labour Inspectorate has increasingly started to submit tip-offs regarding the illegal activities of Estonian enterprises operating in another Member State. In addition, more and more cases from foreign countries are coming in, which means that Estonian enterprises have been penalised in the territory of another Member State.



Norwegian project

In 2023, the funding period of the co-operation between the Estonian and Norwegian labour inspectorates ended. Further co-operation between Estonia and Norway continues within the framework of the Nordic-Baltic HUB project. The overall aim of the project was to promote decent working conditions for employees, fair competition and develop joint inspections between countries.

This year, there were three joint inspections between Norwegian and Estonian labour inspectorates, which

concerned Estonian enterprises operating in the Norwegian labour market. In addition, an information event 'Tripartite Co-operation Model' was held, where the tripartite model and its use were introduced and practical examples were shared. In addition to the Estonian Labour Inspectorate, the Norwegian Labour Inspectorate and Norwegian and Estonian social partners also participated in the seminar.

Foreign co-operation also plays a large role in information sharing. Namely, thanks to Norway's support, the 'Notice the red flags' campaign was completed in 2023, the aim of which was to increase people's awareness of the dangers and rights related to employment relationships, including when working abroad. Social media posts, press releases, and radio ads made people think about red flags that could indicate human trafficking or a malicious employer. For example, the multiple-choice quiz on the website of Postimees was completed more than 600,000 times.

THE SELF-SERVICE ENVIRONMENT OF THE LABOUR INSPECTORATE AS A TOOL FOR THE EMPLOYER



Registration of minors now in TEIS – more than **246** notifications were submitted during the year.

Registration of posted employees now in TEIS – since July, over **450** notifications have been submitted through the self-service environment.

Employer satisfaction: the recommendation index is **8.7** points out of **10**.

58,190 enterprises or **72%** have visited TEIS at least once.

The biggest task of the self-service environment of the Labour Inspectorate (TEIS) is to support the employer in creating a good working environment. For this purpose, several modules have been developed or are still being developed, which help employers and also employees to better orient themselves in operations related to the working environment.

THE REPRESENTATIVE OF A LEGAL ENTITY CAN DO THE FOLLOWING IN THE SELF-SERVICE ENVIRONMENT:

- **prepare or upload a company's risk assessment** – allows the possibility to record the current situation of the working environment, create an action plan for making improvements and ultimately prevent occupational accidents, occupational diseases and work-related illnesses;
- **create an action plan** – to mitigate risks, all activities that arose during the preparation of the risk assessment will automatically appear in the module. It can also be used for planning activities related to daily working environment operations, sharing them among employees and checking their execution. It is possible to assign a person in charge and a deadline for each activity. In this case, each person can see what tasks they need to complete and how much time they have for them;
- **appoint working environment representatives** – allows the possibility to manage data about a working environment specialist, commissioner, council, provider of first aid, trustee and another authorised person;
- **submit reports on occupational accidents and diseases in the company** – allows the possibility to conveniently monitor all cases, start them, carry out additional investigations and submit requested additional documents;
- **communicate with the inspector during supervision** – allows the possibility to get acquainted with planned, ongoing and past supervision proceedings, communicate with the inspector, add additional documents requested by the inspector in the system and determine additional activities that appear in the action plan;
- **manage the information of minors and posted employees** – allows the possibility to create notifications, change them and view the entire history.

THE EMPLOYEE CAN DO THE FOLLOWING IN THE SELF-SERVICE ENVIRONMENT:

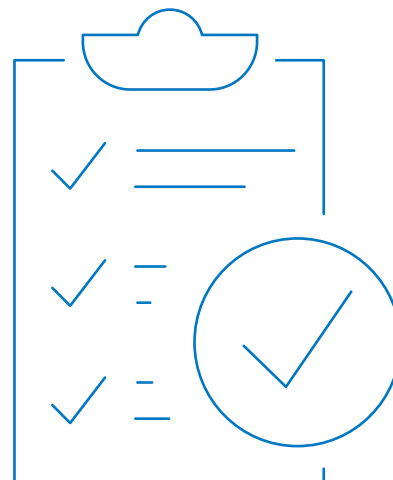
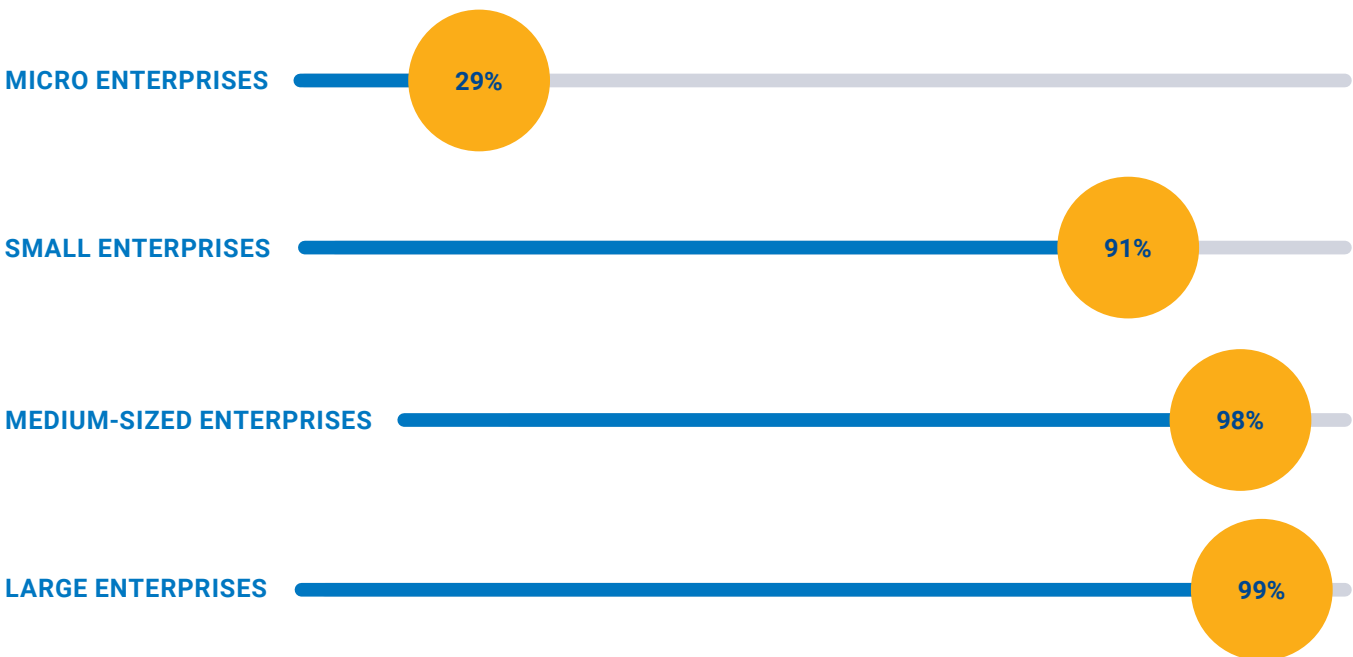
- **familiarise themselves with the risk assessment and action plan of their workplace;**
- **see the representatives of the collective** – allows the possibility to find out who are the provider of first aid, working environment specialist and working environment commissioner in the workplace;
- **view data on the employment of their minor child** – a parent whose minor child begins to work can familiarise themselves with the working conditions of their child and give or withdraw consent regarding the employment of their minor child with just a few mouse clicks;
- **see the circumstances related to an occupational accident** – allows the possibility to view the details related to the incident in the event of an occupational accident, occupational disease or work-related illness.

An easy and wallet-friendly way to perform risk assessment

In the self-service environment, a risk assessment for the enterprise can be carried out and updated using a digital tool. The risk assessment tool outlines various hazards and measures to prevent and reduce specific risks, from general problems in the working environment to industry-specific hazards. When mapping hazards, it is necessary to assess whether the described hazard exists in the organisation or not. If the answer is 'yes', the corresponding measures that can prevent or mitigate the specific hazard are displayed. Only the representative of the enterprise and its employees can access the risk assessment of the enterprise, others do not have access to this information.

With the help of the risk assessment module, the evaluation of the working environment is easier and cheaper, especially for micro enterprises and small enterprises that do not have the financial resources to order risk assessment of the working environment from service providers. **33,126 enterprises have already uploaded the risk assessment in the self-service environment.** Larger enterprises that already had risk assessments, have uploaded them to the environment, and smaller enterprises have done so using the module. In total, 61% of enterprises have submitted an internal risk assessment. So it could be said that **enterprises have saved nearly 13 million euros**, considering that one risk assessment costs about 500 euros on the market.

Total proportion of enterprises that have submitted a risk assessment



LOOKING TO THE FUTURE

In 2023, 28 drafts were forwarded to the Labour Inspectorate for opinion. On its own initiative, the Labour Inspectorate forwarded to the Ministry of Economic Affairs and Communications the proposals for amending the Employment Contracts Act regarding the topics that have raised the most questions and disputes in practice over the past 15 years. For example, limitation periods for claims and cancellation procedures and compensations. The regulation of compensation for overtime work and the new interpretation of the current working and rest time given by the European Court in 2023 have also raised many questions. No valid legal act contains the definitions and prohibition of occupational exploitation and workplace bullying, therefore the Labour Inspectorate proposed to amend the current Employment Contracts Act by adding definitions and prohibitions of occupational exploitation and workplace bullying.

Wages must be transparent

On 24 April 2023, Directive (EU) 2023/970 of the European Parliament and of the Council, the so-called Pay Transparency Directive, was adopted, which aims to improve providing equal pay to women and men for equal work. This means that the formation of wages would be objective, gender-neutral and comprehensible to employees. The directive establishes the minimum requirements for pay transparency and the legal protection measures necessary to ensure them. The requirements will come into effect in Estonia in 2026, and **enterprises must submit their data on the previous year's wage gap in 2027**.

The reporting obligation will apply to approximately 889 organisations in Estonia, including 192 government and state institutions. A digital tool for analysing the gender pay gap is being developed in co-operation with the Statistics Estonia, the Ministry of Economic Affairs and Communications, the Labour Inspectorate and TEHIK. Palgapeegel ('Pay Mirror') will allow for automated analyses of pay gap indicators in organisations, based on register data. The digital solution can also partially automate the supervision that will be carried out by the Labour Inspectorate from 2027.

Platform workers' working conditions are to be improved

In December 2021, the European Commission published a draft platform work directive, which aims to improve the working conditions and social rights of people working through platforms, increase the transparency of algorithm-based monitoring and decision-making, and establish a rebuttable presumption that there is an employment relationship between the controlling digital work platform and the person performing platform work through it. The negotiators of the Council and the Parliament reached a preliminary agreement on the new norms on 13 December 2023. Discussions with the European Parliament will continue in 2024.

Moving towards climate neutrality

The goal of the European Union (EU) is to become climate neutral by 2050. This is part of a broader effort to reduce greenhouse gas emissions and mitigate the effects of climate change. The target covers several sectors, including industry, which is one of the largest sources of greenhouse gases.

In the coming years, everyone must take the necessary steps to achieve climate neutrality, such as investing in green technology, moving to renewable energy sources, promoting the circular economy, fostering co-operation between countries and sharing best practices.

A look at chemicals

The use of chemicals in the workplace is being monitored more and more frequently, because in the light of the conducted studies, it has become clear that they pose a strong threat to health. Employers must also contribute to raising awareness so that employees understand why compliance with one or another safety requirement is necessary. In 2023, several employers whose workplaces were located in an area with a high radon risk **had to measure the radon content of the air**. Radon is a colourless and odourless highly radioactive gas heavier than air, which can cause lung cancer if exposed to for a long time. Therefore, the inspectors also paid attention to the measurements during the inspections.

One dangerous group of chemicals is diisocyanates, which are frequently found in construction, auto repair shops, foam plastic production, etc. It is estimated that there are over 5,000 new cases of occupational disease due to diisocyanates per year, which is very alarming. This is why in August 2023, the requirement that an employee must undergo appropriate training to handle diisocyanates entered into force. In addition, the maximum limits of several other chemicals are constantly being lowered, which requires employers to monitor the parameters of the working environment even more carefully and/or organise medical checks of employees.

Updates to the self-service environment

The self-service environment of the Labour Inspectorate is constantly evolving in order to simplify the work-related activities of employers and employees.

A module for supervision of construction sites will soon be ready, which will help make the inspection of construction sites more efficient and automated.

In the near future, the process of labour disputes will also be optimised, as a result of which it will be possible to submit applications related to labour disputes, review the other party's application, accept claims or submit objections in the self-service environment. The management of procedural documents and their forwarding to the parties to the dispute will be carried out through the self-service environment.

A system will be created in the self-service environment, with which the employer can grant access rights to providers of occupational health services, so that the doctor can view the necessary data about the enterprise (eg risk assessment, occupational accidents, etc). A calculator will also be created to help assess the health risk when moving weights manually.

The Labour Inspectorate not only fights for the health and safety of employees, but also constantly contributes to ensuring that the employees are satisfied with their workplace.





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