

Occupational Health and Safety Act

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amended by the following Acts:

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29.01.2003 (RT I 2003, 20, 120) 1.07.2003;

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9.12.2008 (RT I 2008, 56, 313) 1.01.2009;

17.12.2008 (RT I 2009, 5, 35) 1.07.2009;

20.02.2009 (RT I 2009, 15, 93) 1.07.2009;

21.05.2009 (RT I 2009, 29, 176) 1.07.2009;

18.06.2009 (RT I 2009, 35, 232) 1.07.2009.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) This Act provides the occupational health and safety requirements for work performed by persons working on the basis of employment contracts and to public servants (hereinafter employees), the duties of employers and employees in creating and ensuring a working environment which is safe for health, the organisation of occupational health and safety in

enterprises and at state level, the procedure for conduct of challenge proceedings, and liability for violation of the occupational health and safety requirements.

(2) This Act applies to the conditions of service of the members of the Defence Forces in active service and to the work performed the employees of the Defence Forces, the National Defence League, police, border guard and the rescue service agencies insofar as not otherwise provided by specific laws or legislation established on the basis thereof.

(3) This Act applies to:

- 1) the work of prisoners with the specifications provided for in the Imprisonment Act;
- 2) the work of pupils and students during practical training;
- 3) the work of members of the management board or a body substituting for the management board of a legal person;
- 4) the work of sole proprietors to the extent provided for in subsections 12 (7) and (8) of this Act.

(RT I 2007, 3, 11 – entered into force 1.07.2007)

(4) The Administrative Procedure Act applies to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

§ 2. Occupational health and safety

(1) For the purposes of this Act, occupational health is the application of work-related organisational and medical measures to prevent damage to the health of employees, adaptation of work to the abilities of employees, and promotion of the physical, mental and social well-being of employees.

(2) For the purposes of this Act, occupational safety is a system of work-related organisational and technical measures to provide a working environment which enables employees to work without endangering their health.

(3) The procedure for training and in-service training in occupational health and safety shall be established by a regulation of the Minister of Social Affairs.

Chapter 2

Working Environment

§ 3. General requirements

(1) The working environment is the setting in which people work.

(2) Physical, chemical, biological, physiological and psychological factors present in the working environment shall not endanger the life or health of employees or that of other persons in the working environment.

(RT I 2003, 20, 120 – entered into force 01.07.2003)

(3) Parameters of chemical risk factors and physical risk factors of work environments listed in clause 6 (1) 1) of this Act shall not be higher than the standard limits. Standard limit is the average value of parameters of risk factors measured during a specific period of time whose impact does not cause damage to the health of employees who work for eight hours per day (40-hour working week).

(RT I 2003, 20, 120 – entered into force 01.07.2003)

(4) The limits for risk factors present in the working environment and the procedure for measuring the parameters of risk factors shall be established by the Government of the Republic.

(5) If the risk of accident or illness cannot be avoided or the parameters of risk factors cannot be brought into conformity with the established limits by application of technical means of collective protection or by measures, methods or procedures of work, the employer shall provide the employees with means of personal protection. The procedure for the selection and use of personal protective equipment shall be established by the Government of the Republic.

(RT I 2003, 20, 120 – entered into force 01.07.2003)

§ 4. Workplace

(1) For the purposes of this Act, a workplace is a place of work and its surroundings on the premises of an enterprise of a sole proprietor or company, a state or local government agency, a non-profit association or a foundation (hereinafter enterprise) or any other places of work to which the employee has access in the course of their employment or where they work with the permission or on the order of the employer.

(2) An employer shall design and furnish workplaces such that it is possible to prevent occupational accidents and damage to health, and to maintain the employees' capacity for work and their well-being.

(3) If in the work process dangerous smoke, dust, gases, vapour or liquids are emitted in doses which may be harmful to the health of employees, the emissions shall be prevented from spreading in the working environment and it shall be ensured that the emissions be removed from the source and be rendered harmless.

(3¹) The occupational health and safety requirements for work in explosion hazard zones shall be established by the Government of the Republic.

(4) In order to prevent or reduce health risks, workplaces shall be provided with protective, rescue and first aid equipment, safety signs and other safety equipment. The provision of first aid in enterprises and the requirements for the use of safety signs shall be established by a regulation of the Minister of Social Affairs.

(4¹) Workplaces and work equipment shall be in good technical condition and regularly maintained. The safety equipment and safety devices intended to prevent or eliminate hazards shall be regularly maintained and checked. Any faults found which are liable to affect the safety and health of employees shall be rectified as quickly as possible.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(4²) If the workplaces contain danger areas in which, owing to the nature of the work, there is a risk of an accident or a risk to health, the places shall be marked and appropriate measures shall be taken to prevent employees who have not received special instruction or appropriate training or other persons from entering those areas. If it is necessary to enter the danger areas, it may be done only in the presence of employees who have received special instruction or the appropriate training. Appropriate measures must be taken to protect employees who work in the danger areas.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(4³) The territory of workplaces and stairwells, routes and workrooms and rest rooms and/or accommodation areas shall be adequately lit. The location of the light sources shall not endanger the employees. The lighting shall ensure that the safety signs and emergency shut-down devices are clearly visible.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(4⁴) Workstations, traffic routes and other areas or installations outdoors which are used or occupied by the employees in the course of their activity must be organized in such a way that pedestrians and vehicles can circulate safely.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(4⁵) The occupational health and safety requirements for workplaces shall be established by the Government of the Republic.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(5) The occupational health and safety requirements for specific areas of activity shall be established by the Government of the Republic.

§ 5. Work equipment

(1) Work equipment means a machine, device, installation, means of transport, tool or other equipment which is used for work. The use of work equipment, i.e. working with it, start-up, shut-down, transporting, handling, installation, repair, adjusting, maintenance, and cleaning thereof shall not be harmful to the health of the operator of the equipment or that of other persons, or to the working environment or physical and social environment.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(2) An employer shall ensure that work equipment is suitable for the work to be carried out and to the dimensions of the body and the physical and mental abilities of its operator.

(3) An employer shall ensure that the work equipment made available to employees is designed and manufactured such that:

- 1) access to its danger area is prevented;
- 2) its control device conforms to the ergonomic requirements;
- 3) surfaces with high or low temperature are isolated or delineated;
- 4) it conforms to the safety requirements for electricity, fire and explosives;
- 5) accidental starting is prevented and, if necessary, it is possible to stop the equipment or a part thereof immediately, to interrupt its power consumption and to prevent dangerous leakage;
- 6) the levels of noise, vibrations, radiation and other risk factors are as low as possible and do not exceed the limits.

(4) The occupational health and safety requirements for the use of work equipment shall be established by the Government of the Republic.

§ 6. Physical risk factors

(1) Physical risk factors are:

- 1) noise, vibrations, ionizing and non-ionizing radiation (ultra violet radiation, laser radiation infra-red radiation) and electromagnetic fields;
- 2) air velocity, air temperature, air humidity, high and low barometric pressure;
- 3) moving or sharp parts of machinery and equipment, deficient lighting, risk of falling or electric shock and other such factors.

(2) An employer shall implement measures to prevent health risks arising from physical risk factors or reduce them as much as possible.

(3) An employer shall ensure that the safety requirements provided by the Radiation Act are observed in the use of radioactive substances or while working with equipment containing

radioactive substances, and that such substances or equipment shall not be accessible by unauthorised persons.

(4) Suitable temperature at the workplace, i.e. air temperature and humidity and air velocity, shall be appropriate for the performance of official duties and it shall be ensured that there is fresh air in workplaces. A suitable temperature shall be determined having regard to the number of employees in the workroom, the physical demands placed on the employees, the size of the workroom, the specifics of the work equipment used, and the nature of the technological process.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(5) The level of noise and vibrations in the working environment shall be such as to avoid any harmful effects on the employees or to reduce them as much as possible also during the time of working for an extended period of time. In the case of work which requires concentration, thinking, decision-making or communication, noise shall not interfere with the performance of official duties. Noise shall not interfere with the clarity of audio signals.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(6) The occupational health and safety requirements for the working environment affected by physical risk factors shall be established by the Government of the Republic.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

§ 7. Chemical risk factors

(1) The chemical risk factors are dangerous chemicals specified in subsection 5 (1) of the Chemicals Act and materials containing such chemicals, which are handled in an enterprise.

(2) The handling of dangerous chemicals and materials containing such chemicals is regulated by the Chemicals Act and this Act.

(3) The requirements for the use of dangerous chemicals and materials containing such chemicals shall be established by the Government of the Republic.

§ 8. Biological risk factors

(1) The biological risk factors are micro-organisms (bacteria, viruses, fungi, etc.), including genetically modified micro-organisms, cell cultures and human endoparasites and other biological agents which may cause an infection, allergy or toxicity.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(2) An employer shall implement measures to provide protection from biological risk factors present in the working environment based on the infectiousness of the risk factor.

(3) The occupational health and safety requirements for the working environment affected by biological risk factors shall be established by the Government of the Republic.

§ 9. Physiological and psychological risk factors

(1) The physiological risk factors are heavy physical work, repetitive movements of the same type and physical positions and movements in work which cause fatigue, or other similar factors that may gradually cause damage to health.

(2) The psychological risk factors are monotonous work or work not suitable to the abilities of an employee, poor work organisation, working alone for an extended period of time, or other similar factors that may gradually cause changes in the mental state of an employee.

(3) In order to prevent the physical and mental stress of employees, the employer shall adapt the work to suit the employees as much as possible. Upon the designing of a workplace and organisation of work, the physical, mental, gender and age characteristics of the employee, changes in their capacity for work during a working day or shift, and the possibility of working alone for an extended period of time shall be taken into account.

(3¹) In the event of considerable physical or mental stress, working in a forced position for an extended period of time or monotonous work, the employer shall enable breaks to be included in the working time for employees during the working day or working shift.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(4) The occupational health and safety requirements for the manual handling of loads shall be established by a regulation of the Minister of Social Affairs.

§ 10. Pregnant and nursing employees

(1) An employer shall create suitable working and rest conditions for pregnant women and women who are breastfeeding.

(2) Upon assigning work to pregnant women and women who are breastfeeding, employers shall observe the restrictions provided by legislation to ensure their safety.

(3) The occupational health and safety requirements for the work of pregnant women and women who are breastfeeding shall be established by a regulation of the Government of the Republic.

(4) An employer is required to provide pregnant women the time off indicated in the decision of a doctor for ante-natal examinations, which is considered working time.

(RT I 2009, 15, 93 – entered into force 1.07.2009)

(5) A mother breastfeeding a child is entitled to additional breaks for feeding the child until the child reaches the age of 18 months. Additional breaks shall be granted once every three hours with a duration of no less than 30 minutes on each occasion. The duration of a break granted for feeding two or more children under 18 months of age shall be no less than one hour.

(6) The breaks for feeding a child shall be considered working time and average wages calculated on the basis of subsection 29 (8) of the Employment Contracts Act shall be paid for them from the state budget through the budget of the area of government of the Ministry of Social Affairs, unless the mother is paid the parental benefit for raising the child.

(7) The Government of the Republic shall establish, by a regulation, the procedure for compensation of average wages from the state budget.

(RT I 2009, 5, 35 – entered into force 1.07.2009)

§ 10¹. Minor and disabled employees

(1) An employer shall create suitable working and rest conditions for minors and disabled employees.

(2) Upon assigning work to minors, employers shall observe the restrictions provided by legislation to ensure their safety.

(3) An employer is required to enable, pursuant to the procedure provided by Acts regulating employment and service relationships, an employee who has become partially incapacitated for work in the employer's enterprise as a result of an occupational accident or occupational disease to continue work suitable for them in the enterprise.

(4) The work, work equipment and workplace of a disabled employee shall be customised to their physical and mental abilities. Customisation means the making of the buildings, workrooms, workplaces or equipment of the employer accessible and usable for disabled persons. This requirement also applies to commonly used routes and non-work rooms used by disabled employees.

(RT I 2009, 5, 35 – entered into force 1.07.2009)

§ 11. Non-work conditions

(1) Non-work rooms are dressing rooms and washrooms, lavatories, rest areas, rooms for warming up in outdoor work, dining areas and other non-work rooms.

(2) Non-work rooms for employees shall be constructed and furnished based on the working conditions and the number and gender of the employees.

(3) Dressing rooms shall be available for employees if they wear special work clothes and rooms for warming up and drying chambers for clothes shall be provided for employees at outdoor workplaces.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(4) Based on the nature of the work, employees must be able to use rest areas if this is necessary in order to guarantee the safety and health of employees. Rest rooms shall be large enough and furnished with tables and seats with backs. Smoking is not allowed in rest rooms.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(5) Based on the nature of the work, washrooms equipped with washbasins or showers and with hot and cold water shall be available for employees.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(6) The employer shall ensure that the rest rooms and/or accommodation areas are kept clean and are cleaned at least once a day.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(7) The rest rooms and/or accommodation areas shall be ventilated and the temperature in them must be appropriate to the nature of their use.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(8) Employees shall be provided with drinking water which meets the standards established for drinking water and with disposable or washable drinking dishes.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

Chapter 3

Obligations and Rights of Employers and Employees

§ 12. General Provisions

(1) An employer shall ensure compliance with the occupational health and safety requirements in every aspect related to the work.

(2) An employer shall not allow employees to work if they lack necessary professional knowledge and skills, and knowledge about occupational health and safety.

(3) If employees of at least two employers work at the workplace at the same time and one employer organises the work, such employer shall be liable for collective occupational health and safety activities.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(3¹) If employees of at least two employers work at the workplace at the same time and there is no employer who organises the work, the employers shall enter into a written agreement on collective occupational health and safety activities and on the liability of employers. If no agreement has been concluded, the employers shall be solidarily liable for damage.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(4) The collective activities specified in subsection (3) of this section mean that the employers participating therein co-ordinate their activities to prevent dangerous situations and notify of each other and their employees or working environment representatives of risks and safety measures which may arise from working at the common workplace and ensure that their activities do not cause a risk to other employees.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(5) Employers and employees are required to co-operate in the creation of a safe working environment. For this purpose, employers shall consult employees, the working environment representative or the employees' representative in advance in issues relating to the working environment concerning the planning for measures to improve the working environment, designation of employees responsible for performance of rescue work, provision of first aid and evacuation of employees, the planning and organization of the occupational health and safety training and the choice and application of new technology and work equipment. An employer shall, where possible, take into account the proposals and invite the employees to participate in the implementation of such plans.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(6) An employer shall inform another employer whose employees perform duties in the enterprise of the employer of the risks related to the operation of such enterprise and the measures to avoid such risks, and who shall in turn inform the employees of the risks present at the workplace and instruct them in ways to avoid such risks before they commence performance of their duties. Also, the measures relating to rescue work and provision of first aid and employees responsible therefor must be made public.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(7) A sole proprietor shall ensure the soundness and correct use of the work equipment, personal protective equipment and other equipment belonging to them in any and all work situations.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(8) If a sole proprietor works at a workplace concurrently with one or several employees of the employer, the sole proprietor shall notify the employer who organises the work or, in the absence of such employer, the other employers of the risks relating to the sole proprietor's activities and shall ensure that their activities do not cause a risk to other employees. The employer who organises the work or, in the absence of such employer, the other employers shall inform the sole proprietor of the provisions of subsection (6) of this section.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

§ 12¹. Prevention activities of employer

(1) Prevention activities of employer are the planning and implementation of measures for the prevention or minimising of health risks at all stages of work in the enterprise and promotion of the physical, mental and social well-being of employees.

(2) The employer shall implement the measures referred to in subsection (1) of this section on the basis of the following general principles of prevention:

- 1) avoiding risks;
- 2) evaluating the risks which cannot be avoided;
- 3) combating the risks at source or, if this is not possible, reducing them to an acceptable level;
- 4) replacing the dangerous by the non-dangerous or the less dangerous;
- 5) adapting the work, workplace and organisation of work to suit the employees as much as possible;
- 6) adapting work equipment and working methods to technical progress;
- 7) giving collective protective measures priority over individual protective measures;
- 8) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment.

(3) The planning and implementation of measures related to health, safety and hygiene at work may in no circumstances result in any financial costs for the employees.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

§ 12². Sickness benefit payable by employer

(1) An employer shall pay an employee a sickness benefit for the fourth to eight calendar days of an illness or injury to the extent of 70% of the employee's average wages in accordance with the procedure provided for in subsection 29 (8) of the Employment Contracts Act (hereinafter sickness benefit).

(RT I 2009, 35, 232 – entered into force 1.07.2009)

(2) An employer shall not pay the sickness benefit:

1) in the case of an illness or injury of an employee for which the Health Insurance Fund pays a sickness benefit to the insured person on the basis of clauses 54 (1) 6) and 7) and subsections 56 (12) and (13) of the Health Insurance Act;

2) in the events specified in § 60 of the Health Insurance Act.

(RT I 2009, 29, 176 – entered into force 1.07.2009)

(3) An employer shall pay a sickness benefit as of the fourth calendar day of the release from the performance of their duties specified in a certificate for sick leave.

(RT I 2009, 35, 232 – entered into force 1.07.2009)

(4) An employer shall pay a sickness benefit if an employee has submitted a certificate to the employer for sick leave not later than on the 90th calendar day as of the day of commencement of duties specified in the certificate of incapacity for work.

(RT I 2009, 15, 93 – entered into force 1.07.2009)

(5) An employer shall pay a sickness benefit on pay day, but not later than within 30 calendar days as of the submission of the duly formalised certificate for sick leave to the employer.

(RT I 2009, 15, 93 – entered into force 1.07.2009)

§ 13. Obligations and rights of employers

(1) An employer is required to:

1) conduct regular internal controls of the working environment in the process of which the employer plans, organises and monitors the occupational health and safety situation in the enterprise in accordance with the requirements provided for in this Act or legislation established on the basis thereof; Internal controls form an integral part of the operation of an enterprise, and all employees shall be involved in the controls which shall be based on the results of risk assessment of the working environment;

2) review the organisation of internal control of the working environment annually and analyse its results and, if necessary, adjust measures to the changed situation;

3) conduct risk assessment of the working environment to ascertain the risk factors present in the working environment, measure their parameters as necessary and assess the risks to the health and safety of employees, taking into account the gender and age characteristics of the employees, including special risks to the employees specified in §§ 10 and 10¹ of this Act and risks related to the use of work equipment and work organisation. The results of risk assessment shall be formalised in writing and they shall be retained for 55 years;

(RT I 2009, 5, 35 – entered into force 01.07.2009)

4) based on the risk assessment of the working environment, prepare a written action plan designating the activities organised in all fields of activities and at all management levels of the enterprise to prevent or reduce health risks for employers, the schedule and executors thereof, and allocate the necessary resources;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

5) conduct a new risk assessment of the working environment if the working conditions have changed, the work equipment or technology has been changed or upgraded, if new data have become evident concerning the effect of a risk factor on human health, if the risk level has changed as compared with the original level due to an accident or a dangerous situation or if the occupational health doctor has established a work-related illness of an employer in the course of medical examinations;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

5¹) ensure that only employees who have received special instruction or special training work in danger areas or that work is performed under the supervision of such employee;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

5²) notify the minor and the legal representative of a minor under 15 years of age of risks related to the work of the minor and the measures implemented for the protection of their safety and health;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

6) notify the employees of the risk factors, the results of risk assessments of the working environment and of the measures to be implemented in order to prevent damage to health, through working environment representatives, members of the working environment council and employees' representatives;

6¹) apply measures provided for in employment contracts and collective agreements to prevent damage to the health of employees and neutralise the effect of the risk factors specified in §§ 6 – 9 of this Act;

6²) organise the provision of occupational health services and bear the costs related thereto;

7) organise, pursuant to the procedure provided in this Act, other Acts or legislation established on the basis thereof, the provision of medical examinations for employees whose health may be affected, in the course of the work process, by risk factors present in the working environment or the nature of work, and bear the costs related thereto. The Minister of Social Affairs shall establish the procedure for medical examinations for employees;

(RT I 2009, 5, 35 – entered into force 01.07.2009)

7¹) organise, pursuant to the procedure established by the Minister of Social Affairs on the basis of clause 7) of this subsection the provision of medical examinations for employees who work during night time for at least three hours of their daily working time or at least one-third of their annual working time, before they start night work as well as with regular intervals during work and bear the costs related thereto;

(RT I 2009, 5, 35 – entered into force 01.07.2009)

8) designate employees in the enterprise for the provision of first aid, taking into account the size of the enterprise and division into structural units, and arrange training for them at the employer's expense. In the case of an enterprise which comprises several structural units on separate territories, or in the case of shift work, at least one employee who has received training as first aid provider must be present in each structural unit or on each shift;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

9) ensure access by all employees to first aid equipment. First aid equipment shall be kept in an easily accessible place that is marked in a required manner;

10) at the request of an employee and on the decision of a doctor, transfer the employee to another position temporarily or permanently or ease their working conditions temporarily, pursuant to the procedure provided by Acts regulating employment and service relationships;

11) provide, at the employer's expense, employees with personal protective equipment, special work clothes, and cleaning and washing facilities if the nature of the work so requires, and arrange training for employees in the use of personal protective equipment;

12) familiarise employees with the occupational health and safety requirements, and monitor compliance therewith;

13) before an employee commences work or changes job, arrange for the employee to receive occupational health and safety instructions and training corresponding to the employee's position and occupation. Instruction or training shall be repeated if the work equipment or technology is changed or upgraded;

14) prepare and approve safety instructions for the work to be carried out and for the work equipment used, and give instructions to employees to prevent contamination of the environment;

15) suspend an employee from work if they are under the influence of alcohol, narcotics or toxic substances or under the influence of psychotropic substances;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

16) (Repealed - RT I 2002, 47, 297 - entered into force 01.01.2003)

17) notify the regional office of the Labour Inspectorate in writing or in a format which can be reproduced in writing of the commencing of activities or change in the employer's area of activity;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

18) communicate precepts of labour inspectors or the head of the regional office of the Labour Inspectorate or their deputy (hereinafter labour inspector) to the employees, working environment representatives or the employees' representatives, members of the working environment council and working environment specialists;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

19) comply with precepts of labour inspectors in a timely manner and report to the labour inspectors on compliance therewith in writing.

(2) An employer has the right to establish more stringent occupational health and safety requirements in the enterprise than those prescribed by legislation.

(RT I 2009, 5, 35 – entered into force 01.07.2009)

§ 14. Obligations and rights of employees

(1) An employee is required to:

1) contribute to the creation of a safe working environment, observing the occupational health and safety requirements;

2) observe the working and rest time regime established by the employer;

3) undergo health surveillance pursuant to the established procedure;

4) make correct use of the prescribed personal protective equipment and keep it in working order;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

5) ensure in accordance with their training and the employer's instructions that their work is not harmful to their own life or health or that of other persons, and does not contaminate the environment;

6) promptly notify the employer or the employer's representative and the working environment representative of an accident or dangerous situation, occupational accident and their health disorders which impede the performance of their duties and of any shortcomings in the protection arrangements;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

7) comply with the occupational health and safety orders of the employer, working environment specialist, occupational health doctor, labour inspector or working environment representative;

8) use work equipment and dangerous chemicals in conformity with the requirements;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

9) refrain from disconnecting, changing or removing arbitrarily safety devices fitted to tools or buildings, and use such safety devices correctly.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(2) It is prohibited for employees to work while under the influence of alcohol, narcotics or toxic substances or under the influence of psychotropic substances.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(3) (Repealed – RT I 2009, 5, 35 - entered into force 01.07.2009)

(4) The occupational health and safety obligations of employees shall not discharge the employer from liability in this field.

(5) An employee has the right to:

1) demand that the employer provide working conditions and collective and personal protective equipment conforming to the occupational health and safety requirements;

2) receive information on risk factors present in the working environment, the results of risk assessments of the working environment, the measures implemented to prevent damage to health, the results of health surveillance, and precepts of the labour inspector addressed to the employer;

3) in the event of a serious or unavoidable risk of accident, stop work and leave their workplace or the danger area;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

4) refuse to carry out work or to stop work if it is dangerous to their health or that of other persons or does not allow to comply with environmental safety requirements, and promptly notify the employer or the employer's representative and working environment representative thereof;

- 5) on the decision of a doctor, demand that the employer transfer them to another position temporarily or permanently or that the employer ease their working conditions temporarily;
 - 5¹) request their transfer to suitable day-time work if, by decision of a doctor, the person's working during night time is inadvisable for reasons of health and the employer has the possibility to transfer the employee to such position;
 - 6) receive compensation for damage caused to their health by the work to the extent provided for in the Law of Obligations Act;
 - 7) contact working environment representatives, members of the working environment council, the employees' representative and the labour inspector of the location of the enterprise if, in the employee's opinion, the measures implemented and the equipment provided by the employer do not ensure the safety of the working environment.
- (RT I 2009, 5, 35 – entered into force 01.07.2009)

§ 15. Risk of accident and accident

- (1) For the purposes of this Act, a risk of accident is a situation with potential to cause an accident at work. For the purposes of this Act, an accident is a fire, explosion or another occurrence at work which may endanger the life or health of employees or that of other persons.
- (2) To prepare for a possible accident, an employer is required to:
 - 1) organise connection to the emergency call number 112;
 - 2) based on the size and the nature of the activities of the enterprise, prepare an action plan for the evacuation of people from danger areas and performance of rescue work;
 - 3) designate employees responsible for the evacuation of people from danger areas and performance of rescue work, arrange training for them and notify the staff of the enterprise of such employees. The number and training of and equipment at the disposal of the designated employees shall be adapted to the size of the enterprise and the nature of the risk;
 - 4) determine the procedure for stopping and switching off work equipment;
 - 5) give instructions to employees to stop work and leave the danger area in the event of a serious or unavoidable risk of accident.
- (3) In the event of a risk of accident, an employer is required to inform as soon as possible all employees who are or may be exposed to serious danger of the risk involved and of the steps to be taken.

(4) In the event of a serious and imminent risk of accident, employees shall take steps in the light of their knowledge and the technical means at their disposal to avoid the possible consequences even if their immediate superior cannot be contacted at once.

(5) In the event of a serious or unavoidable risk of accident, it must be possible for employees to leave their workstations and danger areas quickly and safely. For this purpose, emergency exits and routes must remain clear and be equipped with sufficient emergency lighting and escape signs.

(6) Employees shall notify the employer, at the earliest opportunity, of leaving their workplace or the danger area in the event of a serious or unavoidable risk of accident. Employees who leave without permission shall not be punished or placed at any disadvantage.

(7) An employer shall not ask employees to resume work until the risk of accident is eliminated.

(8) Employers shall register all situations in the enterprise which may have resulted in an accident and notify employees thereof and implement measures in order to avoid recurrence of such situations.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

Chapter 4

Organisation of Occupational Health and Safety

§ 16. Working environment specialist

(1) A working environment specialist is an engineer competent in the sphere of working environment or any other specialist in an enterprise who has received training concerning the working environment and whom the employer has authorised to perform occupational health and safety duties.

(2) An employer shall appoint a working environment specialist from among the employer's employees. In the absence of a competent employee, an employer shall use a competent external provider of the service.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(2¹) The number of working environment specialists in an enterprise shall be sufficient to deal with the organization of protective and preventive measures, taking into account the size of the enterprise and the risk factors to which the employees are exposed.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

- (3) The appointment to office or hiring of a working environment specialist shall not discharge the employer from liability in the field of occupational health and safety.
- (4) A working environment specialist shall be familiar with the legislation regulating occupational health and safety and with the working conditions in the enterprise, monitor and inspect them and take measures to reduce the effect of risk factors present in the working environment.
- (5) A working environment specialist is required to temporarily stop work in a dangerous stage of work or prohibit the use of dangerous work equipment if there is a direct risk of harm to the life or health of an employee or if it is not possible to eliminate the risk in any other manner.
- (6) In order to create a safe working environment and maintain employees' capacity for work, a working environment specialist shall co-operate with employees and working environment representatives, the working environment council, employees' representatives and occupational health care providers.
- (7) An employer shall provide a working environment specialist with equipment necessary for their work.
- (8) An employer shall notify a working environment specialist and an external provider of the service specified in subsection (2) of this section of the risk factors present in the working environment known to affect, or suspected of affecting, the safety and health of the employees, of preventive measures implemented in order to avoid such factors and of the measures specified in subsection 15 (2) of this Act, and shall ensure access to the information specified in clauses 13 (1) 3) and 4) of this Act for them.
- (RT I 2007, 3, 11 – entered into force 01.03.2007)
- (9) An employer who has completed training in the field of working environment may perform the duties of a working environment specialist himself or herself.
- (10) An employer shall notify the regional office of the Labour Inspectorate of the appointment of a working environment specialist in writing within ten days, and submit their given name and surname, position and contact details.

§ 17. Working environment representative

- (1) A working environment representative is a representative elected by employees in occupational health and safety issues, whose term of authority is up to four years.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(1¹) Upon the transfer of an enterprise, the authority of the working environment representative is valid until expiry of the authority, but not more than one year after the transfer.

(RT I 2009, 5, 35 – entered into force 1.07.2009)

(1²) The restrictions provided for in § 181 of the Law of Obligations Act do not apply to the transfer of the authority of the working environment representative.

(RT I 2009, 5, 35 – entered into force 1.07.2009)

(2) In an enterprise with ten employees or more, the employees shall elect one working environment representative from among themselves. In an enterprise with less than ten employees, the employer is required to consult with the employees in matters of occupational health and safety.

(3) In an enterprise which comprises several structural units on separate territories or in which work is done in shifts and in which more than ten employees work at a structural unit or on a shift at the same time, the employees shall elect one working environment representative for every structural unit or shift.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(4) To elect working environment representatives, an employer shall call a general meeting of employees, in which all employees may participate either directly or through a person authorised by an unattested authorisation. An election is deemed to have been held if at least 50 per cent of all employees participated therein. The election procedure is provided by a collective agreement or any other written contract between the employer and employees. The employer shall notify the regional office of the Labour Inspectorate of the names and positions of the elected working environment representatives within ten days after the election.

(5) The obligations of a working environment representative are to:

- 1) monitor that occupational health and safety measures are implemented at the workplaces and that the employees are provided with personal protective equipment which is in working order;
- 2) participate in the investigation of an occupational accident or disease in their area of work;
- 3) notify the employees and the employer or the employer's representative promptly of a dangerous situation or deficiencies discovered in the working environment, and demand that the employer eliminate the deficiencies as soon as possible;
- 4) be familiar with the instructions and legislation mandatory for employees;

5) monitor that the employees receive necessary knowledge, instructions and training in the field of occupational health and safety.

(6) A working environment representative has the right to:

1) demand that the employer implement prescribed occupational health and safety measures and provide the employees with personal protective equipment which is in working order, and to make proposals to remove the sources of danger and improve the working environment;

2) access all workplaces in the enterprise necessary for the performance of their functions and receive information concerning the data and documents specified in clauses 13 (1) 3) and 4 and subsection 24 (3) of this Act from the employer which is necessary for the performance of their duties and information concerning precepts addressed by the labour inspector to the employer;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

3) contact the labour inspector of the location of the enterprise or submit their observations to the labour inspector during inspection visits by the inspector;

(RT I 2007, 3, 11 – entered into force 01.03.2007)

4) temporarily stop work in a dangerous stage of work or prohibit the use of dangerous work equipment if there is a direct risk of harm to the life or health of employees or if it is not possible to eliminate the risk in any other manner. They shall promptly notify the employer or the employer's representative of the risk. Work shall not be resumed until the risk is eliminated.

(7) A working environment representative shall not be placed at any disadvantage due to performance of their duties if there is a conflict of interests between them and the employer.

(8) An employer shall provide, at the employer's expense, training or in-service training for a working environment representative that is necessary for the performance of their obligations and shall allow the representative to perform their obligations during the working time of the representative's principal job. During this period, the working environment representative continues to receive their average wages and has the guarantees prescribed the Republic of Estonia Employment Contracts Act or the Public Service Act, a collective agreement or the employment contract.

(RT I 2009, 5, 35 – entered into force 01.07.2009)

(9) The period for performance of the duties of a working environment representative shall be prescribed in a collective agreement or any other written contract between the employer and employees. The period for performance of such duties depends on the size and

working conditions of the enterprise and other circumstances but shall not be less than two hours per week.

§ 18. Working environment council

(1) A working environment council is a body for co-operation between an employer and the employees' representatives which resolves occupational health and safety issues in the enterprise.

(2) In an enterprise with at least fifty employees, a working environment council shall be set up at the initiative of the employer and shall comprise an equal number of representatives designated by the employer and representatives elected by the employees. The council shall comprise at least four members and the term of their authority shall be up to four years. Employees' representatives shall be elected pursuant to the procedure established in subsection 17 (4) of this Act.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(3) The Labour Inspectorate has the right to demand that a working environment council be set up in an enterprise with less than fifty employees depending on the risk factors present and the number of occupational accidents and cases of occupational disease in the enterprise.

(4) A working environment council shall elect the chairperson and their deputy from among its members. The council shall adopt resolutions by consensus.

(5) The names and term of authority of the working environment council members shall be displayed in a visible place.

(29.01.2003 entered into force 01.07.2003 - RT I 2003, 20, 120)

(5¹) An employer shall notify the regional office of the Labour Inspectorate of the formation of the working environment council in writing not later than within ten days, and submit the following information:

- 1) the given name, surname, position and contact details of the chairman of the council;
- 2) given names, surnames and positions of the members of the council;
- 3) term of authority of the members of the council.

(6) A working environment council shall:

- 1) regularly analyse the working conditions in the enterprise, document developing problems, make proposals to the employer for the resolution thereof and monitor the implementation of adopted resolutions;

- 2) participate in the preparation of occupational health and safety strategies of the enterprise, plans for the reconstruction or repair of the enterprise and for the introduction of new technologies in the enterprise, and other plans;
- 3) examine the results of internal controls of the working environment in the enterprise and, if necessary, make proposals for the elimination of deficiencies;
- 4) analyse occupational accidents, cases of occupational disease and other illnesses related to work, and monitor the implementation of measures for the prevention thereof by the employer;
- 5) assist in the creation of suitable working conditions and work organisation for female employees, minors and disabled employees.

(7) A working environment council shall communicate its proposals to the employer in writing.

(8) If the employer does not consider it possible to take such proposals into account, the employer shall respond to the council in writing within three weeks after receipt of the proposals, providing reasons therefor.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(9) An employer shall release a member of the working environment council from the duties of their principal job during the time when they perform the duties of a member of the working environment council. During this period, the member of the working environment council continues to receive their average wages. A member of the working environment council who represents employees has the guarantees prescribed the Republic of Estonia Employment Contracts Act or the Public Service Act, a collective agreement or the employment contract. The conditions for release from the duties of a principal job shall be prescribed in a collective agreement or any other written contract between the employer and employees. The period of release from the duties of a principal job shall not be less than one hour per week. If a member of the working environment council also acts as a working environment representative, the time for performance of the duties of both jobs is totalled.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(10) An employer shall arrange for the training and in-service training of members of the working environment council at the employer's expense and during working hours. During training and in-service training, they continue to receive their average wages.

(11) Working environment councils shall inform the regional office of the Labour Inspectorate in writing of their activities during the last twelve months not later than by 1 December each year.

§ 19. Occupational health services and occupational health service providers

(1) Occupational health services means the performance of duties by occupational health doctors, occupational health nurses, occupational hygienists, occupational psychologists or ergonomists (hereinafter occupational health specialists) with the aim to contribute to the development of a working environment which would be safe for the health of employees, to prevent illness related to work, and to preserve and promote the health and capacity for work of employees. The Minister of Social Affairs shall establish the duties of occupational health specialists in provision of occupational health services.

(2) An occupational health service provider is a legal person or sole proprietor who provides occupational health services and is registered with the Health Care Board or holds an activity licence issued by the Health Care Board.

(3) An occupational health service provider may provide the following occupational health services:

- 1) conduct of risk assessments of the working environment, including the measurement of the parameters of risk factors;
- 2) medical examination of employees and evaluation of their state of health;
- 3) organisation of medical rehabilitation for employees;
- 4) provision of advice to employers on the adaptation of work to the abilities and state of health of employees;
- 5) provision of advice to employers on selection and use of work equipment and personal protective equipment, and on improvement of working conditions;
- 6) psychological counselling of employers and employees.

(4) In their work, an occupational health specialist shall observe the following principles of professional ethics:

- 1) maintains the confidentiality of production and business secrets which become known to them in the course of their activities, except if departure from this is required in order to protect the health and safety of employees;
- 2) ensures the confidentiality of information concerning the health and private life of employees;
- 3) discloses the results of health surveillance to the management of the enterprise only in terms of the restrictions imposed on the performance of duties by employees by reason of contraindications;

4) provides information to employees concerning the risks associated with their professional activities and the working environment.

(5) An employer and employees shall provide a working environment specialist with information necessary for the performance of their duties.

(RT I 2004, 54, 389 – entered into force 15.07.2007)

§ 19¹. Registration of occupational health service providers

(1) By registration, an occupational health service provider is granted the right to provide the occupational health services specified in the certificate issued thereto upon registration.

(2) Persons applying for registration shall submit a registration application and copies of documents required for registration, including documents certifying qualifications, to the Health Care Board. For the purposes of this Act, diplomas certifying the professional competence of working environment specialists, certificates concerning specialisation or refresher courses, and certificates to the effect that the person is a competent measurer within the meaning of the Metrology Act.

(RT I 2004, 86, 584 – entered into force 01.01.2005)

(2¹) Before submission of a registration application a person applying for registration as an occupational health service provider shall pay a state fee for reviewing the application at the rate provided for in the State Fees Act.

(RT I 2008, 56, 313 – entered into force 1.01.2009)

(3) The Health Care Board shall verify the authenticity of information submitted in a registration application and shall make a registration decision or a decision to refuse registration within 30 days after submission of the documents specified in subsection (2) of this section.

(4) If the information presented in a registration application is insufficient, the Health Care Board shall designate a term to the applicant for elimination of the deficiencies, but for not longer than fifteen days. Persons who submit inaccurate information or who fail to submit the documents specified in subsection (2) of this section shall not be registered as occupational health care providers.

(5) If a person is not registered with the Health Care Board, the person shall be sent a written notice concerning refusal which shall also set out the reasons for refusal to register within ten working days as of the date of making the decision.

(6) A person may appeal a decision on failure to register in an administrative court.

(7) Occupational health service providers are issued registration certificates.

(8) The list of information to be presented in applications for registration of occupational health service providers and the list of documents to be appended to the registration application shall be established by the Minister of Social Affairs.

(9) Occupational health service providers are required to notify the Health Care Board in writing of any changes to the information specified in registration applications within 15 days after such changes become effective.

(10) Occupational health service providers whose activities include performance of the duties of occupational health doctors or occupational health nurses shall submit an application for issue of an activity licence for the provision of health care services to the Health Care Board pursuant to the procedure and on the conditions established by the Health Services Organisation Act, and subsections (1)–(9) do not apply to such persons.

(11) (Repealed - RT I 2004, 54, 389 - entered into force 15.07.2004)

§ 20. (Repealed - RT I 2004, 54, 389 - entered into force 15.07.2004)

§ 20¹. Functions of Health Care Board in field of occupational health

The Health Care Board shall:

- 1) participate in the preparation of occupational health programmes and organise their implementation;
- 2) analyse information concerning occupational illnesses and illness related to work of employees;
- 3) organise refresher courses to occupational health specialists;
- 4) register occupational health service providers.

(RT I 2004, 54, 389 - entered into force 15.07.2004)

§ 21. Advisory Committee on Working Environment

(1) The Advisory Committee on Working Environment is an advisory board within the Ministry of Social Affairs which deals with issues concerning the working environment and comprises occupational health and safety experts of government agencies, central associations of employers and central unions of employees.

(2) The main function of the Advisory Committee is to make proposals for and express opinions on the development and implementation of the working environment policy.

(3) The Advisory Committee shall perform the following functions:

- 1) regularly assesses the condition of working environments in the state;

- 2) gathers, reviews, and discusses proposals by social partners for improvement of the working environment;
 - 3) analyses the effectiveness of measures for improvement of the working environment;
 - 4) makes proposals and recommendations to the Minister of Social Affairs on working environment issues;
 - 5) discusses draft Acts and regulations submitted to the Riigikogu², the Government of the Republic and the Minister of Social Affairs and provides assessments thereof;
 - 6) makes proposals to amend legislation.
- (4) The rules of procedure of the Advisory Committee on Working Environment shall be established by its statutes, which shall be approved by the Minister of Social Affairs. The membership of the Advisory Committee shall be approved by the Minister of Social Affairs on the basis of proposals from government agencies, central associations of employers and central unions of employees.

Chapter 5

Occupational Accidents and Occupational Diseases

§ 22. Occupational accident

- (1) An occupational accident is damage to the health or death of an employee which occurs in the performance of a duty assigned by an employer or in other work performed with the employer's permission, during a break included in the working time, or during other activity in the interests of the employer. The damage to the health or a death which occurred in the cases listed but which is not in a causal relation to the work of the employee or the working environment is not deemed to be occupational accident.
- (2) Occupational accidents are divided into minor occupational accidents, serious occupational accidents and fatal occupational accidents according to their seriousness. Occupational accidents which result in serious bodily injury to an employee or due to which an employee's life is endangered are classified as serious occupational accidents.
- (3) A doctor shall promptly report a serious or fatal occupational accident and of declaring an employee to be temporarily incapacitated for work to the employer and the regional office of the Labour Inspectorate in writing or in a format which can be reproduced in writing.
- (4) An employer shall promptly report a serious or fatal occupational accident to the regional office of the Labour Inspectorate and, if the occupational accident is fatal, the employer shall also inform the police.

(RT I 2007, 3, 11 - entered into force 01.03.2007)

§ 23. Occupational diseases and other illnesses related to work

(1) An occupational disease is a disease which is brought about by risk factors present in the working environment and included in the list of occupational diseases, or the nature of the work. The list of occupational diseases shall be established by the Minister of Social Affairs.

(2) An illness related to work is an occupational disease or an illness caused by work.

(3) An illness caused by work is an illnesses brought about by a risk factor present in the working environment and which is not deemed to be an occupational disease.

(4) A doctor who suspects that an employee is suffering from an illness related to work shall refer the employee to an occupational health doctor.

(5) An occupational disease shall be diagnosed by an occupational health doctor who shall determine the state of the employee's health and gather information concerning the employee's current and previous working conditions and the nature of their work. For such purpose, the following documents shall be submitted to an occupational health doctor:

1) the employer (employers) shall provide the decisions concerning previous medical examinations administered to the employee, and the results of risk assessments of the working environment specified in clause 13 (1) 3) of this Act. If the employee was employed before the date of entry into force of this Act, an occupational health doctor requires a letter of explanation concerning the employee's working conditions and nature of work during such period from the employer;

2) the employee shall provide an excerpt from their medical records.

(RT I 2009, 5, 35 – entered into force 01.07.2009)

(6) An occupational health doctor shall inform the employer, the regional office of the Labour Inspectorate and the doctor who referred the employee to them of the employee's occupational disease in writing or in a format which can be reproduced in writing no later than within five days after diagnosing the disease.

(RT I 2007, 3, 11 - entered into force 01.03.2007)

(7) An occupational health doctor shall inform the regional office of the Labour Inspectorate of a case of illness related to work in writing or in a format which can be reproduced in writing no later than within five days after diagnosing the illness, and submit the following information:

(RT I 2007, 3, 11 - entered into force 01.03.2007)

1) the given name, surname and position of the employee;

- 2) date of diagnosing the illness;
- 3) the illness and its cause;
- 4) the employer and the employer's address.

(8) The Labour Inspectorate shall forward the statistical data on cases of occupational disease and illness related to work in the previous year to the Health Care Board not later than by 1 March of each year.

§ 24. Investigation and registration of occupational accidents and cases of occupational disease

(1) The circumstances of an occupational accident or of the contraction of an occupational disease and reasons therefor shall be established in the course of an investigation which is carried out by the employer and in which a working environment representative or, in their absence, an employees' representative shall participate with the right to vote. If the employer lacks necessary knowledge, the employer shall involve a competent expert in the investigation.

(1¹) If an occupational accident occurs with a sole proprietor in a situation provided for in subsection 12 (8) of this Act, all acts related to occupational accidents provided for in this Chapter shall be performed by the employer who organises the work or with whom the sole proprietor has a contractual relationship.

(2) The employer shall submit a written report on the investigation results to the victim or a person representing their interests and the regional office of the Labour Inspectorate. The report shall indicate measures to be implemented by the employer to prevent a similar occupational accident or the contraction of a similar occupational disease.

(3) An employer shall register all occupational accidents, cases of occupational disease and other illnesses related to work and make relevant information available to the working environment specialists, working environment representatives, employees' representatives and the working environment council.

(3¹) Information concerning the state of health of employees obtained in the course of investigation of occupational accidents, cases of occupational diseases and other illnesses related to work are sensitive personal data which shall be processed pursuant to the procedure provided by the Personal Data Protection Act.

(4) Labour inspectors shall investigate all fatal occupational accidents and if necessary, cases of occupational disease and other occupational disease. The need for conduct of

investigations shall be determined by the head of the regional office of the Labour Inspectorate.

(4¹) A labour inspector has the right to require that an employer conduct further investigation and amend an occupational accident or occupational disease report if the inspector establishes that investigation has not been conducted or the report has not been prepared in accordance with the requirements.

(5) Information concerning investigations of occupational accidents and cases of occupational disease shall be preserved for fifty-five years.

(6) The procedure for registration, reporting and investigation of occupational accidents and cases of occupational disease shall be established by the Government of the Republic.

(7) The Labour Inspectorate shall maintain a database concerning occupational accidents and cases of occupational disease and cases of illness related to work pursuant to the procedure provided in the Databases Act and in accordance with the Personal Data Protection Act.

(RT I 2007, 12, 66 – entered into force 01.01.2008)

(8) The Labour Inspectorate shall enable the Health Insurance Fund to access the reports concerning occupational accidents and cases of occupational disease registered in the database specified in subsection (7) of this section.

(9) The Labour Inspectorate shall submit data to a database established under § 81 of the Labour Market Services and Benefits Act to the extent and in accordance with the procedure corresponding to its statutes.

Chapter 6

State Supervision

§ 25. State supervisory authority

(1) State supervision over compliance with the requirements provided by this Act and legislation established on the basis thereof shall be exercised by the Labour Inspectorate.

(1¹) The Health Care Board shall exercise supervision over compliance with the requirements provided for in §§ 19 and 19¹ of this Act pursuant to the procedure provided for in the Health Services Organisation Act.

(RT I 2007, 3, 11 – entered into force 01.03.2007)

(2) The Labour Inspectorate exercises market supervision over the personal protective equipment within the scope of application of this Act pursuant to the procedure provided by the Product Safety Act.

§ 26. Obligations and rights of labour inspectors

(1) (Repealed - RT I 2003, 20, 120 - entered into force 01.07.2003)

(2) Labour inspectors shall be independent in performing their duties and impartial in making decisions.

(3) A labour inspector is required:

1) to investigate fatal occupational accidents and if necessary, cases of occupational disease and other occupational disease;

2) to exercise supervision over investigations of occupational accidents and over the implementation of measures for the prevention of occupational accidents and occupational diseases;

3) to check, as necessary, conformity of the working conditions of a new or reconstructed building to the established requirements if the notice specified in clause 13 (1) 17) of this Act has been received from the employer;

4) to maintain the confidentiality of production or business secrets which become known to them in the course of performing their duties, except if the duty to disclose such information is provided by law;

5) not to disclose information to the employer or others concerning a person who has notified them of deficiencies present in the working environment or of non-compliance with the requirements of legislation regulating occupational health and safety, unless the person wishes such information to be disclosed;

6) to stop work which is dangerous to the life of employees or that of other persons, and to prohibit the use of life-threatening work equipment;

7) to present a certificate of employment when performing their duties.

(RT I 2007, 3, 11 - entered into force 01.03.2007)

(4) A labour inspector has the right to:

1)-2) (Repealed - RT I 2003, 20, 120 - entered into force 01.07.2003)

3) (Repealed - RT I 2002, 63, 387 - entered into force 01.09.2002)

4) check adherence with the requirements provided by this Act and legislation established on the basis thereof;

(RT I 2007, 3, 11 - entered into force 01.03.2007)

- 5) enter, for exercise of supervision, in coordination with the employer, the workplaces being inspected, including, if necessary, without giving prior notice;
(RT I 2007, 3, 11 - entered into force 01.03.2007)
- 6) obtain information necessary for the exercise of supervision, to examine relevant documents in the process of supervision, to obtain copies of the documents, without charge, or make them on site, and, if a misdemeanour is suspected, to take the documents with them;
(RT I 2007, 3, 11 - entered into force 01.03.2007)
- 7) demand audit measurements of the working environment, take photographs, and take samples from materials or substances for analysis;
(RT I 2007, 3, 11 - entered into force 01.03.2007)
- 8) question, alone or in the presence of witnesses, the employer, working environment representative, working environment specialist and employees;
(RT I 2007, 3, 11 - entered into force 01.03.2007)
- 9) identify persons in the process of supervision;
(RT I 2007, 3, 11 - entered into force 01.03.2007)
- 10) issue a precept to terminate a violation of the requirements provided in this Act or in the legislation established on the basis thereof, to eliminate the consequences of the violation, to make good the damage caused by the violation or breach or to perform other acts.
(RT I 2007, 3, 11 - entered into force 01.03.2007)

§ 26¹. Precepts

- (1) In the event of violation of the requirements of this Act or legislation established on the basis thereof, a labour inspector has the right to issue a precept which sets out:
 - 1) the time and place of the issue of the precept;
 - 2) the given name, surname and position of the person who prepares the precept and the name and address of the agency;
 - 3) the given name, surname and address of a natural person, or the name and postal address of a legal person, or the name and postal address of a state or local government agency who is the obligated subject of the precept;
 - 4) the circumstances which are the basis for the issue of the precept and a reference to the legal basis therefor;
 - 5) the conclusion of the precept in which the obligations of the obligated subject arising from the precept and the terms for the performance thereof are set out;

6) a reference to the possibility of administrative coercive measures being applied upon failure to perform the obligations set out in the precept;

7) the procedure and term for challenging the precept;

8) the signature of the person who prepares the precept.

(2) A precept shall be prepared in two original copies of which one shall remain with the person who prepares the precept and the other shall be given to the obligated subject. The person who issued the precept shall prepare a certified copy thereof if it is necessary to inform a third person of the precept.

(RT I 2007, 3, 11 - entered into force 01.03.2007)

(3) A precept is mandatory for an employer. A labour inspector has the right to inspect compliance with the precept within the term specified therein.

(4) Upon failure to comply with a precept, a labour inspector may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(5) The upper limit for a penalty payment specified in subsection (4) of this section is 20 000 kroons.

§ 26². Challenge proceedings concerning precepts

(1) A challenge against a precept shall be filed, heard and settled pursuant to the procedure provided for in the Administrative Procedure Act, taking into account the specifications prescribed in this Act.

(2) If an employer does not agree with a precept issued by a labour inspector, the employer has the right to file a challenge with the head of the regional office of the Labour Inspectorate within ten calendar days after receipt of the administrative act. If a precept is issued by the head of the regional office of the Labour Inspectorate, the employer has the right to file a challenge with the Director General of the Labour Inspectorate within ten days after the date of receipt of the administrative act.

(RT I 2007, 3, 11 - entered into force 01.03.2007)

Chapter 7

(Repealed - RT I 2007, 3, 11 - entered into force 01.03.2007)

Chapter 7¹

Liability

(RT I 2002, 63, 387 - entered into force 01.09.2002)

§ 27¹. Violation of occupational health and safety requirements

- (1) Violation of the occupational health and safety requirements is punishable by a fine of up to 300 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 40 000 kroons.

(RT I 2002, 63, 387 - entered into force 01.09.2002)

§ 27². Concealment of occupational accident or occupational disease

- (1) Concealment of or failure to investigate an occupational accident or a case of occupational disease, or failure to prepare a written report, or violation of other requirements for registration or investigation of occupational accidents or cases of occupational disease, is punishable by a fine of up to 200 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(RT I 2002, 63, 387 - entered into force 01.09.2002)

§ 27³. Proceedings

- (1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654) apply to the misdemeanours provided for in §§ 27¹ and 27² of this Act.
- (2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 27¹ and 27² of this Act shall be conducted by the Labour Inspectorate.

(RT I 2002, 63, 387 - entered into force 01.09.2002)

§§ 28-30 (Repealed - RT I 2002, 63, 387 - entered into force 01.09.2002)

Chapter 8

Implementing Provisions

§ 31. Validity of legislation issued on basis of Republic of Estonia Labour Protection Act

The legislation issued on the basis of the Republic of Estonia Labour Protection Act (RT I 1992, 25, 343; RT I 1996, 49, 953) is valid after the entry into force of this Act in so far as it is not contrary to this Act and until it is repealed or brought into compliance with this Act.

§ 31¹. Termination of activities of Occupational Health Centre

The activities of the Occupational Health Centre administered by the Ministry of Social Affairs shall be terminated on 15 August 2004.

(RT I 2004, 54, 389 – entered into force 15.07.2004)

§ 31². Indexing of compensation for damage

Compensation for damage resulting from health damage caused by work or from the death of a person which is paid in instalments by the Social Insurance Board on the basis of subsection 473 (1) of the Civil Code of the Estonian SSR is indexed by the index approved pursuant to subsection 26 (6) of the State Pension Insurance Act. The compensation shall not be indexed if the value of the index is less than 1.000.

(RT I 2007, 3, 11 - entered into force 01.03.2007)

§§ 32-36. (Omitted from this text)

* RT = *Riigi Teataja* = *State Gazette*