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Occupational Health and Safety Act

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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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20.12.2006	RT I 2007, 3, 11	26.01.2007
20.12.2006	RT I 2007, 3, 11	01.03.2007
20.12.2006	RT I 2007, 3, 11	01.07.2007
24.01.2007	RT I 2007, 12, 66	01.01.2008
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09.12.2008	RT I 2008, 56, 313	01.01.2009
17.12.2008	RT I 2009, 5, 35	01.07.2009
20.02.2009	RT I 2009, 15, 93	01.07.2009
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18.06.2009	RT I 2009, 35, 232	01.07.2009
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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
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19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014
26.03.2014	RT I, 16.04.2014, 1	26.04.2014
21.05.2014	RT I, 04.06.2014, 2	01.09.2014
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17.09.2014	RT I, 08.10.2014, 1	18.10.2014
29.01.2015	RT I, 26.02.2015, 1	01.03.2015
29.10.2015	RT I, 10.11.2015, 2	01.12.2015
25.11.2015	RT I, 17.12.2015, 1	20.12.2015, in part 01.07.2016 and 01.01.2017
15.06.2016	RT I, 08.07.2016, 1	01.01.2017
12.04.2017	RT I, 28.04.2017, 1	08.05.2017
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13.06.2018	RT I, 26.06.2018, 6	06.07.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
19.12.2018	RT I, 10.01.2019, 2	20.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
17.06.2020	RT I, 09.07.2020, 1	30.07.2020
09.12.2020	RT I, 29.12.2020, 2	01.01.2021, in part 01.03.2021, 01.05.2021 and 01.09.2021; amended in part [RT I, 21.04.2021, 1]; amended in part [RT I, 22.12.2021, 3]
14.04.2021	RT I, 21.04.2021, 1	01.05.2021
08.12.2021	RT I, 22.12.2021, 3	01.01.2022, in part 01.01.2023
20.04.2022	RT I, 30.04.2022, 1	01.08.2022
26.10.2022	RT I, 09.11.2022, 1	19.11.2022, in part 01.01.2023
28.12.2022	RT I, 11.01.2023, 1	12.01.2023, applied retroactively as of 1 January 2023; in part enters into force 01.07.2023
22.02.2023	RT I, 11.03.2023, 9	01.04.2023
20.06.2023	RT I, 30.06.2023, 1	01.07.2023
16.04.2024	RT I, 02.05.2024, 3	15.05.2024

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, and the liability for violation of the occupational health and safety requirements.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(2) This Act is 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, security authorities and rescue service agencies insofar as not otherwise provided by specific laws or legislation established on the basis thereof and not in conflict with the State Secrets and Classified Information of Foreign States Act.
[RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(3) This Act is also applied to:
1) the work of a prisoner performed in prison with the specifications provided 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 natural person working under a contract for the provision of services (hereinafter *service provider*) to the extent provided in subsections 4–9 of § 12 and subsection 2 of § 24 of this Act.

[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(4) The Administrative Procedure Act is applied to administrative proceedings prescribed in this Act, taking into account 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 their health.

(3) [Repealed – RT I, 12.06.2018, 3 – entry into force 01.01.2019]

Chapter 2
WORKING ENVIRONMENT

§ 3. General requirements

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

(2) Physical, chemical, biological, physiological and psychosocial factors present in the working environment must not endanger the life or health of an employee or that of another person in the working environment.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(3) Parameters of chemical hazards and of physical hazards listed in clause 1 of subsection 1 of § 6 of this Act in the working environment must not exceed the maximum limits.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(4) The maximum limits for working environment hazards and the procedure for measuring the parameters of hazards are 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 must provide an employee with personal protective equipment. The procedure for the selection and use of personal protective equipment is 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 their employment or where they work with the permission or on the order of the employer.

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

(3^1) The occupational health and safety requirements for work in explosion hazard zones are established by the Government of the Republic.

(4) In order to prevent or reduce a health risk, a workplace must be provided with protective, rescue and first aid equipment, safety signs and other safety equipment. The requirements for the use of safety signs are established by a regulation of the minister in charge of the policy sector.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(4[1]) A workplace and work equipment must be in good technical condition and regularly maintained. The safety equipment and safety devices intended to prevent hazards must be regularly maintained and checked. Any faults found which are liable to affect the safety and health of employees must be rectified as quickly as possible.
[RT I 2007, 3, 11 – entry into force 01.03.2007]

(4[2]) 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, said areas must be marked and appropriate measures must be taken to prevent employees who have not received appropriate instruction or 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 appropriate instruction and training. Appropriate measures must be taken to protect employees who work in a danger area.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(4[3]) The territory of a workplace, stairwells, routes, workrooms and non-workrooms must be adequately lit. The location of the light sources must not endanger an employee. The lighting must 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[4]) Outdoor work must 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 will not endanger people or interfere with vehicle traffic.
[RT I 2007, 3, 11 – entry into force 01.03.2007]

(4[5]) The occupational health and safety requirements set for a workplace are 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 are 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 – must 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 must 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 must ensure that the work equipment made available to an employee meets the following conditions:
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
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) safety requirements for electricity, fire and explosives are complied with;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
5) accidental start-up is prevented and, where necessary, it is possible to immediately shut down the equipment or a part thereof, interrupt its power supply and prevent dangerous leakage;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
6) the level of noise, vibration, 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 are established by the Government of the Republic.

§ 6. Physical hazards

(1) Physical hazards are:
1) noise, vibration, 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 and risk of falling, electric shock or explosion as well as other such factors.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(2) An employer must implement measures to prevent a health risk arising from physical hazards or reduce it as much as possible.

(3) An employer must ensure that the safety requirements provided 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 is not accessible by unauthorised persons.

(3[1]) The reference level for radon concentrations in workrooms, the procedure for measuring radon concentrations and the obligations of an employer in workplaces with heightened risk of radon are provided in the regulation established on the basis of subsection 3 of § 97 of the Radiation Act.
[RT I, 26.06.2018, 6 – entry into force 06.07.2018]

(4) The indoor climate at a workplace – air temperature and humidity and air velocity – must be appropriate for the performance of official duties and it must be ensured that there is fresh air in workplaces. A suitable indoor climate must 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 vibration in the working environment must 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 must not interfere with the performance of official duties. Noise must 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 are 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 and materials containing such chemicals, which are handled in an enterprise.
[RT I, 10.11.2015, 2 – entry into force 01.12.2015]

(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 are established by the Government of the Republic.

(4) An employer has the right to process test and analysis data concerning measuring of chemical hazards in an employee’s system insofar as necessary for applying measures arising from the risk assessment of the working environment in order to protect the employees from damage to health caused by chemical hazards.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

§ 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 must implement measures to provide protection from biological hazards present in a workplace, taking into account the infectiousness of the hazard.

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

(4) An employer has the right to process test and analysis data concerning measuring of biological hazards in an employee’s system and vaccination data insofar as necessary for applying measures arising from the risk assessment of the working environment in order to protect the employees from damage to health caused by biological hazards.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

§ 9. Physiological hazards

[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

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

(2) In order to prevent the physical stress of an employee, the employer must adapt the work to suit the employee as much as possible and enable breaks to be included in the working time for the employee during the working day or shift. In designing a workplace and organising work, the physical, mental, gender and age characteristics of the employee and changes in their work ability during a working day or shift must be taken into account.

(3) The occupational health and safety requirements for manual handling of loads are established by the minister in charge of the policy sector by a regulation.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 9[1]. Psychosocial hazards

(1) Psychosocial hazards are work involving a risk of an accident or violence, unequal treatment, bullying and harassment at work, work not corresponding to the abilities of an employee, working alone for an extended period of time and monotonous work and other factors related to management, organisation of work and working environment that may affect the mental or physical health of an employee, including cause work stress.

(2) In order to prevent damage to health arising from a psychosocial hazard, the employer must take measures, including adapt the organisation of work and workplace to suit the employee, optimise the employee's workload, enable breaks to be included in the working time for the employee during the working day or shift and improve the enterprise's psychosocial working environment.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 10. Pregnant and nursing employees

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

(2) Upon assigning work to pregnant and nursing women, an employer must 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 are established by a regulation of the Government of the Republic.

(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 has the right to additional breaks for nursing until the child is a year and a half old. An additional break must 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 must last for at least one hour.

(6) Nursing breaks must be included in the working time and average wages calculated on the basis of subsection 8 of § 29 of the Employment Contracts Act are paid for such breaks from the state budget funds, unless the mother is paid parental benefit for raising the child.
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(7) The procedure for the payment of average wages compensated from the state budget and the list of data of the application for compensation are established by a regulation of the minister in charge of the policy sector.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

(8) Average wages are compensated from the state budget on the basis of subsections 4–8 of § 66 of the Employment Contracts Act.
[RT I, 08.07.2016, 1 – entry into force 01.01.2017]

§ 10[1]. Underage employees and employees with health damage

[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(1) An employer must create suitable working and rest conditions for underage employees and employees with health damage.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(2) An employer must take measures based on a risk assessment to prevent health risks of an underage employee. Risks to an underage employee must be assessed before the underage employee commences work and in case there has been a significant change in the working conditions. The following must be taken into account in risk assessment:
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]
1) the design and furnishing of the workroom and workplace;
2) the effect of working environment hazards on the health of an underage employee;
3) the suitability of work equipment and use thereof for an underage employee;
4) the suitability of the organisation of work for an underage employee;
5) instruction and training of an underage employee.

[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(3) An employer is required to enable, pursuant to the procedure provided in Acts governing 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 an employee with health damage must be adapted to their physical and mental abilities. Adaptation means making the building, workroom, workplace or work equipment of the employer accessible and usable for a person with health damage. This requirement also applies to commonly used routes and non-workrooms used by employees with health damage.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

§ 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 must be constructed and furnished taking into account the working conditions and the number and gender of the employees.

(3) An employer must ensure that dressing rooms are available for employees who wear special work clothes, and drying chambers for clothes and rooms for warming up or other similar premises are available for employees performing outdoor work.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(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 must 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 must be available for employees.
[RT I 2007, 3, 11 – entry into force 01.03.2007]

(6) An employer must ensure that non-workrooms are kept clean.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(7) It must be possible to ventilate 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 must 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 occupational health and safety requirements

[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(1) An employer must ensure 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 must guarantee conformity with occupational health and safety requirements in the user undertaking. If duties are performed by way of teleworking, the employer must guarantee conformity with occupational health and safety requirements insofar as possible considering the particular nature of teleworking and based on the provisions of § 13^{5} of this Act.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(2) An employer must not allow an employee to work if they lack the necessary professional knowledge or skills or knowledge about occupational health and safety.

(3) An employer and employees are required to co-operate in the name of a safe working environment. An employer must consult with employees or a representative of employees in issues concerning the planning for measures to improve the working environment, the organisation of provision of instructions and training as well as organisation of provision of an occupational health service, the organisation of rescue operations and first aid, and the selection and application of new technology and work equipment. An employer must, where possible, take into account submitted proposals and involve the employees in the implementation of such plans.
[RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(4) A service provider must ensure the soundness and correct use of the work equipment, personal protective equipment and other equipment belonging to them in every work situation.

(5) If employees of at least two employers work at a workplace concurrently, the employers must co-ordinate their activities to prevent dangerous situations. The employers must inform each other and their employees or working environment representatives of any hazards present at their common workplace and of measures for avoiding such hazards and of the organisation of rescue operations and first aid.

(6) If in addition to the employees of one or several employers a service provider also works at the workplace, the employer must inform the service provider, where necessary, of the circumstances indicated in subsection 5 of this section.

(7) In the cases referred to in subsections 5 and 6 of this section, employers may make an agreement as to the performance of the obligation set out in subsection 5 or appoint a person who organises the work who must perform the obligations. If employers make no such agreement and appoint no person who organises the work, they are jointly and severally liable for non-performance of the obligation set out in subsection 5.

(8) In the event referred to in subsection 6 of this section the service provider must notify the person who organises the work or, in their absence, the employer of the hazards relating to their activities and must ensure that their activities do not endanger employees.

(9) Service providers working in one and the same working environment must inform each other of hazards relating to their activities and ensure that their activities do not endanger those performing work.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

§ 12^{1}. 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 must 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^{2}. Sickness benefit paid by employer

(1) An employer must pay to an employee, for the fourth until the eighth calendar day of sickness, injury or quarantine, benefit of 70 per cent of the employee's average wages calculated pursuant to subsection 8 of § 29 of the Employment Contracts Act (hereinafter *sickness benefit*).
[RT I, 11.01.2023, 1 – entry into force 01.07.2023]

(2) An employer does 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 6–8 of subsection 1 of § 54 and subsections 1^{2}, $1^{3}$and $1^{4}$of § 56 of the Health Insurance Act;
[RT I, 11.03.2023, 9 – entry into force 01.04.2023]
2) in cases provided in section 60 of the Health Insurance Act.
[RT I 2009, 29, 176 – entry into force 01.07.2009]

(3) An employer must 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, 11.01.2023, 1 – entry into force 01.07.2023]

(4) An employer must pay sickness benefit if the employee has informed the employer of the discontinuance of an electronic certificate for sick leave or the employee has submitted to the employer a paper certificate for sick leave or a paper certificate issued by the physician or dentist who treated the employee in a foreign state (hereinafter *medical certificate*) no later than on the 90th calendar day as of the day of commencement of duties indicated on the certificate for sick leave or on the medical certificate.
[RT I, 08.10.2014, 1 – entry into force 18.10.2014]

(5) An employer must pay sickness benefit on the pay day or within 30 calendar days as of being informed by the employee of the discontinuance of an electronic certificate for sick leave or as of the submission of a proper paper certificate for sick leave or medical certificate to the employer.
[RT I, 08.10.2014, 1 – entry into force 18.10.2014]

§ 12^{3}. Voluntary benefit for incapacity for work paid by employer

(1) In addition to a sickness benefit paid on the basis of § 12^{2} of this Act and a benefit for incapacity for work paid in the event of an insured event provided in the Health Insurance Act or a regulation issued on the basis thereof, an employer may pay an employee a voluntary benefit for incapacity for work on the basis of a certificate of incapacity for work.

(2) An employer will not pay a voluntary benefit for incapacity for work on the basis of clauses 3–4^{1} of subsection 1 of § 51 or in the cases provided in § 60 of the Health Insurance Act.

(3) A voluntary benefit for incapacity for work together with a sickness benefit paid on the basis of § 12^{2} of this Act may not exceed the average wages of the employee calculated on the basis of subsection 8 of § 29 of the Employment Contracts Act (hereinafter average wages).

(4) If an employee is paid a benefit for incapacity for work by the Health Insurance Fund, the employer will calculate the amount of the maximum voluntary benefit for incapacity for work by subtracting the amount of the average wages corresponding to the percentage of the benefit for incapacity for work provided in the Health Insurance Act and the amount paid on the basis of § 12^{2} of this Act from the average wages of the employee.

(5) An employer is to pay a voluntary benefit for incapacity for work at the time provided in subsection 5 of § 12^{2} of this Act.
[RT I, 02.05.2024, 3 – entry into force 15.05.2024]

§ 12^{4}. Working on the basis of certificate for sick leave

(1) An employee and their employer have the right to agree in written form on a temporary basis on performance of work corresponding to state of health on the basis of a certificate for sick leave, if more than 60 calendar days have passed from the date of release from the performance of employment or service duties indicated in the employee's certificate for sick leave and the release from the performance of employment or service duties lasts for at least 90 calendar days, until the date provided in subsection 1 of § 57 of the Health Insurance Act. An official being in service on the basis of a certificate for sick leave is formalised by a directive.

(2) An employer and an employee are required to comply with the working conditions corresponding to the state of health indicated in the certificate for sick leave.

(3) If an employer cannot provide an employee with working conditions corresponding to the employee's state of health, the employee may not work on the basis of a certificate for sick leave.

(4) An employer may not pay wage for working on the basis of a certificate for sick leave less than 50 per cent of the wage applicable on the day preceding the day of release from the performance of employment or service duties as indicated in the certificate for sick leave.

(5) In addition to the wage paid by the employer, an employee receives a sickness benefit on the conditions and in accordance with the rules provided in the Health Insurance Act.

(6) An employee and their employer may cancel the agreement specified in subsection 1 of this section at any given time.
[RT I, 02.05.2024, 3 – entry into force 15.05.2024]

§ 12[5]. Working on the basis of certificate for sick leave by pregnant employee and employee who has the right to maternity leave

(1) A pregnant employee and an employee who has the right to maternity leave have the right to demand on a temporary basis work corresponding to their state of health on the basis of a certificate for sick leave if their state of health does not allow for the performance of the prescribed duties on the agreed conditions.

(2) Working on the basis of subsection 1 of this section is subject to the provisions of subsections 2 and 4–6 of § 12[4] of this Act.

(3) A pregnant employee and an employee who has the right to maternity leave may refuse the performance of duties on the basis of a certificate for sick leave if the employer is unable to provide them with work corresponding to their state of health, or opt out work offered.
[RT I, 02.05.2024, 3 – entry into force 15.05.2024]

§ 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 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 must be involved in the control which must 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, where necessary, adjust measures to the changed situation;
3) organise risk assessment of the working environment;
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]
4) [repealed – RT I, 29.12.2020, 2 – entry into force 01.03.2021]
5) [repealed – RT I, 29.12.2020, 2 – entry into force 01.03.2021]
5[1]) ensure that only an employee who has received appropriate instruction or training works in a danger area or that work is performed under the supervision of such employee;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
5[2]) 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 their safety and health;
[RT I 2007, 3, 11 – entry into force 01.03.2007]
6) [repealed – RT I, 29.12.2020, 2 – entry into force 01.03.2021]
6[1]) apply measures provided in employment contracts and collective agreements to prevent damage to the health of an employee and neutralise the effect of the working environment hazards listed in §§ 6–9[1] of this Act;
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]
6[2]) [repealed – RT I, 09.11.2022, 1 – entry into force 01.01.2023]
7) organise provision of an occupational health service;
[RT I, 09.11.2022, 1 – entry into force 01.01.2023]
7[1]) [repealed – RT I, 12.06.2018, 3 – entry into force 01.01.2019]
8) ensure access by all employees to first aid and first aid equipment in the workplace;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
9) [repealed – RT I, 12.06.2018, 3 – entry into force 01.01.2019]
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 their working conditions temporarily pursuant to the procedure provided in Acts governing 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) verify compliance with the occupational health and safety requirements;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
13) arrange for instruction and training for employees;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
14) on the basis of a risk assessment of the working environment, prepare safety instructions for the work to be carried out and for the work equipment used;
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]
15) suspend an employee from work if they are 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) [repealed – RT I, 12.06.2018, 3 – entry into force 01.01.2019]
18) communicate a precept of the Labour Inspectorate to employees, the working environment specialist, the working environment council, working environment representatives and other representatives of employees;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
19) comply with precepts of the Labour Inspectorate by the due date and report on compliance therewith through the working environment database of the Labour Inspectorate or in a form reproducible in writing.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(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]

§ 13[1]. Occupational health service

[RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(1) An employer must organise provision of an occupational health service.

(2) The occupational health service is provided by an occupational health doctor, involving other specialists, where necessary.

(3) In the provision of the occupational health service, the occupational health doctor:
1) reviews the risk assessment of the working environment and, where necessary, visits the working environment;
2) analyses the company's occupational health situation as a whole;
3) carries out a medical examination of employees on the basis of the risk assessment of the working environment;
4) makes proposals to the employer for improving the working conditions and promoting the health of employees;
5) consults the employer in issues of adapting the working environment and working conditions and promoting the health of employees;
6) consults an employee in issues of health promotion.

(4) A medical examination is to be organised for an employee whose health may be affected, as a result of assessment of risks in the working environment, by the following working environment hazards or nature of work:
1) noise;
2) vibration;
3) electromagnetic fields;
4) artificial optical radiation;
5) ionising radiation;
6) dangerous chemicals and materials containing such chemicals, including carcinogens, mutagens and substances toxic to reproduction;
[RT I, 02.05.2024, 3 – entry into force 15.05.2024]
7) biological hazards;
8) work with display screen equipment;
9) manual handling of loads;
10) work involving repetitive movements or work in a constant forced position, including in a sitting or standing position;
11) other hazard or nature of work.

(5) Regardless of the risk assessment results a medical examination is to be organised for a night worker and an employee who is exposed to lead and its compounds and asbestos dust.

(6) The employer must organise the medical examination of an employee within four months as of the time the employee commences work. If within the past six months the employee has had a medical examination as to the same working environment hazards and the same nature of work while working for another employer, the employer may organise a medical examination at the time stated in the medical examination decision produced by the employee.

(7) The employer must organise the medical examination of an employee before the employee becomes exposed to biological hazards, carcinogens, mutagens, substances toxic to reproduction, lead and its compounds and asbestos dust, and the medical examination of a night worker before commencement of night work.
[RT I, 02.05.2024, 3 – entry into force 15.05.2024]

(8) In addition to the time specified in subsections 6 and 7 of this section, the employer must organise the medical examination of an employee at the interval set by an occupational health doctor but at least once every three years and, in case of an employee who is a minor, at least once a year.

(9) Specifying requirements for a medical examination based on a working environment hazard or nature of work specified in subsection 4 of this section may be established by a regulation of the Government of the Republic.

(10) Specifying requirements for a medical examination based on the nature of work specified in clause 9 of subsection 4 of this section are established by a regulation of the minister in charge of the policy sector.

(11) The employer must cover the costs related to provision of the occupational health service. A medical examination of employees must be carried out during working time and the employee must be paid average working day wage during such time.

(12) The analysis of the company's occupational health situation specified in clause 2 of subsection 3 of this section is organised by the employer on a regular basis as needed but no less than once every three years.

(13) The employer is to apply the occupational health doctor's proposals for improving the working environment and working conditions and promoting the health of employees, unless this brings about disproportionately high costs for the employer. Where necessary, the employer is to add the proposals to the risk assessment action plan.

(14) The occupational health doctor sends the employer an employee's health data that are indispensable to the employer for improving the working environment and working conditions and promoting the health of employees and that are directly related to the above activities. The employer has no right to receive information about diagnoses.

(15) The procedure for provision of the occupational health service is established by a regulation of the minister in charge of the policy sector.

(16) The provider of the occupational health service is to retain records concerning the provision of the occupational health service for 30 years after such provision. The employer is to retain records concerning organisation of provision of the occupational health service for ten years after provision.
[RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(17) The employer is to retain records concerning the provision of the occupational health service for 40 years after the employee's last exposure to a carcinogen or mutagen and for five years after the employee's last exposure to a substance toxic to reproduction.
[RT I, 02.05.2024, 3 – entry into force 15.05.2024]

§ 13^{2}. First aid

(1) For the provision of first aid, an employer must:
1) designate at least one provider of first aid from among the employees, taking into account the number of employees, the frequency of occurrence of damage to health, and the regional division and nature of activities of the enterprise;
2) enable the provider of first aid to perform their duties during working time;
3) at the employer's expense and during working time, organise training for the provider of first aid within one month as of their designation and refresher training after every three years, and pay the provider of first aid average working day wage during such training and refresher training;
4) place in a visible spot first aid instructions, the emergency number 112, and the name and phone number of the provider of first aid;
5) ensure employees the availability of, access to and marking of first aid equipment according to the requirements provided in subsection 4 of § 4 of this Act, including in motor vehicles, tractors, mobile machinery and vehicles designed for specific work applications;
6) ensure a first aid room or a room adapted therefor which is marked according to subsection 4 of § 4 of this Act and which can be accessed with a gurney if it is necessary due to the number of employees, the nature of activities of the enterprise or the frequency of occurrence of damage to health;
7) ensure that an employee who has suffered damage to health is taken to a health care institution or home, as ordered by doctor.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(2) Training need not be organised for the provider of first aid if the everyday work of the provider of first aid requires the provision of emergency medicine, anaesthesiology, intensive care or ambulance services.

(3) The provider of first aid must perform the following duties:
1) in case of damage to health, provide first aid to an employee and person specified in subsection 3 of § 1 of this Act;
2) call for an ambulance;
3) check on a regular basis the presence of first aid equipment and whether it corresponds to the needs of the enterprise.

(4) The training and refresher training of the provider of first aid must be carried out by a manager of a continuing education institution according to the requirements of the Adult Education Act.

(5) The procedure for the training and refresher training of the provider of first aid in a continuing education institution is established by a regulation of the minister in charge of the policy sector.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 13³. Instruction and training

(1) An employer must instruct an employee before commencement of work. Above all, the following must be disclosed during instruction:
1) the enterprise's occupational health and safety requirements and the contact details of the working environment representative and the working environment specialist;
2) results of a risk assessment of the working environment, including hazards in the employee's working environment, the employee's health risks and measures taken to prevent damage to health;
3) safety requirements for the work to be carried out and for the work equipment used;
4) ergonomically correct working positions and techniques;
5) use of means of collective protection and personal protective equipment;
6) actions in case of damage to health, including instructions for the provision of first aid, use and location of first aid equipment, emergency number 112, and the contact details of the provider of first aid;
7) electrical and fire safety requirements;
8) instructions on what to do in case of risk of an accident and an accident, safety signs used in the workplace, and locations of emergency exits and routes and fire-extinguishing appliances;
9) instructions for preventing contamination of the environment.

(2) An employer must organise for an employee in the workplace training for learning safe working techniques, taking into account, among other things, the distinctive nature and level of danger of the employee's work.

(3) An employer must repeat an employee's instruction and training in the necessary part and extent if:
1) the organisation of occupational health and safety in the enterprise changes;
2) the employee's duties change or the employer gives to the disposal of the employee new work equipment or technology;
3) the employee has been absent from work for a long time;
4) the employee violated occupational safety requirements and this caused or could have caused an accident, including an occupational accident;
5) the employee, the employer or the Labour Inspectorate deems it necessary.

(4) An employer allows an employee to work if the employer is convinced that the employee knows the enterprise's organisation of occupational health and safety and can apply safe working techniques in practice.

(5) An employer must register the date and essence of instruction and training in writing or in a form reproducible in writing. An employee must confirm such instruction and training in writing or in a form reproducible in writing.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 13⁴. Risk assessment of working environment

(1) When preparing a risk assessment of the working environment, an employer must ascertain working environment hazards, measure their parameters as necessary and assess the risks to the health and safety of an employee.

(2) The risk assessment must include an action plan designating the measures applied in all fields of activity and at all management levels of the enterprise to prevent or reduce employees' health risks, and a schedule for applying such measures and executors thereof. The employer must allocate the necessary resources for carrying out the action plan.

(3) The risk assessment must take into account the gender, age and health characteristics of employees, including special risks to the employees specified in §§ 10 and 10¹of this Act, and risks related to the use of workplaces and work equipment and to work organisation.

(4) The employer must update the risk assessment when:
1) the working conditions or the working environment have significantly changed;
2) the work equipment or technology has been changed or upgraded;
3) new information has become evident concerning the effect of a hazard on human health;
4) the risk level has changed as compared with the original level due to an accident or a dangerous situation;
5) an occupational health doctor has established a work-related illness of an employee in the course of a medical examination;
6) exercising supervision, a labour inspector has established that the risk assessment does not adequately assess the hazards present in the working environment, including the parameters of hazards have not been measured or no measures for managing the hazards have been set forth.

(5) The employer must inform the employees and their representatives of the risk assessment.

(6) The employer must prepare the risk assessment in a form reproducible in writing.

(7) The employer must prepare the risk assessment in the working environment database or send it to the Labour Inspectorate in a form reproducible in writing.

(8) Risk assessments must be retained in the working environment database, unless the employer is under no obligation to add the risk assessment to the database.

(9) The employer must retain risk assessments not entered in the working environment database or prepared before 1 March 2021 for 55 years as of the preparation of the relevant risk assessment.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

§ 13^{5}. Obligations of employer in case of teleworking

(1) An employer is required to:
1) set out in the risk assessment of the working environment possible risks arising from the nature of work and, considering the particular nature of teleworking, apply measures for preventing or reducing an employee's health risks;
2) instruct an employee before permitting teleworking and on a regular basis as needed based on the provisions of § 13^{3}of this Act and considering the particular nature of teleworking;
3) ensure proper work equipment for performance of duties;
4) organise medical examinations of employees according to the provisions of § 13^{1}of this Act;
5) investigate occupational accidents and occupational diseases according to the provisions of § 24 of this Act;
6) pay sickness benefit according to the provisions of § 12^{2}of this Act.

(2) The workplace for teleworking is furnished by agreement of the employee and the employer.

(3) An employer must perform occupational health and safety obligations not specified in subsection 1 of this section insofar as possible considering the particular nature of teleworking.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

§ 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;
1^{1}) arrange a safe workplace and working conditions for teleworking based on their employer's instructions;
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]
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 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 a working environment representative of an accident or a risk thereof, of an occupational accident or their health disorders which impede the performance of their duties and of any shortcomings in the protection arrangements;
[RT I 2007, 3, 11 – entry into force 01.03.2007]
7) comply with the occupational health and safety instructions of the employer, working environment specialist, working environment representative, occupational health doctor and Labour Inspectorate;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
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]
10) ensure that working for or providing a service under another person providing work does not put their life or health or the life or health of others at risk.
[RT I, 30.04.2022, 1 – entry into force 01.08.2022]

(1^{1}) A person processing an employee's health data in the performance of duties is required to maintain the confidentiality of such data indefinitely.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(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 do not discharge the employer from liability in this field, except in the event that duties are performed by way of teleworking and the employer has performed all the obligations specified in § 13[5] of this Act.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(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 the Labour Inspectorate addressed to the employer;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
3) in case of a serious and unavoidable risk of an accident, stop work and leave their 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 their 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 them to another position temporarily or permanently or that the employer ease their working conditions temporarily;
5[1]) request their 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 their health by the work to the extent provided in the Law of Obligations Act;
7) contact a working environment representative, members of the working environment council, other representatives of employees and the Labour Inspectorate if, in their opinion, the measures implemented and the equipment provided by the employer do not ensure the safety of the working environment.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 14[1]. Contractual penalty for violation of occupational health and safety requirements

(1) An employer and an employee, for the purposes of the Employment Contracts Act, may agree upon a contractual penalty for the violation of occupational health and safety requirements on the conditions and pursuant to the procedure provided in the Law of Obligations Act.

(2) A contractual penalty is agreed upon if the employer has instructed and trained the employee beforehand according to § 13[3] of this Act.

(3) A contractual penalty agreement must be in writing.

(4) A contractual penalty agreement must determine the actions of the employee and employer that can be deemed as a violation of occupational health and safety requirements and that can result in a risk to the employee's health.

(5) A contractual penalty agreed upon for a violation of occupational health and safety requirements by the employee may not exceed the employee's one month's average wage calculated on the basis of the employee's average working day wage.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 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 those 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 must 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 must 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 must notify the employer, at the earliest opportunity, of leaving their workplace or the danger area. An employee who leaves without permission must not be punished or placed at any disadvantage.

(7) An employer must not ask employees to resume work until the risk of an accident has been eliminated.

(8) An employer must 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 employee with working environment related knowledge and skills whom the employer has authorised to perform occupational health and safety responsibilities in the enterprise.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(2) In the absence of the employee specified in subsection 1 of this section, an employer must use a competent outside specialist.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(2^1) The number of working environment specialists in an enterprise must be sufficient to organise the implementation of protective and preventive measures, taking into account 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 does not discharge the employer from liability in the field of occupational health and safety.

(4) A working environment specialist must be familiar with the legislation governing 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' work ability, a working environment specialist must co-operate with the employees, members of the working environment council, working environment representatives, other representatives of employees and an occupational health care provider.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(7) An employer must provide a working environment specialist with equipment necessary for their work.

(8) An employer must notify a working environment specialist and an outside 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 2 of § 15 of this Act, and must ensure for them access to the risk assessment, including action plan.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(9) An employer who has working environment related knowledge and skills may perform the duties of a working environment specialist.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(10) An employer must give notice of the appointment of a working environment specialist through the working environment database of the Labour Inspectorate or in a form reproducible in writing within ten days as of the appointment, submitting their given name and surname, position and contact details.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

§ 16[1]. Safe working life database

[Repealed – RT I, 29.12.2020, 2 – entry into force 01.09.2021]

§ 17. Working environment representative

(1) A working environment representative is a representative elected by employees in occupational health and safety issues, and their term of authority is decided by the meeting of employees.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(1^1) In case of a transfer of an enterprise, the term of authority of a working environment representative is valid until the expiry thereof but for no longer than one year as of the transfer.
[RT I 2009, 5, 35 – entry into force 01.07.2009]

(1^2) The restrictions provided in § 181 of the Law of Obligations Act are not 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 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 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 calls a meeting of employees of the enterprise, the enterprise's structural unit or the relevant shift, in which 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 the employees of the enterprise, the enterprise's structural unit or the relevant shift participated therein. The election procedure is provided by a collective agreement or any other written agreement between the employer and employees. The employer notifies the Labour Inspectorate of the names and positions of the elected working environment representatives through the working environment database or in a form reproducible in writing within ten days after the election.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(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 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 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, instruction and training in the field of occupational health and safety;
6) monitor that the employer has organised provision of the occupational health service.
[RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(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 their duties and receive from the employer information concerning the information and documents specified in subsections 1–3 of § $13^4$and subsection 3 of § 24 of this Act which is necessary for the performance of their duties and information concerning precepts addressed by the Labour Inspectorate to the employer;
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]
3) contact the Labour Inspectorate;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

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. They must promptly notify the employer or the employer's representative of the hazard. Work must not be resumed until the hazard has been eliminated.

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

(8) An employer must allow a working environment representative to perform their obligations during working time. During this period, the working environment representative must be paid their average working day wage.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(9) The period for performance of the duties of a working environment representative is 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 is not 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 150 employees, a working environment council is set up at the initiative of the employer and it must comprise an equal number of representatives designated by the employer and representatives elected by the employees. The council must comprise at least four members. The term of authority of the employer's representative is decided by the employer. The employees' representative is elected pursuant to the procedure established in subsection 4 of § 17 of this Act and their term of authority is decided by the meeting of employees.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(3) The Labour Inspectorate also has the right to demand that a working environment council be set up in an enterprise with less than 150 employees depending on the hazards present and the number of occupational accidents and cases of occupational disease in the enterprise.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

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

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

(5^1) [Repealed – RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(6) A working environment council:
1) regularly analyses the working conditions in the enterprise, documents developing problems, makes proposals to the employer for the resolution thereof and monitors the implementation of adopted resolutions;
2) participates 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) examines the results of internal control of the working environment in the enterprise and, where necessary, makes proposals for the elimination of deficiencies;
4) analyses occupational accidents, occupational diseases and other work-related illnesses, and monitors the implementation of measures for the prevention thereof by the employer;
5) assists in the creation of suitable working conditions and work organisation for employees, including employees specified in §§ 10 and 10^1 of this Act.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

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

(8) If an employer does not consider it possible to take such proposals into account, the employer responds 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 must 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 must continue to receive their average wages. A member of the working environment council who represents employees has the guarantees prescribed in the Employment Contracts Act or the Civil Service Act, a collective agreement or the employment contract. The conditions for release from the duties of the principal job are 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 is not 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) [Repealed – RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(11) [Repealed – RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 18[1]. Training and refresher training of working environment representative and member of working environment council

(1) An employer must organise training for a working environment representative and a member of the working environment council necessary for the performance of their duties within two months as of their election.

(2) An employer must organise refresher training for a working environment representative and a member of the working environment council if there are new hazards or health risks present in the working environment, there have been significant changes in legislation governing occupational health and safety, or the working environment representative, the member of the working environment council, the employer or the Labour Inspectorate deems it necessary.

(3) The training and refresher training must be carried out by a manager of a continuing education institution according to the requirements of the Adult Education Act. If the need for refresher training arises from new hazards or health risks present in the working environment, the refresher training may be carried out by the employer if the employer has the necessary knowledge and skills.

(4) An employer must arrange for the training and refresher training at the employer’s expense and during working hours. During training and refresher training the working environment representative and the member of the working environment council must be paid their average working day wage.

(5) The procedure for the training and refresher training in a continuing education institution is established by a regulation of the minister in charge of the policy sector.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 19. Occupational health service and provider thereof

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(1) In addition to the occupational health service specified in subsection 3 of § 13[1] of this Act, an occupational health doctor, occupational health nurse, occupational hygienist, occupational psychologist, occupational physiotherapist and ergonomist (hereinafter *occupational health specialist*) may provide the following occupational health services:
1) conduct of a risk assessment of the working environment, including the measurement of the parameters of hazards;
2) provision of advice to an employer on the adaptation of work to the abilities and state of health of an employee;
3) provision of advice to an employer on selection and use of work equipment and personal protective equipment, and on improvement of working conditions;
4) organisation of medical rehabilitation for employees;
5) psychological counselling of an employer and an employee.
[RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(2) [Repealed – RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(3) A person providing an occupational health service must be a competent measurer for the purposes of the Measuring Act if the occupational health service provided includes the measurement of the parameters of working environment hazards for which a requirement for a competent measurer is provided by legislation.
[RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(4) Upon the provision of occupational health services, a natural person who holds a diploma certifying their professional competence as an occupational health specialist or who holds a certificate of specialisation or refresher training must work under a contract for a person providing occupational health services.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 19[1]. Acting as occupational health service provider

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(1) In order to provide occupational health services which include the performance of the duties of an occupational health doctor and an occupational health nurse, the provisions of the Health Services Organisation Act apply.

(2) In order to act as an occupational health service provider, a legal person or a sole proprietor must submit a notice of economic activities specified in subsection 1 of § 14 of the General Part of the Economic Activities Code Act.

(3) In addition to the information included in a notice of economic activities provided in the General Part of the Economic Activities Code Act, a notice of economic activities must set out the following information:
1) the occupational health service being provided;
2) the name of the occupational health specialist;
3) the contact details of the occupational health specialist (phone number, e-mail address);
4) information concerning the occupational health specialist's diploma certifying their professional competence or concerning their certificate of specialisation or refresher training, above all the speciality, certificate number, place and date of issue as well as period of validity thereof;
5) a legal person's or a sole proprietor's written statement that an occupational health specialist is working for the legal person or sole proprietor under a contract;
6) a legal person's or a sole proprietor's written statement that the person meets the requirement provided in subsection 3 of § 19 of this Act.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 19². Obligations of occupational health specialist

(1) In their work, an occupational health specialist must observe the following principles of professional ethics:
1) maintenance of the confidentiality of a production and business secret which they have learnt of in the course of their 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) [repealed – RT I, 09.11.2022, 1 – entry into force 01.01.2023]
4) provision of information to employees concerning the risks associated with their professional activities and the working environment.

(2) An employer and an employee must provide an occupational health specialist with information necessary for the performance of the occupational health specialist's duties.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(3) [Repealed – RT I, 09.11.2022, 1 – entry into force 01.01.2023]

§ 20. Occupational Health Centre

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

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

[RT I 2009, 49, 331 – entry into force 01.01.2010]
The Health Board:
[RT I 2009, 49, 331 – entry into force 01.01.2010]
1) participates in the preparation of occupational health programmes and organises their implementation;
[RT I 2004, 54, 389 – entry into force 15.07.2004]
2) analyses information concerning employees' occupational diseases and illnesses caused by work;
[RT I 2004, 54, 389 – entry into force 15.07.2004]
3) organises refresher training for occupational health specialists;
[RT I 2004, 54, 389 – entry into force 15.07.2004]
4) [repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 21. Advisory Committee on Working Environment

(1) The Advisory Committee on Working Environment is an advisory board within the Ministry of Economic Affairs and Communications 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.
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(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 performs the following functions:
1) regularly assesses the condition of the working environment as a whole 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 in charge of the policy sector on working environment issues;
5) discusses draft Acts and regulations submitted to the Riigikogu, the Government of the Republic and the minister in charge of the policy sector and provide assessments thereof;
6) makes proposals to amend legislation.

(4) The rules of procedure of the Advisory Committee on Working Environment are established by its statutes which are approved by the minister in charge of the policy sector. The membership of the Advisory Committee is approved by the minister in charge of the policy sector 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 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) [Repealed – RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(3) A doctor must promptly report a fatal occupational accident and an occupational accident as a result of which an employee was declared to be temporarily incapacitated for work to the Labour Inspectorate in writing or in a form reproducible in writing.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(3^1) The Labour Inspectorate promptly notifies the employer of the receipt of a notice specified in subsection 3 of this section through the working environment database or in a form reproducible in writing.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(4) An employer must promptly report an occupational accident that has caused a life-threatening condition or a fatal occupational accident to the Labour Inspectorate and a fatal accident also to the police.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

§ 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 is established by the minister in charge of the policy sector.

(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 must refer the employee to an occupational health doctor.

(5) An occupational disease and an illness caused by work are diagnosed by an occupational health doctor who must determine the state of the employee's health and collect information concerning the employee's current and previous working conditions and the nature of their work, involving other health care providers, where necessary. For this purpose, the occupational health doctor:
1) requires from employers information concerning previous medical examinations administered to the employee, and the results of the risk assessment of the working environment or, if there is no risk assessment, a letter of explanation concerning the employee's working conditions and nature of their work;
2) talks to the employer and, where necessary, visits the working environment;
3) talks to the employee and, where necessary, requests additional health data from the employee.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(6) An occupational health doctor must inform the employer, the Labour Inspectorate and the doctor who referred an employee to them of the employee's occupational disease in writing or in a form reproducible in writing no later than within five days after diagnosing the disease.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(7) An occupational health doctor must inform the Labour Inspectorate of an illness caused by work in writing or in a form reproducible in writing no later than within five days after diagnosing the illness, submitting the following information:
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
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 forwards 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) An employer must investigate all occupational accidents and occupational diseases. The purpose of an investigation of an occupational accident and occupational disease is to ascertain the circumstances of the occupational accident and occupational disease and reasons therefor and to determine the measures for preventing the recurrence of a similar event. A working environment representative or, in their absence, another representative of employees participates in the investigation with the right to vote. If the employer lacks necessary knowledge, the employer must involve a competent expert in the investigation.

(2) If an occupational accident has occurred with a service provider in a situation provided in subsection 6 of § 12 of this Act, all acts related to the occupational accident provided in this Chapter must be performed by the person who organises the work or, in their absence, by the employer.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

(3) An employer must register all occupational accidents and occupational diseases and make relevant information, including the investigation results, available to the injured party, working environment specialist, working environment council, working environment representative and other representatives of employees.

(4) An employer must draw up a report on the results of an investigation of an occupational disease and present the report to the Labour Inspectorate in writing or through the working environment database and to the injured party or a person representing their interests in writing.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(4^1) An employer must draw up a report on the results of an investigation of an occupational accident if the occupational accident resulted in temporary incapacity for work or death. The employer must draw up the report on the results of an investigation of an occupational accident in the working environment database or send it to the Labour Inspectorate in writing and present the report to the injured party or a person representing their interests in writing.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(5) The Labour Inspectorate investigates occupational accidents and occupational diseases where necessary.

(6) The Labour Inspectorate does not investigate an occupational accident concerning which there are criminal proceedings being conducted.

(7) After the end of criminal proceedings the Labour Inspectorate investigates fatal occupational accidents, occupational accidents which have resulted in serious damage to health and concerning which criminal proceedings were initiated due to disregard for occupational health and safety requirements and, where necessary, occupational accidents concerning which criminal proceedings were initiated due to disregard for occupational health and safety requirements through negligence.

(8) The Labour Inspectorate has the right to require that an employer conduct further investigation and amend an occupational accident or occupational disease report if the Labour Inspectorate establishes that no investigation has been conducted or the report has not been drawn up in accordance with the requirements.

(9) [Repealed – RT I, 10.01.2019, 2 – entry into force 20.01.2019]

(10) The procedure for registration, reporting and investigation of occupational accidents and occupational diseases is established by a regulation of the Government of the Republic.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

(11) Information concerning investigations of occupational accidents and occupational diseases must be retained for 55 years. A report drawn up on the results of an investigation of an occupational accident and occupational disease must be stored in the working environment database.

[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(12) An employer has the right to process an employee's health data insofar as necessary for investigating an occupational accident and occupational disease, above all data concerning identification of damage to health related to an occupational accident and of an occupational disease. Data concerning an occupational accident are sent to the employer by the employee or the Labour Inspectorate and data concerning an occupational disease by an occupational health doctor.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

§ 24^1. Working environment database

(1) The aim of the working environment database is to promote occupational safety by enabling the Labour Inspectorate to process information relating to occupational health and safety for the purpose of assessing enterprises' working environments, planning and executing prevention and supervision activities and processing labour disputes and conciliation. The database enables employers and employees to exercise rights and perform obligations related to occupational health and safety.

(2) The controller of the database is the Labour Inspectorate.

(3) The following data are processed in the database:
1) general data of natural persons and enterprises;
2) data concerning enterprises' working environments;
3) data concerning the Labour Inspectorate's supervisory activities and operations;
4) data concerning misdemeanour proceedings conducted by an extra-judicial body;
5) data concerning accidents in a working environment, occupational accidents, occupational diseases and illnesses caused by work;
6) data concerning resolution of labour dispute matters and conciliation proceedings.

(4) The data entered in the database must be retained as of the entry thereof in the database as follows:
1) data concerning supervision for up to ten years;
2) data concerning misdemeanour proceedings for five years;
3) data concerning accidents, occupational accidents, occupational diseases and illnesses caused by work for up to 55 years;
4) data concerning labour disputes for up to 55 years;
5) data concerning risk assessments for up to 55 years.

(5) The working environment database and its statutes are established by the minister in charge of the policy sector by a regulation which sets out:
1) the processors and their duties;
2) persons submitting data, detailed composition of collected data and the procedure for the entry thereof in the database;
3) the procedure for access to and issue of data;
4) the detailed procedure for the retention of data;
5) other organisational matters.

(6) The data contained in the working environment database is not public.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

Chapter 5^1
COMPENSATION BY SOCIAL INSURANCE BOARD FOR DAMAGE ARISING FROM OCCUPATIONAL ACCIDENT AND OCCUPATIONAL DISEASE

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

§ 24^2. Compensation by Social Insurance Board for proprietary damage caused through health damage or death arising from occupational accident or occupational disease

(1) If an employer is dissolved without having a legal successor, the Social Insurance Board compensates for proprietary damage caused to a person by their employer through health damage or death arising from an occupational accident or occupational disease.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

(2) If an employer is dissolved without having a legal successor, the Social Insurance Board compensates for proprietary damage caused to a person between the age of 16 and the pensionable age by their employer through health damage arising from an occupational accident or occupational disease if the person has completed assessment of work ability by the Estonian Unemployment Insurance Fund and the person has been established to have partial or no work ability on the conditions and pursuant to the procedure provided in the Work Ability Allowance Act.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

§ 24[3]. Establishment of loss of work ability for compensation for proprietary damage caused through health damage arising from occupational accident or occupational disease

(1) For compensation for proprietary damage caused through health damage arising from an occupational accident or occupational disease, the Social Insurance Board involves a person who has completed medical training and who establishes the scope of loss of a person’s work ability.

(2) Taking into account the state of health, a person who has completed medical training establishes the loss of a person’s work ability on a scale of 10–100 per cent and separately the loss of work ability arising from an occupational accident or occupational disease on a scale of 10–100 per cent.

(3) A person who has completed medical training establishes that the loss of work ability of a person between the age of 16 and the pensionable age is:
1) 100 per cent if following an assessment of work ability by the Estonian Unemployment Insurance Fund it has been established that the person has no work ability, or
2) 10–90 per cent if following an assessment of work ability by the Estonian Unemployment Insurance Fund it has been established that the person has partial work ability.
[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

§ 24[4]. Payment of damages in case of health damage arising from occupational accident or occupational disease

(1) The Social Insurance Board reduces the monthly damages paid in case of health damage arising from an occupational accident or occupational disease by the portion of the work ability allowance paid to a person by the Estonian Unemployment Insurance Fund which equals the work ability allowance paid multiplied by the quotient of the percentage of the loss of work ability arising from an occupational accident or occupational disease and the percentage of the total loss of the person’s work ability.

(2) The Social Insurance Board grants a person between the age of 16 and the pensionable age damages in case of health damage arising from an occupational accident or occupational disease until the end of the person’s partial or no work ability established by the Estonian Unemployment Insurance Fund.

(3) The Social Insurance Board continues to pay indefinitely the monthly damages last granted to a person who has reached the pensionable age and who has been established by the Estonian Unemployment Insurance Fund to have partial or no work ability before reaching the pensionable age and whom the Social Insurance Board has compensated for proprietary damage caused through health damage arising from an occupational accident or occupational disease.

(4) The Social Insurance Board grants indefinitely the damages paid each month to a person of pensionable age in case of health damage arising from an occupational accident or occupational disease.

(5) The Social Insurance Board grants the damages paid each month to a person less than 16 years of age in case of health damage arising from an occupational accident or occupational disease until the person reaches 16 years of age.
[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

§ 24[5]. Data exchange for compensation for proprietary damage caused through health damage arising from occupational accident or occupational disease

(1) The Social Insurance Board has the right to obtain from a person their personal data in order to grant and pay the damages subject to payment in case of health damage arising from an occupational accident or occupational disease.

(2) With the consent of the person and in order to grant and pay the damages subject to payment in case of health damage arising from an occupational accident or occupational disease and to process data under an international agreement, the Social Insurance Board has access to the given name and surname of the physician who has submitted data to the health information system.

(3) With the consent of the person and in order to establish the loss of work ability and process data under an international agreement, a person who has completed medical training has the right to receive from the health information system the following health information:
1) information concerning the data submitter;
2) information concerning out-patient visits and hospitalisations;

3) information concerning medicinal products.

(4) The list of information in the health information system necessary to establish the loss of work ability and process data under an international agreement and the periods for inquiries is established by a regulation of the minister in charge of the policy sector.

(5) If there is no information specified in subsection 3 of this section in the health information system or the information is insufficient, the physician must forward the information requested to the health information system or to the person who has completed medical training within ten working days as of the receipt of the relevant request.

(6) In order to grant and pay the damages subject to payment in case of health damage arising from an occupational accident or occupational disease, the Social Insurance Board has the right to receive the necessary information held in the employment register, which means information concerning the start, suspension and end of the person's employment and the type of their employment.

(7) In order to grant and pay the damages subject to payment in case of health damage arising from an occupational accident or occupational disease, the Social Insurance Board has the right to receive the necessary information held by the Tax and Customs Board concerning the amount of the social tax declared on the person's income subject to social tax by calendar months.
[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

Chapter 6
STATE AND ADMINISTRATIVE SUPERVISION

[RT I, 28.04.2017, 1 - entry into force 08.05.2017]

§ 25. State and administrative supervision

[RT I, 28.04.2017, 1 – entry into force 08.05.2017]

(1) State and administrative supervision over the compliance with the requirements provided in this Act and in legislation established on the basis thereof is exercised by the Labour Inspectorate.
[RT I, 28.04.2017, 1 – entry into force 08.05.2017]

(2) State supervision over compliance of occupational health service providers and their economic activities with the requirements provided in subsections 2, 3, 15 and 16 of § 13[1] and in §§ 19–19[2] of this Act is exercised by the Health Board on the conditions and pursuant to the procedure provided in the Health Services Organisation Act.
[RT I, 09.11.2022, 1 – entry into force 01.01.2023]

(3) [Repealed – RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(4) [Repealed – RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(5) The Labour Inspectorate is required, inter alia, to:
1) investigate occupational accidents and occupational diseases where necessary;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
2) exercise supervision over investigations of occupational accidents and over the implementation of measures for the prevention of occupational accidents and occupational diseases;
3) check, as necessary, the conformity of the working conditions in a new or reconstructed building with the established requirements;
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]
4) stop work which is dangerous to the life of an employee or that of other persons, and prohibit the use of life-threatening work equipment.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 26. Special state supervision measures

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
In order to exercise the state supervision provided by this Act, the Labour Inspectorate may apply the special state supervision measures provided in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act and the special equipment provided in clause 12 of § 78[1] on the basis and pursuant to the procedure provided by the Law Enforcement Act.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 26^{1}. Rate of penalty payment

[Repealed – RT I, 28.04.2017, 1 – entry into force 08.05.2017]

§ 26^{2}. Challenge proceedings concerning precept

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 7
SETTLEMENT OF DISPUTES

[Repealed -RT I 2003, 20, 120 - entry into force 01.07.2003]

§ 27. Settlement of disputes

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

Chapter 7^{1}
LIABILITY

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

§ 27^{1}. Violation of occupational health and safety requirements established for workplace

(1) Violation of occupational health and safety requirements established for a workplace by subsections 2, 3 and 4^{1}–$4^{4}$of § 4 and on the basis of subsections 3^{1}, 4, $4^{5}$and 5 of § 4 of this Act if it involved a threat to the health or life of an employee, committed by an employer or an employer's management board member or another representative to whom the obligation to ensure compliance with these requirements was delegated is punishable by a fine of up to 300 fine units.
[RT I, 09.07.2020, 1 – entry into force 30.07.2020]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 27^{2}. Violation of occupational health and safety requirements established for work equipment

(1) Violation of occupational health and safety requirements established for work equipment by subsections 2 and 3 of § 5 and on the basis of subsection 4 of § 5 of this Act if it involved a threat to the health or life of an employee, committed by an employer or an employer's management board member or another representative to whom the obligation to ensure compliance with these requirements was delegated is punishable by a fine of up to 300 fine units.
[RT I, 09.07.2020, 1 – entry into force 30.07.2020]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 27^{3}. Violation of requirements established for working environment affected by physical, chemical, biological, physiological and psychosocial hazards

(1) Violation of requirements established for working environment affected by physical, chemical, biological, physiological or psychosocial hazards if it involved a threat to the health or life of an employee, committed by an employer or an employer's management board member or another representative to whom the obligation to ensure compliance with these requirements was delegated is punishable by a fine of up to 300 fine units.
[RT I, 09.07.2020, 1 – entry into force 30.07.2020]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 27^{4}. Failure to arrange instruction and training for employee

(1) Failure to arrange instruction and training for an employee if it involved a threat to the health or life of an employee, committed by an employer or an employer's management board member or another representative to whom the obligation to arrange such instruction and training was delegated is punishable by a fine of up to 300 fine units.
[RT I, 09.07.2020, 1 – entry into force 30.07.2020]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 27^{5}. Failure to investigate occupational accident and occupational disease

(1) Failure to investigate or prepare a written report on an occupational accident or an occupational disease according to § 24 of this Act, committed by an employer or an employer's management board member or another representative to whom the performance of this obligation was delegated is punishable by a fine of up to 300 fine units.
[RT I, 09.07.2020, 1 – entry into force 30.07.2020]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 27^{6}. Proceedings

The extra-judicial body conducting proceedings in matters of misdemeanours provided in § 27^{1}–$27^{5}$of this Act is the Labour Inspectorate.
[RT I, 12.06.2018, 3 – entry into force 01.01.2019]

§ 28. Liability

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

§ 29. Proceedings in matters of offences by legal persons

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

§ 30. Preparation of administrative offence report

[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^{1}. Termination of activities of Occupational Health Centre

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

§ 31^{2}. 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 1 of § 24^{2}, subsection 2 of § $31^{4}$and subsections 1 and 3 of § $31^{5}$of this Act is indexed on 1 April of every year by the index approved pursuant to subsection 6 of § 26 of the State Pension Insurance Act. The compensation is not indexed if the value of the index is less than 1.000.
[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

§ 31^{3}. Payment of sickness benefits

(1) Sickness benefit provided in § $12^{2}$of this Act is 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]

(2) Certificates for sick leave issued before 1 January 2021 are subject to the wording of this Act that was in force up to and including 31 December 2020.
[RT I, 29.12.2020, 2 – entry into force 01.01.2021]

(3) Certificates for sick leave issued before 1 January 2023 are subject to the wording of this Act that was in force up to and including 31 December 2022.
[RT I, 22.12.2021, 3 – entry into force 01.01.2023]

(4) Certificates for sick leave issued before 1 July 2023 are subject to the wording of this Act that was in force up to and including 30 June 2023.
[RT I, 11.01.2023, 1 – entry into force 01.07.2023]

§ 31^{4}. Compensation for damage by Social Insurance Board

(1) [Repealed – RT I, 17.12.2015, 1 – entry into force 01.07.2016]

(2) A person who is paid compensation by the Social Insurance Board on the basis of subsection 1 of § 473 of the Civil Code of the Estonian SSR at the time of entry into force of this section continues to receive compensation for proprietary damage caused through health damage or the death of a person arising from an occupational accident or occupational disease pursuant to the procedure applicable so far.
[RT I, 16.04.2014, 1 – entry into force 26.04.2014]

§ 31^{5}. Grant, recalculation and continuation of payment of damages subject to payment in case of health damage arising from occupational accident or occupational disease

(1) The Social Insurance Board pays the damages subject to payment in case of health damage arising from an occupational accident or occupational disease and granted before1 July 2016 until the end of the duration of the permanent incapacity for work established by the Social Insurance Board.

(2) The Social Insurance Board recalculates the damages subject to payment in case of health damage arising from an occupational accident or occupational disease and granted before1 July 2016 if the person has completed an assessment of work ability by the Estonian Unemployment Insurance Fund and the person has been established to have partial or no work ability on the conditions and pursuant to the procedure provided in the Work Ability Allowance Act.

(3) The Social Insurance Board continues to pay the granted damages indefinitely to a person of pensionable age to whom the Social Insurance Board has granted damages subject to payment in case of health damage arising from an occupational accident or occupational diseasebefore1 July 2016.

(4) Subsection 2 of § 24^{2}of this Act does not apply to persons who have the right to damages in case of health damage arising from an occupational accident or occupational disease under the Social Security Agreement between the Republic of Estonia and Ukraine, until the amendment thereof. The damages are paid to said persons indefinitely.
[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

§ 31^{6}. Use and destruction of information in safe working life database

(1) Employers can use the safe working life database until 31 August 2021.

(2) Information in the safe working life database will be destroyed no later than on 31 December 2021.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

§ 31^{7}. Application of subsection 6 of § 13^{4}of this Act

Employers are required to submit a valid risk assessment of the working environment prepared before 1 March 2021 to the working environment database or send it to the Labour Inspectorate by no later than 1 September 2021.
[RT I, 29.12.2020, 2 – entry into force 01.03.2021]

§ 31^{8}. Application of subsection 11 of § 24 of this Act

Data concerning an investigation of an occupational accident and occupational disease collected before the entry into force of the second sentence of subsection 11 of § 24 of this Act must be retained by the employer for 55 years, unless such data have been transferred to the working environment database.
[RT I, 09.11.2022, 1 – entry into force 19.11.2022]

§ 32.–§ 36.[Omitted from this text.]