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## Occupational Health and Safety Act

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29.01.2003	RT I 2003, 20, 120	01.07.2003
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08.12.2004	RT I 2004, 86, 584	01.01.2005
16.12.2004	RT I 2004, 89, 612	31.12.2004
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18.06.2009	RT I 2009, 35, 232	01.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
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20.05.2010	RT I 2010, 31, 158	01.10.2010
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13.06.2012	RT I, 10.07.2012, 2	01.04.2013

### Chapter 1

# GENERAL PROVISIONS

## § 1. Scope of application of Act

(1) This Act provides for the occupational health and safety requirements set for work performed by employees and officials (hereinafter *employee*), the rights and obligations of an employer and an employee 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 challenge proceedings, and the liability for violation of the occupational health and safety requirements.

[RT I, 06.07.2012, 1 - entry into force 01.04.2013]

(2) This Act shall be applied to the conditions of service of military servicemen and persons in alternative service and to the work performed by the employees of the Police and Border Guard Board, the Security Police and rescue service agencies insofar as not otherwise provided by specific laws or legislation established on the basis thereof.

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(3) This Act shall be applied also to:

- 1) the work of a prisoner performed in prison with the specifications provided for in the Imprisonment Act;
- 2) the work of a pupil and student during practical training;
- 3) the work of a member of the management board or a directing body substituting for the management board of a legal person;
- 4) the work of a sole proprietor to the extent provided for in subsections 12(7) and (8) of this Act.

[RT I 2007, 3, 11 - entry into force 01.07.2007]

(4) The Administrative Procedure Act shall be applied to administrative proceedings prescribed in this Act, taking account of the specifications arising from this Act.

[RT I 2007, 3, 11 - entry 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 an employee, adaptation of work to the abilities of an employee, and promotion of the physical, mental and social well-being of an employee.

(2) For the purposes of this Act, occupational safety is a system of work-related organisational measures and technical means to provide such a state of working environment which enables an employee to work without endangering his or her health.

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

## Chapter 2 WORKING ENVIRONMENT

### § 3. General requirements

(1) 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 an employee or that of another person in the working environment.

(3) Parameters of chemical hazards and of physical hazards, listed in clause 6(1)1) of this Act, of working environment shall not exceed the maximum limits. The maximum limit is the average value of a parameter of a hazard which is measured during a specific period of time and whose impact on an employee during an 8-hour working day (40-hour working week) does not cause health damage.

(4) The maximum limits for working environment hazards and the procedure for measuring the parameters of hazards shall be established by the Government of the Republic.

(5) If the risk of an accident or illness cannot be avoided or if a parameter of a working environment hazard cannot be brought into conformity with the established maximum limit by applying technical means of collective protection or work-related organisational measures, the employer shall provide an employee with personal protective equipment. 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 - entry 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 an employee has access in the course of his or her employment or where he or she works with the permission or on the order of the employer.

(2) An employer shall design and furnish its workplace such that it is possible to avoid occupational accidents and damage to health, and to maintain an employee's workability and 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 an employee, the emissions shall be prevented from spreading in the working environment by ensuring that the emissions are removed from the source and are rendered harmless.

(3<sup>1</sup>) 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 a health risk, a workplace shall be provided with protective, rescue and first aid equipment, safety signs and other safety equipment. The provision of first aid in an enterprise and the requirements for the use of safety signs shall be established by the Minister of Social Affairs by a regulation.

(4<sup>1</sup>) A workplace and work equipment shall be in good technical condition and regularly maintained. The safety equipment and safety devices intended to prevent 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 - entry into force 01.03.2007]

(4<sup>2</sup>) If a workplace contains danger areas in which, owing to the nature of the work, there is a risk of an accident or damage to health, the said areas shall be marked and appropriate measures shall be taken to prevent employees who have not received special instruction or special training or other persons from entering those areas. However, if it is necessary to enter a danger area, it may be done only in the presence of an employee who has received special instruction or special training. Appropriate measures must be taken to protect employees who work in a danger area.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(4<sup>3</sup>) The territory of a workplace, stairwells, routes, workrooms and non-workrooms shall be adequately lit. The location of the light sources shall not endanger an employee. The lighting shall ensure that the safety signs and emergency shut-down devices are clearly visible.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(4<sup>4</sup>) Outdoor work shall be organised such that workplaces, routes and other work-related areas as well as work equipment located outdoors and used by employees in the course of their work would not endanger people or interfere with vehicle traffic.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(4<sup>5</sup>) The occupational health and safety requirements set for a workplace shall be established by the Government of the Republic.  
[RT I 2007, 3, 11 - entry 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 – working with it, and start-up, shut-down, transport, removal, installation, repair, adjustment, maintenance and cleaning thereof – shall not endanger the health of the operator of the equipment or that of other persons, or the working and living environment.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(2) An employer shall ensure that work equipment is suitable for the work to be carried out and corresponds 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 an employee 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 start-up is prevented and, if necessary, it is possible to shut down the equipment or a part thereof immediately, to interrupt its power supply and to prevent dangerous leakage;
- 6) the level of noise, vibrations, radiation and other hazards is as low as possible and does not exceed the maximum 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 hazards**

(1) Physical hazards are:

- 1) noise, vibrations, ionising radiation, non-ionising radiation (ultraviolet radiation, laser radiation, infrared radiation) and electromagnetic fields;
- 2) air velocity, air temperature and humidity, high or 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 a health risk arising from physical hazards or reduce it as much as possible.

(3) An employer shall ensure that the safety requirements provided for in the Radiation Act are observed in the use of a radioactive substance or while working with equipment containing such substance, and that such substance or work equipment shall not be accessible by unauthorised persons.

(4) The indoor climate at a workplace – 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 indoor climate shall be determined having regard to the number of employees in a workroom, the mental and 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 - entry 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 an employee or to reduce them as much as possible also during the time of working for an extended period of time. In case of work which requires concentration, thinking, decision-making and 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 - entry into force 01.03.2007]

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

[RT I 2007, 3, 11 - entry into force 01.03.2007]

## **§ 7. Chemical hazards**

(1) Chemical hazards 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 hazards**

(1) Biological hazards 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 intoxication.

[RT I 2007, 3, 11 - entry into force 01.03.2007]

(2) An employer shall implement measures to provide protection from biological hazards present in a workplace, taking account of the infectiousness of the hazard.

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

## **§ 9. Physiological and psychological hazards**

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

(2) Psychological hazards are monotonous work or work not corresponding to the abilities of an employee, poor work organisation, working alone for an extended period of time, and 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 an employee, the employer shall adapt the work to suit the employee as much as possible. In designing a workplace and organising work, the physical, mental, gender and age characteristics of the employee, changes in his or her workability during a working day or shift, and the possibility of working alone for an extended period of time shall be taken into account.

(3<sup>1</sup>) In case of considerable physical or mental workload, 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 an employee during the working day or working shift.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

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

#### **§ 10. Pregnant and nursing employees**

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

(2) Upon assigning work to pregnant and nursing women, an employer shall observe the restrictions provided by legislation for ensuring their safety.

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

(4) An employer is required to grant a pregnant employee time off, to be included in the working time, at the time indicated in a decision made by a doctor or a midwife for prenatal examination.  
[RT I 2009, 29, 176 - entry into force 01.04.2010]

(5) A nursing mother shall have the right to additional breaks for nursing until the child is a year and a half old. An additional break shall be granted every three hours for no less than 30 minutes at a time. A break granted for nursing two or more up to one and a half year old children shall last for at least one hour.

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

(7) The Government of the Republic shall establish by a regulation the procedure for compensation for average wages from the state budget funds.  
[RT I 2009, 5, 35 - entry into force 01.07.2009]

#### **§ 10<sup>1</sup>. Employees who are minors and disabled**

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

(2) Upon assigning work to minors, an employer shall observe the restrictions provided by legislation for ensuring their safety.

(3) An employer is required to enable, pursuant to the procedure provided for in 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 him or her in the enterprise.

(4) The work, work equipment and workplace of a disabled employee shall be adapted to his or her physical and mental abilities. Adaptation means making the building, workroom, workplace or work equipment of the employer accessible and usable for a disabled person. This requirement also applies to commonly used routes and non-workrooms used by disabled employees.  
[RT I 2009, 5, 35 - entry into force 01.07.2009]

#### **§ 11. Non-workrooms**

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

(2) Non-workrooms for employees shall be constructed and furnished taking account of the working conditions and the number and gender of the employees.

(3) Dressing rooms shall be available for employees who wear special work clothes, and also rooms for warming up and drying chambers for clothes shall be provided for employees performing outdoor work.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(4) Based on the nature of the work, employees must be able to use resting rooms if this is necessary in order to guarantee the health and safety of the employees. Resting rooms shall be large enough and furnished with tables and seats with backs. Smoking is not allowed in resting rooms.  
[RT I 2007, 3, 11 - entry 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 - entry into force 01.03.2007]

(6) An employer shall ensure that the non-workrooms are kept clean and are cleaned at least once a day.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(7) It shall be possible to ventilate the non-workrooms and the temperature therein must correspond to the nature of their use.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(8) Employees shall be provided with drinking water meeting requirements and with disposable or washable drinkware.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

## **Chapter 3**

# **OBLIGATIONS AND RIGHTS OF EMPLOYER AND EMPLOYEE**

### **§ 12. General provisions**

(1) An employer shall ensure the conformity with occupational health and safety requirements in every work-related situation. If duties are performed by way of temporary agency work, the user undertaking shall guarantee the conformity with occupational health and safety requirements in the user undertaking.  
[RT I, 10.02.2012, 1 - entry into force 20.02.2012]

(2) An employer shall not allow an employee to work if he or she lacks the necessary professional knowledge and skills, and knowledge about occupational health and safety.

(3) If employees of at least two employers work at a workplace at the same time and one employer organises the work, then the said employer shall be liable for joint occupational health and safety activities.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(3<sup>1</sup>) If employees of at least two employers work at a workplace at the same time and there is no employer who organises the work, the employers shall enter into a written agreement on joint occupational health and safety activities and on the liability of the employers. If no agreement has been concluded, the employers shall be solidarily liable for damage.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(4) The joint activities specified in subsection (3) of this section mean that the employers participating therein co-ordinate their activities to prevent dangerous situations and notify each other and their employees or working environment representatives of hazards 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 - entry into force 01.03.2007]

(5) An employer and employees are required to co-operate in the name of a safe working environment. For this purpose, an employer shall consult employees, a working environment representative or an employees' trustee in advance in all issues relating to the working environment concerning the planning for measures to improve the working environment, provision of first aid, designation of employees responsible for performance of rescue operations and evacuation of employees, the planning and organisation of occupational health and safety training and the choice and application of new technology and work equipment. An employer shall, where possible, take into account submitted proposals and involve the employees in the implementation of such plans.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

(6) An employer shall inform another employer whose employees perform duties in the enterprise of the employer of the hazards related to the operation of such enterprise and of the measures for avoiding such hazards, and who shall in turn inform its employees of the hazards present at the workplace and instruct them in

ways to avoid such hazards before they commence performance of their duties. Also, the measures relating to rescue operations and provision of first aid and employees responsible therefor must be made public.  
[RT I 2007, 3, 11 - entry 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 him or her in every work situation.  
[RT I 2007, 3, 11 - entry into force 01.07.2007]

(8) If a sole proprietor works at a workplace concurrently with one or several employees of an employer, he or she shall notify the employer who organises the work or, in the absence of such employer, the other employers of the hazards relating to his or her activities and shall ensure that his or her activities do not endanger 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 - entry into force 01.07.2007]

### **§ 12<sup>1</sup>. Prevention activities of employer**

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

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

- 1) avoidance of risks;
- 2) assessment of unavoidable risks;
- 3) elimination of risks at their source or, if this is not possible, reduction thereof to an acceptable level;
- 4) replacement of a dangerous factor with a non-dangerous or less dangerous one;
- 5) adaptation of the work, workplace and organisation of work to suit the employee as much as possible;
- 6) adaptation of work equipment and working methods to technical progress;
- 7) giving of collective protective measures priority over personal protective measures;
- 8) development of a coherent overall prevention policy which covers technology, organisation 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 occupational health, safety and hygiene may not involve the employees in financial cost.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

### **§ 12<sup>2</sup>. Sickness benefit paid by employer**

(1) An employer shall pay to an employee, for the fourth until the eighth calendar day of sickness or injury, benefit of 70 per cent of the employee's average wages calculated pursuant to subsection 29(8) of the Employment Contracts Act (hereinafter *sickness benefit*).  
[RT I 2009, 35, 232 - entry into force 01.07.2009]

(2) An employer shall not pay sickness benefit:  
1) in case of an employee's sickness or injury for which the Health Insurance Fund pays to the insured person sickness benefit under clauses 54(1)6 and 7) and subsections 56(1<sup>2</sup>) and (1<sup>3</sup>) of the Health Insurance Act;  
2) in cases provided for in section 60 of the Health Insurance Act.  
[RT I 2009, 29, 176 - entry into force 01.07.2009]

(3) An employer shall pay sickness benefit starting from the fourth calendar day of release from the performance of duties indicated on a certificate for sick leave.  
[RT I 2009, 35, 232 - entry into force 01.07.2009]

(4) An employer shall pay sickness benefit if the employee has submitted to the employer a certificate for sick leave no later than on the 90<sup>th</sup> calendar day as of the day of commencement of duties indicated on the certificate for incapacity for work.  
[RT I 2009, 15, 93 - entry into force 01.07.2009]

(5) An employer shall pay sickness benefit on the pay day but no later than within 30 calendar days as of the submission of a proper certificate for sick leave to the employer.  
[RT I 2009, 15, 93 - entry into force 01.07.2009]

### **§ 13. Obligations and rights of employer**

(1) An employer is required to:

- 1) conduct regular internal control 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 in legislation established on the basis thereof. Internal control of the working environment forms an integral part of the operation of an enterprise, and all employees shall be involved in the control which shall be based on the results of a 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) organise risk assessment of the working environment to ascertain working environment hazards, measure their parameters as necessary and assess the risks to the health and safety of an employee, taking account of the gender and age characteristics of the employee, including special risks to the employees specified in sections 10 and 10<sup>1</sup> of this Act and risks related to the use of workplaces and work equipment and to work organisation. Risk assessment results shall be formalised in writing and they shall be retained for 55 years;  
[RT I 2009, 5, 35 - entry into force 01.07.2009]
- 4) based on a 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 employees' health risks, and the schedule and executors thereof, and allocate the necessary resources;  
[RT I 2007, 3, 11 - entry into force 01.03.2007]
- 5) organise 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 information has become evident concerning the effect of a hazard 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 an occupational health doctor has established a work-related illness of an employee in the course of a medical examination;  
[RT I 2007, 3, 11 - entry into force 01.03.2007]
- 5<sup>1</sup>) ensure that only an employee who has received appropriate special instruction or special training works in a danger area or that work is performed under the supervision of such employee;  
[RT I 2007, 3, 11 - entry into force 01.03.2007]
- 5<sup>2</sup>) notify a minor and a legal representative of a minor under 15 years of age of risks related to the work of the minor and of the measures implemented for the protection of his or her safety and health;  
[RT I 2007, 3, 11 - entry into force 01.03.2007]
- 6) notify the employees, through working environment representatives, members of the working environment council and employees' trustees, of hazards, of the results of risk assessments of the working environment and of the measures to be implemented in order to prevent damage to health;
- 6<sup>1</sup>) apply measures provided for in employment contracts and collective agreements to prevent damage to the health of an employee and neutralise the effect of the hazards specified in sections 6–9 of this Act;
- 6<sup>2</sup>) organise the provision of occupational health services and bear the costs related thereto;
- 7) organise, pursuant to the procedure provided for in this Act or other Acts or in 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 a working environment hazard or the nature of the work, and bear the costs related thereto. The procedure for medical examinations of employees shall be established by the Minister of Social Affairs;  
[RT I 2009, 5, 35 - entry into force 01.07.2007]
- 7<sup>1</sup>) 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 - entry into force 01.07.2007]
- 8) designate employees in the enterprise for the provision of first aid, taking account of 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 completed first aid training must be present in each structural unit or in each shift;  
[RT I 2007, 3, 11 - entry 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) transfer, at the request of an employee and on the decision of a doctor, the employee to another position temporarily or permanently or ease his or her working conditions temporarily pursuant to the procedure provided for in Acts regulating employment and service relationships;
- 11) provide, at the employer's expense, an employee with personal protective equipment, special work clothes, and cleaning and washing means if the nature of the work so requires, and arrange training for the employee in the use of personal protective equipment;
- 12) familiarise an employee with the occupational health and safety requirements, and monitor compliance therewith;
- 13) before an employee commences work or changes jobs, 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 an employee to prevent contamination of the environment;
- 15) suspend an employee from work if he or she is under the influence of alcohol, narcotics or toxic or psychotropic substances;  
[RT I 2007, 3, 11 - entry into force 01.03.2007]
- 16) [repealed – RT I 2002, 47, 297 – entry into force 01.01.2003]



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

[RT I 2007, 3, 11 - entry into force 01.03.2007]

18) communicate a precept of a labour inspector or the head of the local office of the Labour Inspectorate or his or her deputy (hereinafter *labour inspector*) to an employee, working environment representative or employees' trustee, members of the working environment council and working environment specialist;

[RT I 2007, 3, 11 - entry into force 01.03.2007]

19) comply with precepts of a labour inspector in a timely manner and report to the labour inspector 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 - entry into force 01.07.2007]

#### **§ 14. Obligations and rights of employee**

(1) An employee is required to:

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

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

3) undergo medical examinations 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 - entry into force 01.03.2007]

5) ensure in accordance with his or her training and the employer's instructions that his or her work is not harmful to his or her 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 a working environment representative of an accident or a risk thereof, of an occupational accident or his or her health disorders which impede the performance of his or her duties and of any shortcomings in the protection arrangements;

[RT I 2007, 3, 11 - entry into force 01.03.2007]

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

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

[RT I 2007, 3, 11 - entry 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 - entry into force 01.03.2007]

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

[RT I 2007, 3, 11 - entry into force 01.03.2007]

(3) [Repealed – RT I 2009, 5, 35 – entry into force 01.07.2009]

(4) The occupational health and safety obligations of an employee 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 working environment hazards, the results of risk assessments of the working environment, the measures implemented to prevent damage to health, the results of medical examinations, and precepts of a labour inspector addressed to the employer;

3) in case of a serious and unavoidable risk of an accident, stop work and leave his or her workplace or the danger area;

[RT I 2007, 3, 11 - entry into force 01.03.2007]

4) refuse to carry out work or to stop work the performance of which endangers his or her health or that of other persons or does not allow to comply with environmental safety requirements, promptly notifying the employer or the employer's representative and a working environment representative thereof;

5) on the decision of a doctor, demand that the employer transfer him or her to another position temporarily or permanently or that the employer ease his or her working conditions temporarily;

5<sup>1</sup>) request his or her transfer to suitable day-time work if, by a 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 his or her health by the work to the extent provided for in the Law of Obligations Act;

7) contact a working environment representative, members of the working environment council, an employees' trustee and a labour inspector of the location of the enterprise if, in his or her opinion, the measures implemented and the equipment provided by the employer do not ensure the safety of the working environment.

### **§ 15. Risk of accident and accident**

(1) For the purposes of this Act, a risk of an accident is a situation with potential to cause an accident at a workplace. For the purposes of this Act, an accident is a fire, explosion or another incident at a workplace which may endanger the life and health of employees and 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 the danger area and performance of rescue operations;
- 3) designate employees responsible for the evacuation of people from the danger area and performance of rescue operations, 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 an accident.

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

(5) In case of a serious and unavoidable risk of an accident, it must be possible for employees to leave their workplace 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) In case of a serious or unavoidable risk of an accident, an employee shall notify the employer, at the earliest opportunity, of leaving his or her workplace or the danger area. An employee who leaves 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 an accident has been eliminated.

(8) An employer 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 - entry 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 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 service provider.

[RT I 2007, 3, 11 - entry into force 01.03.2007]

(2<sup>1</sup>) The number of working environment specialists in an enterprise shall be sufficient to organise the implementation of protective and preventive measures, taking account of the size of the enterprise and the hazards to which the employees are exposed.

[RT I 2007, 3, 11 - entry 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 working environment hazards.

(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 and 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' workability, a working environment specialist shall co-operate with the employees and a working environment representative, the working environment council, an employees' trustee and occupational health care provider.

(7) An employer shall provide a working environment specialist with equipment necessary for his or her work.

(8) An employer shall notify a working environment specialist and an external service provider specified in subsection (2) of this section of known working environment hazards which affect or may affect 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 for them access to the information specified in clauses 13(1)3 and 4) of this Act.

[RT I 2007, 3, 11 - entry 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 local office of the Labour Inspectorate of the appointment of a working environment specialist in writing within ten days, submitting his or her 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, and his or her term of authority is up to four years.

[RT I 2007, 3, 11 - entry into force 01.03.2007]

(1<sup>1</sup>) In case of a transfer of an enterprise, the term of authority of a working environment representative shall be valid until the expiry thereof but not for longer than one year as of the transfer.

[RT I 2009, 5, 35 - entry into force 01.07.2009]

(1<sup>2</sup>) The restrictions provided for in section 181 of the Law of Obligations Act shall not be applied in case of a transfer of the authorities of a working environment representative.

[RT I 2009, 5, 35 - entry into force 01.07.2009]

(2) In an enterprise which employs 10 employees or more, the employees shall elect one working environment representative from among themselves. If an enterprise employs less than 10 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 in 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 - entry 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 shall be provided by a collective agreement or any other written agreement between the employer and employees. The employer shall notify the local 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 workplace 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 his or her 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 within the shortest period of time 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 make proposals to remove the source of danger and improve the working environment;

2) access all workplaces in the enterprise necessary for the performance of his or her duties and receive from the employer information concerning the information and documents specified in clauses 13(1)3 and 4)

and subsection 24(3) of this Act which is necessary for the performance of his or her duties and information concerning precepts addressed by a labour inspector to the employer;  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

3) contact a labour inspector of the location of the enterprise or submit his or her observations to the labour inspector during inspection visits by the inspector;  
[RT I 2009, 5, 35 - entry into force 01.07.2009]

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 an employee and if it is not possible to eliminate the risk in any other manner. He or she shall promptly notify the employer or the employer's representative of the hazard. Work shall not be resumed until the hazard has been eliminated.

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

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

[RT I 2009, 5, 35 - entry 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 agreement between the employer and employees. The period for performance of such duties depends on the size of and the working conditions in the enterprise and on 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 50 employees, a working environment council shall be set up at the initiative of the employer and it 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. The employees' representatives shall be elected pursuant to the procedure established in subsection 17(4) of this Act.

[RT I 2007, 3, 11 - entry into force 01.03.2007]

(3) The Labour Inspectorate has the right to demand that a working environment council be set up also in an enterprise with less than 50 employees depending on the hazards 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 his or her 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.

(5<sup>1</sup>) An employer shall notify the local office of the Labour Inspectorate of the formation of a working environment council in writing no later than within ten days, submitting the following information:

- 1) the given name, surname, position and contact details of the chairperson of the council;
- 2) the given names, surnames and positions of the members of the council;
- 3) the 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 an occupational health and safety development plan of the enterprise, and in the preparation of plans for the reconstruction or repair of the enterprise and for technological innovations in the enterprise, and of other plans;
- 3) examine the results of internal control of the working environment in the enterprise and, if necessary, make proposals for the elimination of deficiencies;
- 4) analyse occupational accidents, occupational diseases and other work-related illnesses, 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 an 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 - entry into force 01.03.2007]

(9) An employer shall release a member of the working environment council from the duties of his or her principal job during the time when he or she performs the duties of a member of the working environment council. During this period, the member of the working environment council shall continue to receive his or her average wages. A member of the working environment council who represents employees has the guarantees prescribed in the Employment Contracts Act or the Public Service Act, a collective agreement or the employment contract. The conditions for release from the duties of the principal job shall be prescribed in a collective agreement or any other written agreement between the employer and employees. The period of release from the duties of the 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 2009, 5, 35 - entry into force 01.07.2009]

(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 shall continue to receive their average wages.

(11) A working environment council shall inform the local office of the Labour Inspectorate in writing of its activities during the last 12 months by no later than 1 December each year.

### **§ 19. Occupational health service and provider thereof**

(1) Occupational health service means the performance of duties of an occupational health doctor, occupational health nurse, occupational hygienist, occupational psychologist or ergonomist (hereinafter *occupational health specialist*) with the aim of contributing to the creation of a working environment which would be safe for the health of employees, preventing work-related illnesses, and preserving and promoting the health and workability of employees. The duties of occupational health specialists in provision of occupational health service shall be established by the Minister of Social Affairs.

(2) An occupational health service provider is a legal person or sole proprietor who provides occupational health services and is registered with the Health Board or holds an activity licence issued by the Health Board.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

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

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

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

- 1) maintenance of the confidentiality of a production and business secret which has become known to him or her in the course of his or her activities, except if departure from this principle is required in order to protect the health and safety of employees;
- 2) ensuring of the confidentiality of information concerning the health and private life of employees;
- 3) disclosure of the results of a medical examination to the management of the enterprise only in terms of restrictions imposed on the performance of duties by an employee by reason of contraindications;
- 4) provision of information to employees concerning the risks associated with their professional activities and the working environment.

(5) An employer and an employee shall provide a working environment specialist with information necessary for the performance of his or her duties.

### **§ 19<sup>1</sup>. Registration of occupational health service provider**

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

(2) A person applying for registration shall submit to the Health Board a registration application and copies of documents required for registration, including copies of documents certifying qualification. For the purposes of this Act, documents certifying qualification are a diploma certifying the professional competence of a working

environment specialist, a certificate of specialisation or in-service training, and a certificate to the effect that the person is a competent measurer within the meaning of the Metrology Act.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

(2<sup>1</sup>) A person applying for registration as an occupational health service provider is required to pay, prior to the submission of a registration application, a state fee for the review of his or her application to the extent provided for in the State Fees Act.  
[RT I 2008, 56, 313 - entry into force 01.01.2009]

(3) The Health Board shall verify the authenticity of the information and documents 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.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

(4) If the information submitted in a registration application is insufficient, the Health Board shall designate a term to the applicant for elimination of the deficiencies, but not more than 15 days. A person shall not be registered as an occupational health service provider if he or she submits false information or if he or she fails to submit the documents specified in subsection (2) of this section.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

(5) If a person is not registered with the Health Board, the person shall be sent a written notice within 10 working days as of the date of making of the decision, setting out the reasons for refusal to register.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

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

(7) An occupational health service provider is issued a registration certificate.

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

(9) An occupational health service provider is required to notify the Health Board in writing of any changes in the information specified in the registration application within 15 days after such changes become effective.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

(10) An occupational health service provider whose activities include performance of the duties of an occupational health doctor or occupational health nurse shall submit an application for issue of an activity licence for the provision of a health care service to the Health Board pursuant to the procedure and on the conditions established by the Health Services Organisation Act, and subsections (1)–(9) of this section shall not be applied to such person.  
[RT I 2009, 49, 331 - entry into force 01.01.2010]

(11) [Repealed – RT I 2004, 54, 389 entry into force 15.07.2004]

## **§ 20. [Repealed – RT I 2004, 54, 389 entry into force 15.07.2004]**

### **§ 20<sup>1</sup>. Functions of Health Board in field of occupational health** [RT I 2009, 49, 331 - entry into force 01.01.2010]

The Health Board shall:

[RT I 2009, 49, 331 - entry into force 01.01.2010]

1) participate in the preparation of occupational health programmes and organise their implementation;  
[RT I 2004, 54, 389 - entry into force 15.07.2004]

2) analyse information concerning employees' occupational diseases and illnesses caused by work;  
[RT I 2004, 54, 389 - entry into force 15.07.2004]

3) organise in-service training for occupational health specialists;  
[RT I 2004, 54, 389 - entry into force 15.07.2004]

4) register occupational health service providers.  
[RT I 2004, 54, 389 - entry 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, confederations of employers and confederations 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 assess the condition of the working environment as a whole in the state;

- 2) gather, review and discuss proposals by social partners for improvement of the working environment;
- 3) analyse the effectiveness of measures for improvement of the working environment;
- 4) make proposals and recommendations to the Minister of Social Affairs on working environment issues;
- 5) discuss draft Acts and regulations submitted to the Riigikogu, the Government of the Republic and the Minister of Social Affairs and provide assessments thereof;
- 6) make 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, confederations of employers and confederations of employees.

## **Chapter 5**

# **OCCUPATIONAL ACCIDENT AND OCCUPATIONAL DISEASE**

### **§ 22. Occupational accident**

(1) An occupational accident is damage to the health of an employee or death of an employee which occurred 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. Damage to the health or 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. An occupational accident which resulted in serious bodily injury to an employee or due to which an employee's life is endangered is classified as a serious occupational accident.

(3) A doctor shall promptly report a serious or fatal occupational accident and declaring an employee to be temporarily incapacitated for work to the employer and the local 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 local office of the Labour Inspectorate and a fatal accident also to the police.  
[RT I 2007, 3, 11 - entry into force 01.03.2007]

### **§ 23. Occupational disease and other work-related illness**

(1) An occupational disease is a disease which is brought about by a working environment hazard specified in the list of occupational diseases or by the nature of the work. The list of occupational diseases shall be established by the Minister of Social Affairs.

(2) A work-related illness is an occupational disease or an illness caused by work.

(3) An illness caused by work is an illness caused by a working environment hazard and not deemed to be an occupational disease.

(4) A doctor who suspects that an employee is suffering from a work-related illness 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 his or her work. For such purpose, an occupational health doctor requires:

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

- 2) from an employee a statement of his or her medical records.

[RT I 2009, 5, 35 - entry into force 01.07.2009]

(6) An occupational health doctor shall inform the employer, the local office of the Labour Inspectorate and the doctor who referred an employee to him or her 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 - entry into force 01.03.2007]

(7) An occupational health doctor shall inform the local office of the Labour Inspectorate of an illness caused by work in writing or in a format which can be reproduced in writing no later than within five days after diagnosing the illness, submitting the following information:

[RT I 2007, 3, 11 - entry into force 01.03.2007]

- 1) the given name, surname and position of the employee;
- 2) the date of diagnosing the illness;
- 3) the illness and its causes;
- 4) the employer and the employer's address.

(8) The Labour Inspectorate shall forward the statistical data on occupational diseases and illnesses caused by work in the previous year to the Health Board no later than by 1 March of each year.

[RT I 2009, 49, 331 - entry into force 01.01.2010]

## **§ 24. Investigation and registration of occupational accident and occupational disease**

(1) The circumstances of an occupational accident and 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 his or her absence, an employees' trustee shall participate with the right to vote. If the employer lacks necessary knowledge, the employer shall involve a competent expert in the investigation.

(1<sup>1</sup>) 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 an occupational accident 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) An employer shall submit a written report on the investigation results to the victim or a person representing his or her interests and the local office of the Labour Inspectorate. The report shall indicate measures to be implemented by the employer to prevent a similar occupational accident or occupational disease.

(3) An employer shall register all occupational accidents, cases of occupational disease and other illnesses caused by work and make relevant information available to a working environment specialist, working environment representative, employees' trustee and the working environment council.

(3<sup>1</sup>) Information concerning the state of health of an employee obtained in the course of an investigation of an occupational accident, an occupational disease and other illness caused by work is sensitive personal data which shall be processed pursuant to the procedure provided for in the Personal Data Protection Act.

(4) A labour inspector shall investigate all fatal occupational accidents and, if necessary, cases of occupational disease and other occupational accidents. The need for conduct of an investigation shall be determined by the head of the local office of the Labour Inspectorate.

(4<sup>1</sup>) 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 the 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 occupational diseases shall be retained for 55 years.

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

(7) The Labour Inspectorate shall maintain a database concerning occupational accidents and occupational diseases and illnesses caused by work pursuant to the procedure provided for in the Public Information Act and in accordance with the Personal Data Protection Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

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

(9) The Labour Inspectorate shall forward information to the database established under section 8<sup>1</sup> of the Labour Market Services and Benefits Act to the extent corresponding to and pursuant to the procedure established by the statutes of the database.

## **Chapter 6**



# STATE SUPERVISION

## § 25. State supervisory authority

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

(1<sup>1</sup>) The Health Board shall exercise supervision over compliance with the requirements provided for in sections 19 and 19<sup>1</sup> of this Act pursuant to the procedure provided for in the Health Services Organisation Act. [RT I 2009, 49, 331 - entry into force 01.01.2010]

(2) Market supervision over personal protective equipment shall be exercised, within the limits of their competence, by the Consumer Protection Board and the Labour Inspectorate. Market supervision shall be subject to the Product Conformity Act. [RT I 2010, 31, 158 - entry into force 01.10.2010]

## § 26. Obligations and rights of labour inspector

(1) [Repealed – RT I 2003, 20, 120 – entry into force 01.07.2003]

(2) A labour inspector shall be independent in performing his or her 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 accidents;
- 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 with the established requirements if a notice specified in clause 13(1)17) of this Act has been received from an employer;
- 4) to maintain the confidentiality of a production or business secret which has become known to him or her in the course of his or her duties, except if the requirement to disclose such information is provided by law;
- 5) not to disclose to the employer or other persons information concerning a person who has notified him or her of deficiencies present in the working environment and 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 an employee or that of other persons, and to prohibit the use of life-threatening work equipment;
- 7) to present a certificate of employment when performing his or her duties. [RT I 2007, 3, 11 - entry into force 01.03.2007]

(4) A labour inspector has the right to:

- 1) [repealed – RT I 2003, 20, 120 – entry into force 01.07.2003]
- 2) [repealed – RT I 2003, 20, 120 – entry into force 01.07.2003]
- 3) [repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]
- 4) check adherence to the requirements provided for in this Act and in legislation established on the basis thereof; [RT I 2007, 3, 11 - entry into force 01.03.2007]
- 5) enter, for the purposes of exercise of supervision, in coordination with the employer, the workplaces being inspected, including, if necessary, without giving prior notice; [RT I 2007, 3, 11 - entry into force 01.03.2007]
- 6) obtain information necessary for the exercise of supervision, examine relevant documents in the process of supervision, obtain copies of the documents, without charge, or make them on site, and, if a misdemeanour is suspected, take the documents with him or her; [RT I 2007, 3, 11 - entry 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 - entry into force 01.03.2007]
- 8) question, alone or in the presence of witnesses, an employer, working environment representative, working environment specialist and employees; [RT I 2007, 3, 11 - entry into force 01.03.2007]
- 9) identify persons in the process of supervision; [RT I 2007, 3, 11 - entry into force 01.03.2007]
- 10) issue a precept to terminate a violation of the requirements provided for in this Act and in legislation established on the basis thereof, eliminate the consequences of a violation, make good the damage caused by a violation or perform other acts. [RT I 2007, 3, 11 - entry into force 01.03.2007]

## **§ 26<sup>1</sup>. Precept**

(1) In case of a 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 prepared the precept and the name and address of the agency;
- 3) the given name, surname and address of the natural person, or the name and postal address of the legal person, or the name and postal address of the 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 setting out the obligations of the obligated subject arising from the precept and the terms for the performance thereof;
- 6) a reference to the possibility of administrative coercive measures being applied in case of a 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 prepared the precept.

(2) A precept shall be prepared in two original copies one of which shall remain with the person who prepared the precept and the other shall be given to the obligated subject. If there is a need to inform a third person of the precept, a copy certified by the person who issued the precept shall be sent to him or her.

[RT I 2007, 3, 11 - entry 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) In case of a 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 1,300 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 26<sup>2</sup>. Challenge proceedings concerning precept**

(1) A challenge against a precept shall be filed, heard and settled pursuant to the procedure provided for in the Administrative Procedure Act, taking account of 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 local 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 local 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 2003, 20, 120 - entry into force 01.07.2003]

# **Chapter 7** **[Repealed – RT I 2003, 20, 120 – entry into force 01.07.2003]**

## **Chapter 7<sup>1</sup>** **LIABILITY**

[RT I 2002, 63, 387 - entry into force 01.09.2002]

## **§ 27<sup>1</sup>. Violation of occupational health and safety requirements**

(1) Violation of 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 2,600 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 27<sup>2</sup>. Concealment of occupational accident or occupational disease**

(1) Concealment of or failure to investigate an occupational accident or an occupational disease, also failure to prepare a written report, or violation of other requirements for registration or investigation of an occupational accident or an 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 2,000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

### **§ 27<sup>3</sup>. Proceedings**

(1) The misdemeanours provided for in sections 27<sup>1</sup> and 27<sup>2</sup> of this Act are subject to the provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure.

(2) The body conducting extra-judicial proceedings pertaining to the misdemeanours provided for in sections 27<sup>1</sup> and 27<sup>2</sup> of this Act is the Labour Inspectorate.  
[RT I 2002, 63, 387 - entry into force 01.09.2002]

**§ 28.–§ 30.**[Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

## **Chapter 8 IMPLEMENTING PROVISIONS**

### **§ 31. Validity of legislation established on the basis of the Republic of Estonia Labour Protection Act**

The legislation established on the basis of the Republic of Estonia Labour Protection Act is valid after the entry into force of this Act insofar as it is not contrary to this Act and until it is either repealed or brought into conformity with this Act.

### **§ 31<sup>1</sup>. Termination of activities of Occupational Health Centre**

The activities of the state authority Occupational Health Centre administered by the Ministry of Social Affairs shall be terminated on 15 August 2004.  
[RT I 2004, 54, 389 - entry into force 15.07.2004]

### **§ 31<sup>2</sup>. 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 periodic instalments by the Social Insurance Board on the basis of subsection 473(1) of the Civil Code of the Estonian SSR is indexed on 1 April of every year 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 - entry into force 26.01.2007]

### **§ 31<sup>3</sup>. Payment of sickness benefits**

Sickness benefit provided for in section 12<sup>2</sup> of this Act shall be paid by an employer on the basis of certificates for sick leave which specify 1 July 2009 or a later date as the start date of release from the performance of duties.  
[RT I 2009, 15, 93 - entry into force 01.07.2009]

**§ 32.–§ 36.**[Omitted from this text.]