

Evaluation of the EU Occupational Safety and Health Directives

COUNTRY SUMMARY REPORT FOR ESTONIA

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The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission.

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ABBREVIATIONS USED

CPMs	Common processes and mechanisms
D	Directive
Ex.	Example
KarS	Penal Code (<i>Karistusseadustik</i>)
KaevS	Mining Act (<i>Kaevandamiseseadus</i>)
KemS	Chemicals Act (<i>Kemikaaliseadus</i>)
KRs	Key requirements
MKMM	Regulation of the Minister of Economic Affairs and Communications (<i>Majandus- ja Kommunikatsiooniministeerium</i>)
MõõteS	Metrology Act (<i>Mõõteseadus</i>)
MOS	Machinery Safety Act (<i>Masina ohutuse seadus</i>)
MQs	Mapping questions
MSOS	Maritime Safety Act (<i>Meresõiduohutuse seadus</i>)
MTööS	Seafarers Employment Act (<i>Meretöö seadus</i>)
NIR	National Implementation Report of Directive 89/391/EEC, its individual Directives and Directives 2009/148/EC, 91/383/EEC, 92/29/EEC and 94/33/EC, Estonian Ministry of Social Affairs, 2013
OSH	Occupational Safety and Health
RaKS	Health Insurance Act (<i>Ravikindlustuse seadus</i>)
SoM	Ministry of Social Affairs (<i>Sotsiaalministeerium</i>)
SoMM	Regulation of the Minister of Social Affairs
TLS	Employment Contracts Act (<i>Töölepingu seadus</i>)
TTOS	Occupational Health and Safety Act (<i>Töötervishoiu ja tööohutuse seadus</i>)
VVM	Regulation of the Government

INTRODUCTION

General introduction to the report

This report presents a review of the main features of the practical implementation of 24 EU occupational safety and health (OSH) Directives in Estonia. The information in this report has been gathered between October 2013 and June 2014. This Country Summary Report, together with the Country Summary Reports prepared for each of the other Member States, aims at mapping the implementation of the OSH Directives in the EU as a whole. It is based on a desk-study and interviews with national stakeholders (see Annex II for details on interviews carried out) and is one of the sources of information for the overall evaluation of the implementation. The Country Summary Reports will form an Appendix to the Final Report, which will compile the results of the evaluation and the associated recommendations.

This review is based on seven key mapping questions, which will inform the evaluation of the implementation of the OSH Directives in all Member States and the EU in general. The seven general Mapping Questions (MQs), which have been defined by the Commission and are answered in this Country Summary Report are the following:

Mapping question
MQ1: "Across the Member States, how are the different 'common processes' and 'mechanisms' foreseen by the Directives put in place and how do they operate and interact with each other?"
MQ2: "What derogations and transitional periods are applied or have been used under national law under several of the Directives concerned?"
MQ3: "What are the differences in approach to and degree of fulfilment of the requirements of the EU OSH Directives in private undertakings and public-sector bodies, across different sectors of economic activity and across different sizes of companies, especially for SMEs, microenterprises and self-employed?"
MQ4: "What accompanying actions to OSH legislation have been undertaken by different actors (the Commission, the national authorities, social partners, EU-OSHA, Eurofound, etc.) to improve the level of protection of health and safety at work and to what extent are they actually used by companies and establishments to pursue the objective of protecting health and safety of workers? Are there any information needs that are not met?"
MQ5: "What are the enforcement (including sanctions) and other related activities of the competent authorities at national level and how are the priorities set among the subjects covered by the Directives?"
MQ6: "What are the differences of approach across Member States and across establishments with regard to potentially vulnerable groups of workers depending on gender, age, disability, employment status, migration status, etc., and to what extent are their specificities, resulting in particular from their greater unfamiliarity, lack of experience, absence of awareness of existing or potential dangers or their immaturity, addressed by the arrangements under question?"
MQ7: "What measures have been undertaken by the Member States to support SMEs and microenterprises (e.g. lighter regimes, exemptions, incentives, guidance, etc.)?"

The template is structured according to these mapping questions.

1 MAPPING QUESTION 1: STRUCTURAL COMPONENTS OF HEALTH AND SAFETY DIRECTIVES

This first section focuses on how the national legal and institutional frameworks have been designed to reflect the main common processes and mechanisms (CPMs) of each Directive. It includes:

- A review of the national transposing legislation and the general structure of the legal framework;
- Mechanisms of coordination amongst the different authorities responsible for the implementation of the directives;
- The identification of any delays in transposing directives, focusing on most recent ones;
- Differences between the Directives' requirements and the national ones, looking at observed discrepancies, more stringent and more detailed provisions;
- Interactions between CPMs as embedded in the legislation.

1.1 GENERAL LEGAL FRAMEWORK

The 2013 National Implementation Report of Estonia to the EU Commission (NIR)¹ identifies several new legislative developments in the field of OSH during the reporting period as follows.

From 1 July 2007, 'occupational health and safety requirements extended to the work of self-employed workers if they work at a shared workplace together with the employer's workers. A self-employed worker must also ensure the soundness and proper use of the work equipment, personal protective equipment and other equipment belonging to him or her in every work situation'.

In 2009, Estonia adopted a new Employment Contracts Act, which regulates teleworking (notification of the employer to the worker that work is performed by way of teleworking), temporary agency work (the user undertaking shall guarantee the conformity with occupational health and safety requirements in the user undertaking) and minors (prohibition to work for minors under 15 years old and corresponding exemptions). The following governmental regulations were also adopted in 2009:

- "Occupational Health and Safety Requirements for Work of Pregnant and Breastfeeding Women";
- "List of Working Environment Hazards and Work for Which Employment of Minors is Forbidden";
- "Light Work Permitted for Minors".

Other important developments identified in the NIR are:

- Government of the Republic Regulation of 2008 "Procedure for Registration, Notification and Investigation of Occupational Accidents and Diseases", which also covers occupational accidents with self-employed workers. The regulation introduces a new type of occupational accident, namely cases where a worker is transdermally exposed to a thing, person or animal suspected of being infected or carrying an infectious agent and preventive treatment is prescribed to him/her.
- 2011 amendment to Government of the Republic Regulation No 293 of 18 September 2001 "Limit Values for Chemical Hazards in the Working Environment", in line with new or amended limit values set by Directive 2009/161/EU, as recommended by the Scientific Committee Group on Occupational Exposure Limits.

The Estonian legislation in the area of occupational health and safety covers all types and sectors, without distinction, including the public sector and SMEs.

¹ See National Implementation Report 2013, Part A, Section I, (EN) p.8 and 9.

Estonia has transposed Directive 89/291/EEC (Framework Directive) in one main framework law, the Occupational Health and Safety Act (TTOS) and a series of ‘horizontal’ implementing acts (secondary legislation) relating to preventive and protective services, external services, training of workers and health surveillance. Examples include Regulations of the Minister of Social Affairs on the procedure of medical examination of workers (SoMM No 74 of 24 Apr. 2003) or on OSH-related training (SoMM No 80 of 14 Dec. 2000).

The individual directives are as a rule transposed by one implementing regulation, typically adopted at the governmental or ministry level, while some aspects are regulated by the TTOS or the ‘horizontal’ implementing acts. For example, in relation to Directive 89/654/EEC (workplace), most of the requirements are transposed in the Regulation of the Government (VVM) No 176 of 14 June 2007 “Occupational health and safety requirements for workplaces”. The term “workplace” is defined in the TTOS, the questions concerning the information of workers and consultation are regulated by the TTOS. In such cases, it is considered that transposition is done only in one specific act. Most of the time, when transposition is done through several acts, the main transposing legislation remains one specific implementing regulation and the TTOS or horizontal implementing acts. However, a limited number of the relevant directive’s provisions, e.g. definitions, are transposed through other general acts. For example, the definition of “explosive atmospheres” is given in the Machinery Safety Act while the remaining provisions of Directive 1999/92/EC (ATEX) are transposed through one specific implementing act and framework OSH legislation. In such instances, although transposition is considered as done through several acts, it is still largely done through one specific regulation.

The mining-extractive directives are an exception as transposition is done by means of several regulations adopted by the Government but also by the Minister of Economic Affairs and Communications, as well as the Mining Act, which provides for key definitions. The situation is similar for vessels related directives, where general maritime safety legislation also applies. Finally, Estonia also transposed both Directive 92/85/EEC (pregnant/breastfeeding workers) and Directive 94/33/EC (young people at work) through several acts.

Estonia had a body of OSH legislation in place prior to the transposition of the EU OSH *acquis*, apart from OSH signs, explosive atmospheres, artificial optical radiation, chemical and biological agents, asbestos, requirements specific to fishing vessels and temporary workers.

No infringement cases were initiated against Estonia in relation to different OSH related directives.

The following table provides an overview of the approach to transposition, indicating whether there is one law covering all OSH issues (O) as opposed to transposition spread over different acts (S). It then lists transposing national legislation per directive, specifying whether there was legislation existing prior to transposition. Finally, it identifies any infringement proceedings, which were mentioned in an overview table provided by the Commission.

Table 1- 1 General Legal Framework

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
Directive 89/391/EEC (Framework Directive)		S	Occupational Health and Safety Act (<i>Töötervishoiu ja tööohutuse seadus</i>), 16.06.1999 (TTOS). Employment Contracts Act (<i>Töölepingu seadus</i>), 18.12.2008 (TLS). VVM No 75 of 3 Apr. 2008 "The procedure for registration, notification and	Y	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>investigation of occupational accidents and occupational diseases" (VVM nr 75 Tööõnnetuse ja kutsehaigestumise registreerimise, teatamise ja uurimise kord, 03.04.2008).</p> <p>SoMM No 66 of 9 May 2005 "List of occupational diseases" (SoMM nr 66 Kutsehaiguste leotelu, 09.05.2005).</p> <p>SoMM No 90 of 20 June 2003 "Registration of occupational health service providers and the list of documents required" (SoMM nr 90 Töötervishoiuteenuse osutaja registreerimistaotluses ja registreerimistõendis esitatavad andmed ning registreerimistaotlusele lisatavad dokumendid, 20.06.2003).</p> <p>SoMM No 89 of 20 June 2003 "Tasks of occupational health specialists for providing occupational health services" (SoMM nr 89 Töötervishoiuspetsialistide tööülesanded töötervishoiuteenuse osutamisel, 20.06.2003).</p> <p>SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" (SoMM nr 74 Töötajate tervisekontrolli kord, 24.04.2003).</p> <p>SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety" (SoMM nr 80 Töötervishoiu- ja tööhutusalase väljaõppe ja täiendõppe kord, 14.12.2000).</p> <p>SoMM No 82 of 13 Dec. 1999 "The provision of the first aid in enterprises" (SoMM nr 82 Esmaabi korraldus ettevõttes, 13.12.1999).</p>		
Council Directive 89/654/EEC (workplace)	○		<p>VVM No 176 of 14 June 2007 "Occupational health and safety requirements for workplaces" (VVM nr 176 Töökohale esitatavad töötervishoiu ja tööhutuse nõuded, 14.06.2007).</p> <p>The term "workplace" is defined in the TTOS, the questions concerning the information of workers and consultation are regulated by the TTOS.</p>	Y	
Directive 2009/104/EC	○		<p>VVM No 13 of 11 Jan. 2000 "Occupational health and safety</p>	Y	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
(work equipment)			<p>requirements for use of work equipment" (VVM nr 13 Töövahendi kasutamise tervishoiu ja tööohutuse nõuded, 11.01.2000).</p> <p>The term "work equipment" and general requirements on work equipment are provided for in the TTOS.</p>		
Council Directive 89/656/EEC (PPE)	O		<p>VVM No 12 of 11 Jan. 2000 VVM No 12 of 11 Jan. 2000 "Procedure for Selection and Use of Personal Protective Equipment" (VVM nr 12 Isikukaitsevahendite valimise ja kasutamise kord, 11.01.2000).</p> <p>The general requirements on personal protective equipment and information and consultation are provided for in the TTOS.</p>	Y	
Council Directive 92/58/EEC (OSH signs)	O		<p>SoMM No 75 of 30 Nov. 1999 "Requirements for the use of safety and/or health signs at work" (SoMM nr 75 Ohumärguannete kasutamise nõuded töökohas, 30.11.1999).</p> <p>Consultation of workers is generally provided for in the TTOS but detailed in SoMM No 75.</p>	N	
Directive 1999/92/EC (ATEX)		S	<p>VVM No 197 of 15 July 2003 "Occupational health and safety requirements for working in potentially explosive atmospheres" (VVM nr 197 Töötervishoiu ja tööohutuse nõuded töötamisel plahvatusohtlikus keskkonnas, 15.07.2003).</p> <p>The definition of "explosive atmospheres" is given in the Machinery Safety Act (Masina ohutuse seadus), 10.12.2008 (MOS).</p> <p>Questions concerning risk assessment and worker's training are dealt with in the TTOS and in SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety".</p>	N	
Council Directive 90/269/EEC (manual handling of loads)	O		<p>SoMM No 26 of 27 Feb. 2001 "Occupational health and safety requirements for manual handling of loads" (SoMM nr 26 Raskuste käsitsi teisdamise tervishoiu ja tööohutuse nõuded, 27.02.2001).</p> <p>General requirements on risk assessment,</p>	Y	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			training, information and consultation are provided for in the TTOS.		
Council Directive 90/270/EEC (display screen equipment)	O		<p>VVM No 362 of 15 Nov. 2000 "Occupational health and safety requirements for work with display screen equipment" (VVM nr 362 Kuvariga töötamise tervishoiu ja tööohutuse nõuded, 15.11.2000).</p> <p>Requirements on information and consultation of workers are set in the TTOS.</p> <p>Rules on health surveillance are partially covered by SoMM No 74 of 24 April 2003 "The procedure of medical examination of workers".</p>	Y	
Directive 2002/44/EC (vibration)	O		<p>VVM No 109 of 12 Apr. 2007 "Health and safety requirements for the working environments affected by vibration, maximum vibration limits for the working environments and the vibration measurement procedure" (VVM nr 109 Tervishoiu ja tööohutuse nõuded vibratsioonist mõjutatud töökeskkonnale, töökeskkonna vibratsiooni piirnormid ja vibratsiooni mõõtmise kord, 12.04.2007).</p> <p>Health surveillance issues are covered by VVM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>Information and training requirements are dealt with in the TTOS and in SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety".</p>	Y	
Directive 2003/10/EC (noise)		S	<p>VVM No 108 of 12 Apr. 2007 "Health and safety requirements for the working environments affected by noise, maximum noise limits for the working environments and the noise measurement procedure" (VVM nr 108 Tervishoiu ja tööohutuse nõuded mürast mõjutatud töökeskkonnale, töökeskkonna müra piirnormid ja müra mõõtmise kord, 12.04.2007).</p> <p>Part of the rules on health surveillance are provided for by SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>Consultation of workers is provided for in the TTOS. The TTOS sets the general</p>	Y	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>requirement on risk assessment.</p> <p>Preventive and protective services are partly provided for in the TTOS and the Metrology Act (<i>Mõõteseadus</i>), 10.03.2004 (Mõõtes).</p>		
Directive 2004/40/EC (electromagnetic fields)		-	<p>Directive 2004/40/EC has not been transposed into Estonian law.</p> <p>However, VVM No 54 of 25 Jan. 2002 „The limits for physical hazards present in the working environment and the procedure for measuring the parameters of hazards" (<i>VVM nr 54 Töökeskkonna füüsikaliste ohutegurite piirnormid ja ohutegurite parameetrite mõõtmise kord</i>, 25.01.2002) establishes some general rules about measures protecting workers from the risks associated with electromagnetic fields (the maximum level of electromagnetic fields in the working environment, the procedure for measuring electromagnetic fields, and the obligations of employers to prevent or reduce health risks caused by electromagnetic fields).</p>	Y	
Directive 2006/25/EC (artificial optical radiation)		S	<p>VVM No 47 of 8 Apr. 2010 "Occupational health and safety requirements in working environment affected by artificial optical radiation, maximum levels of artificial optical radiation and procedure for measuring radiation" (<i>VVM nr 47 Töetervishoiu ja tööohutuse nõuded tehnikust optilisest kiirgusest mõjutatud töökeskkonnas, tehniliku optilise kiirguse piirnormid ja kiirguse mõõtmise kord</i>, 08.04.2010).</p> <p>Rules on health surveillance are also covered by SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>Consultation of workers is provided for in the TTOS.</p> <p>General requirement on risk assessment is provided for in the TTOS.</p> <p>Preventive and protective services are partly provided for in the TTOS and the Metrology Act (<i>Mõõteseadus</i>), 10.03.2004 (Mõõtes).</p>	N	
Directive 2004/37/EC (carcinogens)		S	<p>Most of the requirements are transposed in VVM No 308 of 15 Dec. 2005 "Occupational health and safety</p>	Y	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
or mutagens)			<p>requirements for using carcinogenic and mutagenic substances at workplace" (VVM nr 308 Kantserogeensete ja mutageensete kemikaalide käitlemisele esitatavad tervishoiu ja tööohutuse nõuded, 15.12.2005).</p> <p>Issues concerning health surveillance are also considered in VVM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>Questions concerning information and training are dealt with in the TTOS and SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety".</p> <p>Definitions of carcinogens and mutagens have been stipulated according to the Chemicals Act (Kemikaaliseadus), 06.05.1998 (KemS) and SoMM No 122 of 3 Dec. 2004 Requirements and procedure for the identification, classification, packaging and labelling of dangerous chemicals (SoMM nr 122 Ohtlike kemikaalide identifitseerimise, klassifitseerimise, pakendamise ja märgistamise nõuded ning kord, 03.12.2004)).</p>		
Council Directive 98/24/EC (chemical agents at work)		S	<p>Most of the KRs are provided for in VVM No 105 of 20 Mar. 2001 "Occupational health and safety requirements for using hazardous chemicals and materials containing the latter" (VVM nr 105 Ohtlike kemikaalide ja neid sisaldavate materjalide kasutamise tervishoiu ja tööohutuse nõuded, 20.03.2001).</p> <p>Rules on health surveillance are provided for in the same VVM and SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>Consultation of workers is provided for in the TTOS.</p> <p>The general obligation to conduct a risk assessment is provided for in the TTOS.</p> <p>Questions concerning information and training are specified in the TTOS and SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety".</p>	N	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>Definitions have been stipulated according to the KemS, SoMM No 122 of 3 Dec. 2004 "Requirements and procedure for the identification, classification, packaging and labelling of dangerous chemicals" (<i>SoMM nr 122 Ohtlike kemikaalide identifitseerimise, klassifitseerimise, pakendamise ja määrgistamise nõuded ning kord, 03.12.2004</i>).</p> <p>Limit values for chemical hazards have been established by VVM No 293 of 18 Sept. 2001 "Limit values for chemical hazards in the working environment" (<i>VVM nr 293 Töökeskkonna keemiliste ohutegurite piirnõuded, 18.09.2001</i>).</p>		
Directive 2009/148/EC (asbestos)	O		<p>Most of the KR's are provided for in VVM No 224 of 11 Oct. 2007 "Occupational health and safety requirements from the risks related to exposure to asbestos at work" (<i>VVM nr 244 Asbestitööle esitatavad tervishoiu ja tööohutuse nõuded, 11.10.2007</i>).</p> <p>Preventive and protective services are provided for in the TTOS, the MõõteS and VVM No 224 of 11 Oct. 2007.</p> <p>General rules on information and consultation of workers are provided for in the TTOS.</p> <p>Some specific rules on information and consultation are provided for in VVM No 224 of 11 Oct. 2007.</p> <p>Rules on health surveillance are provided for in SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" and VVM No 224 of 11 Oct. 2007.</p>	N	
Directive 2000/54/EC (biological agents)	O		<p>Most of the KR's are provided for in VVM No 144 of 5 May 2000 "Occupational health and safety requirements for the working environment affected by biological hazards" (<i>VVM nr 144 Bioloogilistest ohuteguritest mõjutatud töökeskkonna tervishoiu ja tööohutuse nõuded, 05.05.2000</i>).</p> <p>The term "biological agents" is defined in the TTOS.</p> <p>The term "microorganism" is defined in</p>	N	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>the Contained Use of Genetically Modified Micro-organisms Act (<i>Geneetilisel muundatud mikroorganismide suletud keskkonnas kasutamise seadus</i>), 21.11.2001.</p> <p>General obligation to conduct a risk assessment is provided for in the TTOS.</p> <p>Rules on health surveillance are partly provided for in SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>Consultation of workers is provided for in the TTOS.</p>		
Council Directive 92/57/EEC (temporary or mobile construction sites)	O		<p>Most of the requirements have been transposed by VVM No 377 of 8 Dec. 1999 "Occupational health and safety requirements at construction sites" (<i>VVM nr 377 Töötervishoiu ja tööohutuse nõuded ehituses</i>, 08.12.1999).</p> <p>Questions concerning information and consultation are also dealt with in the TTOS.</p>	Y	
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		S	<p>Most of the KRs are provided for in VVM No 233 of 18 June 2004 "Occupational health and safety requirements for extraction of mineral resources" (<i>VVM nr 233 Maavarade kaevandamise esitatavad töötervishoiu ja tööohutuse nõuded</i>, 18.06.2004).</p> <p>Specific safety requirements for mining/extracting are set by Minister of Economic Affairs and Communications Regulation No 172 of 10 Aug. 2004 "Safety requirements for mining and the secondary utilisation of underground workings" (<i>MKMM nr 172 Kaevandamise ja kaeveõone teisese kasutamise ohutuse nõuded</i>, 10.08.2004).</p> <p>The term "mining/extracting" is provided for in the Mining Act (<i>Kaevandamise seadus</i>), 29.01.2003 (KaevS).</p> <p>General rules on risk assessment are provided for in the TTOS and detailed by VVM No 233 of 18 June 2004 "Occupational health and safety requirements for extraction of mineral resources".</p>	Y	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>Training of workers is provided for in SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety".</p> <p>Health surveillance is provided for in SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>General rules on consultation of workers is provided for in the TTOS and detailed by VVM No 233 of 18 June 2004.</p>		
<p>Council Directive 92/91/EEC (mineral-extracting industries through drilling)</p>		S	<p>Most of the KRs are provided for in VVM No 233 of 18 June 2004 "Occupational health and safety requirements for extraction of mineral resources" (VVM nr 233 <i>Maavarade kaevandamisele esitatavad töötervishoiu ja tööohutuse nõuded, 18.06.2004</i>).</p> <p>Specific safety requirements for mining/extracting are provided for by Minister of Economic Affairs and Communications Regulation No 172 of 10 Aug. 2004 "Safety requirements for mining and the secondary utilisation of underground workings" (MKMM nr 172 <i>Kaevandamise ja kaeveõõne teisese kasutamise ohutusnõuded, 10.08.2004</i>).</p> <p>The term "mining/extracting" is provided for in KaevS of 29 Jan. 2003.</p> <p>General rules on risk assessment are provided for in the TTOS and detailed by VVM No 233 of 18 June 2004.</p> <p>Training of workers is provided for in SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety".</p> <p>Health surveillance is provided for in SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>Consultation of workers is provided for in the TTOS and detailed by VVM No 233 of 18 June 2004.</p> <p>Other regulations are relevant, namely:</p> <ul style="list-style-type: none"> • VVM No 13 of 11 Jan. 2000 "Occupational health and safety 	Y	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>requirements for use of work equipment" (VVM nr 13 Töövahendi kasutamise tervishoiu ja tööohutuse nõuded, 11.01.2000).</p> <ul style="list-style-type: none"> • VVM No 293 of 18 Sept. 2001 "Limit values for chemical hazards in the working environment" (VVN nr 293 Töökeskkonna keemiliste ohutegurite piirnormid, 18.09.2001). • SoMM No 75 of 30 Nov. 1999 "Requirements for the use of safety and/or health signs at work" (SoMM nr 75 Ohumärguannete kasutamise nõuded töökohas, 30.11.1999). 		
Council Directive 92/29/EEC (medical treatment on board vessels)		S	<p>Most of the requirements have been transposed by SoMM No 128 of 23 Oct. 2002 "Requirements for Organisation of Medical Care on Ships and List of Medical Equipment Required on Ships Registered in Estonia" (SoMM nr 128 Meditsiiniabi korraldamise nõuded laeval ja Eestis registreeritud laeval nõutava meditsiinivarustuse nimekirj, 23.10.2002).</p> <p>The term "crew members" has been established in the Seafarers Employment Act (Meretöö seadus), 11.06.2014 (MTöös).</p> <p>Questions concerning training are specified in the Maritime Safety Act (Meresõiduohutuse seadus), 12.12.2001 (MSOS) and SoMM No 31 of 26 Feb. 2003 "Curricula of first aid and medical care training for crewmembers on ships, and the number of training hours and qualification requirements for training providers" (SoMM nr 31 Laevapere liikmete esmaabi- ja meditsiiniabikoolituse õppekavad ning koolituse maht ja koolitajate kvalifikatsiooninõuded, 26.02.2003).</p>	Y	
Council Directive 93/103/EC (work on board fishing vessels)		S	<p>Most of the KRs are provided for in VVM No 173 of 17 May 2001 "Occupational health and safety requirements for fishing vessels" (VVM nr 173 Kalalaevadele esitatavad tervishoiu ja tööohutuse nõuded, 17.05.2001).</p> <p>More specific safety requirements are provided for in MSOS of 12 Dec. 2001.</p> <p>Information and consultation of workers is provided for in the TTOS.</p> <p>Training of workers is provided for in VVM</p>	N concerning requirements specifically for fishing vessels.	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			No 173 of 17 May 2001 and detailed by MSOS of 12 Dec. 2001.		
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		S	<p>Most of the requirements have been transposed by VVM No 95 of 11 June 2009 "Occupational health and safety requirements for work of pregnant and breastfeeding women" (VVM nr 95 Töötervishoiu ja tööohutuse nõuded rasedate ja rinnaga toitvate naiste tööks, 11.06.2009).</p> <p>Requirements concerning risk assessment and information of workers are also stipulated in the TTOS.</p> <p>The employment rights of pregnant/breastfeeding workers are stipulated in the Employment Contracts Act (TLS).</p>	Y	
Council Directive 91/383/EEC (temporary workers)	O		<p>Most of the KR's are provided for in the TTOS.</p> <p>Training of workers is provided for in the TTOS and detailed by SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety".</p> <p>Health surveillance is provided for in the TTOS and detailed by SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p>	Y concerning fixed- duration employment relationship (Art 1.1). N concerning temporary employment relationship (Art 1.2).	
Council Directive 94/33/EC (young people at work)		S	<p>SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" (SoMM nr 74 Töötajate tervisekontrolli kord, 24.04.2003).</p> <p>The CPMs have been transposed by the TTOS.</p> <p>Health surveillance requirements have been detailed by SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <p>The scope and definitions are provided for in the Employment Contracts Act (TLS).</p> <p>Specific lists of works and/or hazards have been established by VVM No 94 of 11 Jun. 2009 "List of Working Environment Hazards and Work for Which Employment of Minors is Forbidden" (VVM nr 94 Töökeskkonna ohutegurite ja tööde loetelu, mille puhul alaealise</p>	Y	

Directive	O	S	Transposing National legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			töötamine on keelatud, 11.06.2009).		

1.2 GENERAL INSTITUTIONAL FRAMEWORK

This section presents key policy documents and describes the institutional structure together with roles and responsibilities of the main authorities and other stakeholders. It reviews all mechanisms and structures for coordination amongst those authorities in the framework of the transposition and implementation of the directives. Control and enforcement authorities will be covered under Section 5 below.

Estonia has developed an Occupational Health and Safety Strategy 2010-2013 and a corresponding Plan of Action. Also the Labour Inspectorate has defined its aims in a Development Plan for 2009-2013.

In Estonia, the Ministry of Social Affairs takes the lead on governing occupational safety and health matters. Both the national labour inspection and occupational health affairs are under the jurisdiction of this Ministry, which also has responsibility for strategic level planning and follow-up of implementation.

1.2.1 Key policy documents

The **National Health Development Plan 2009-2020**² defines the development targets of Estonian health policy for the years 2009-2020. The general aim of the national health policy is to increase the average healthy life expectancy³ and the average life expectancy⁴ by 2020. In order to achieve this aim, one of the priorities of the Development Plan is to ensure healthy living, learning and working environment. According to the Development Plan, it is important to reduce health risks in (living, learning and) working environment. The implementation principles of this priority field are specified in annual Action Plans.

The Estonian **Occupational Health and Safety Strategy 2010-2013** (*Töötervishoiu ja tööohutuse strateegia 2010–2013*)⁵, and its corresponding **Plan of Action** (*Töötervishoiu ja tööohutuse strateegia 2010–2013 tegevuskava*) define the development targets of the Estonian working environment for the years 2010-2013, with the aim of improving the quality of working life. The following areas of development have been defined by the Strategy: legislative framework for occupational health and safety; raising awareness on the value of a health-preserving work environment; OSH training; occupational health services as an integral part of general healthcare; emerging risks in the work environment; increasing knowledge-based approaches and administrative capacity in policy making and implementation; scientific knowledge generation in OSH; national and international co-operation.⁶

² *Rahvastiku tervise arengukava 2009-2020* [National Health Development Plan 2009-2020], Sotsiaalministeerium [Ministry of Social Affairs], 2008, täiendatud [amended] 2012. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Tervisevaldkond/Rahvatervis/RTA/2012_RTAPohitekst_ok_5.pdf.

³ 60 years for men and 65 years for women.

⁴ 75 years for men and 84 years for women.

⁵ English summary available at <http://osha.europa.eu/en/organisations/Estonia%20OSH%20Strategy%20English%20Summary.pdf>. The complete version in Estonian available at http://www.sm.ee/fileadmin/meedia/Dokumendid/Toovaldkond/TAO/TTTO_strateegia_2010-2013.pdf

⁶ About the exact goals and actions for achieving these goals please see <http://www.ti.ee/index.php?page=1261&>.

The strategy underlines that, in view of the demographic situation of the country, it is crucial to extend the work ability of people. The strategy states that in order to safeguard the health of workers under the changing conditions of the labour market (especially considering the high employment rate of women above pensionable age), it is important to pay attention to new types of flexibility at the working place (e.g. working from home, flexible working time, use of service contracts etc.).

The Strategy adopts a comprehensive approach to well-being at work, and focuses on the prevention of risks and strengthening of partnership between all structural units dealing with occupational health and safety. The sub-goals of the Strategy are as follows:

- 1) To sustain and promote workers health and their ability to work;
- 2) To improve the work environment so that it is possible to work without any risk to health; and
- 3) To establish management systems and work organisations, which support health and safety at work, promoting positive psycho-social micro-climate at enterprises and creating a presumption for raising productivity of work⁷.

Since 2012, the targets of the OSH Strategy have been incorporated into the National Health Development Plan 2009-2020. The Estonian government is therefore not planning to extend the OSH Strategy for the next period.

The **Development Plan of the Labour Inspectorate 2009-2013**⁸ defines the development targets of the Labour Inspectorate for years 2009-2013. One of the strategic aims of the Labour Inspectorate is to ensure a reliable overview of the situation of the working environment. Labour Inspectorate is the main authority in Estonia that collects, analyses and exchanges the information about the OSH. At present, the Labour Inspectorate is drafting the new Development Plan for the next period.

⁷ Document 'OSH Infrastructure in Estonia' from EU-OSHA Extranet.

⁸ *Tööinspektsiooni arengukava 2009-2013* [Development Plan of the Labour Inspectorate 2009-2013], *Tööinspektsioon* [Labour Inspectorate], 02.02.2012. Available in Estonian at <http://ti.ee/public/files/Tooinspektsiooni%20arengukava%2002022012.pdf>.

1.2.2 Main authorities and stakeholders

The following figure describes the main stakeholders and illustrates their relationships.

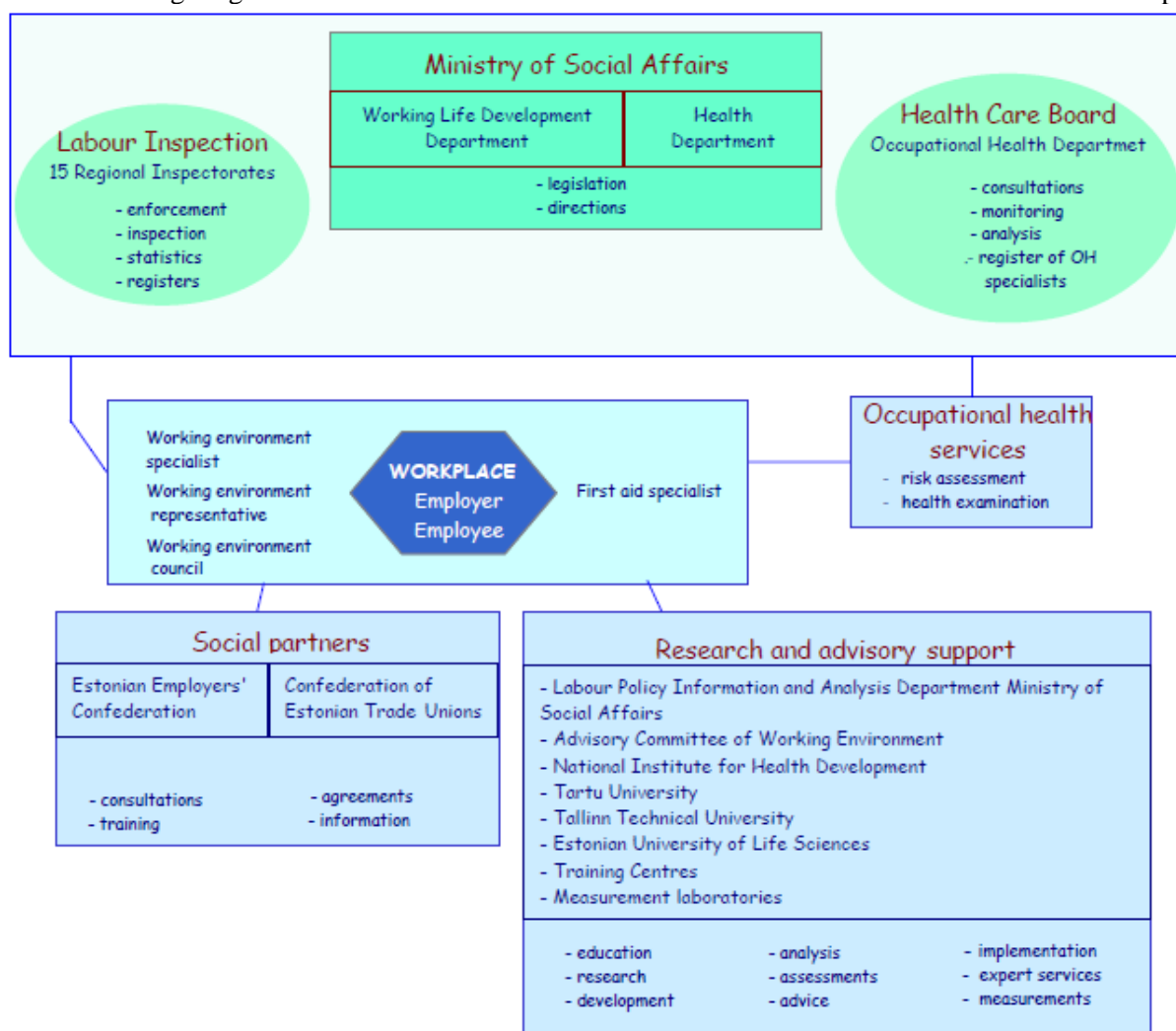


Figure 1. Occupational Health and Safety system in Estonia⁹

I. State Institutions

Authority/Stakeholder	Role and Responsibility
Ministry of Social Affairs (SoM) through two departments: <ul style="list-style-type: none"> Health Care Department Working Life Development Department 	Compiler of draft act/regulation Responsibility for the enforcement of 24 directives
Labour Inspectorate, operating through local divisions; the Northern, Southern, Western and Eastern Inspectorates	State supervisory authority
Health Board	State supervisory authority (occupational health services)
Estonian Technical Surveillance Authority	State supervisory authority (Directives 92/104/EEC,

⁹ Source: Northern Dimension Partnership in Public Health and Social Well-being, Country Reports on Occupational Safety and Health in the Northern Dimension Area. Available at: <http://www.ndphs.org/?database.view.paper,22>

	92/91/EEC)
Estonian Maritime Administration	State supervisory authority (Directives 92/29/EEC, 93/103/EC)

II. Workers' Organizations

Authority/Stakeholder	Role and Responsibility
Estonian Trade Union Confederation	Has the possibility to give an opinion about draft legislation. It comprises of 20 branch unions, and represents employees' interests in collective agreements.

III. Employers' Organizations

Authority/Stakeholder	Role and Responsibility
Estonian Employers' Confederation	It represents the largest number of employers among local employers' organisations and covers all economic sectors of Estonia. The aim of the Confederation is to represent its members' interests in communications with legislative and executive powers and employee organisations, as well as to represent its member organisations at international, state and regional levels. It has the possibility to give an opinion about draft legislation.
Estonian Chamber of Commerce and Industry	Has the possibility to give an opinion about draft legislation.
Estonian Association of Small and Medium Sized Enterprises	Has the possibility to give an opinion about draft legislation.

1.2.3 Coordination

SoM elaborates a draft (of an act or government's regulation or minister's regulation), the explanatory statement of the draft and the concordance table of a directive and the draft. After that, the SoM puts forward (via the Draft Information System (<http://eelroud.valitsus.ee>)) all these documents to competent authorities and relevant stakeholders (other ministries, workers' organizations, employers' organizations, etc.) that are entitled to give their opinion. The SoM is not obliged to take account of all opinions/suggestions. According to needs and special requirements, the draft must be co-coordinated several times before its adoption (by the Parliament or the Government or the Minister).

OSH policies and strategies are discussed in the **Working Environment Council**, which is a tripartite advisory body involving representatives from the Ministry of Social Affairs, trade unions and employers' organisations. Social partners also participate in the **Advisory Committee** of the Working Environment.¹⁰

1.3 LEGAL COVERAGE, OBSERVED DISCREPANCIES AND MORE STRINGENT MEASURES

1.3.1 Observed discrepancies, more stringent and more detailed measures

The following tables describe observed discrepancies between the Directive's requirements and the transposing legislation and cases where the national legislation provides for more stringent, broader or more detailed measures than the Directive's ones. There is one table per directive.

¹⁰ Document 'OSH Infrastructure in Estonia' from EU-OSHA Extranet.

Observed discrepancies between the Directive's requirements and the transposing legislation cover instances where the text of the national transposing legislation is different from the transposed Directive's provisions. This difference could lead to the non-application or partial application of the relevant CPM due to contradiction between the national provision and the corresponding one in the Directive. They are considered for each CPM, scoping requirements and limit values when relevant (tables 1-2 to 1-25).

More stringent provisions set requirements which go beyond the requirements of the Directive e.g. more severe limit values. This review covers systematically the scope and relevant definitions as well as provisions setting limit values.

The identification of more specific requirements is different from more stringent measures, as it relates to the extent to which national law includes more detailed mechanisms for the implementation of the CPMs. In such cases, the main requirements of the Directive are fully and effectively transposed and the Member States have set up more detailed rules on e.g. procedures, responsibilities, etc.

The analysis of the Estonian OSH legislation has revealed a few observed discrepancies (absence of transposition of some provisions). In general, there are few additional or more stringent requirements apart from a series of regulations which specify some aspects of the Framework Directive. Finally, in several instances, the Estonian legislation broadened the scope of application of the OSH directives, notably the framework requirements apply also to military and police services, domestic servants and, to a certain extent, self-employed workers.

One observed discrepancy has been identified in relation to Directive 89/391/EEC (Framework Directive). It relates to preventive and protective services, as there is no provision ensuring that designated workers are not placed at any disadvantage because of their activities related to the protection and prevention of occupational risks and that there are allowed adequate time to enable them to fulfil the corresponding obligations. Estonia also provides for a broader scope as it applies to military servicemen and persons in alternative service to the Police and Border Guard Board, the Security Police and rescue service agencies. Domestic servants are also covered, as well as, to a certain extent, self-employed workers. With regard to risk assessment, the Estonian legislation requires to take into account the gender and age characteristics of the workers, including special risks to pregnant and nursing women, to minors and disabled workers. There are also several more detailed requirements in relation to preventive and protective services, namely the Estonian legislation requires employers to nominate a working environment specialist amongst the workers, with special training. Competences required from external services are also detailed. More detailed requirements are set in relation to training of workers and to health surveillance in regulations adopted by the Ministry of Social Affairs. Another regulation sets rules on the provisions of first aid in companies.

Estonia has extended the definition of workplaces to working places where the worker works with the permission or on the order of the employer. The Estonian legislation also sets additional requirements in relation to Directive 89/654/EEC (workplaces), in particular, on ergonomics in the workplace, the size of the workroom, the lighting of workplaces, for first-aid facilities.

With regard to Directive 2009/104/EC (work equipment), the Estonian legislation specifies the definition of work equipment as it mentions also means of transport, but does not set additional requirements. In terms of observed discrepancies, some requirements are not transposed in Estonian legislation, namely the obligation placed on the employer to ensure that workers responsible for repairs, modifications, maintenance or servicing of work equipment likely to involve a specific risk to the safety or health of workers receive adequate specific training (Art.9(b) of the Directive). In relation to Directive 92/58/EEC (OSH signs), the Estonian legislation includes additional requirements on the labelling of pipes.

With regard to Directive 1999/92/EEC (ATEX), the only additional requirement set by the Estonian legislation relates to the updating of the risk assessment.

Estonia has set several additional requirements with regard to Directive 90/269/EC (manual handling of loads). The transposing regulation applies to loads above 5 kg. It also give more details as to the risk assessment and prevention measures for female workers, pregnant/breastfeeding workers and young workers, as well as training of workers. Concerning Directive 90/270/EEC (display screen equipment), Estonian legislation covers one of the elements expressly excluded by the Directive – computer systems mainly intended for public use. It also further details several requirements, in particular risk assessment (risk factors of work environment), the duration of breaks, conditions and periodicity of medical examinations. There is one observed discrepancy as the provisions on worker information have not been fully reflected in particular in relation to information on analysis of workstations, daily work routine and protection of workers' eyes and eyesight. With regard to Directive 2002/44/EC (vibration), the Estonian legislation sets more detailed requirements, mostly through horizontal legislation. The specific regulation also provides examples to illustrate particular risks. It requires medical examination after the end of exposure according to a schedule set by the occupational doctor. In relation to Directive 2003/70/EC (noise), the Estonian legislation establishes more stringent exposure limit values. With regard to Directive 2006/25/EC (artificial optical radiation), another observed discrepancy is identified due to the non-transposition of the obligation to provide medical examination in case of exceedance of limit values and information and advice on health surveillance following end of exposure (Art.8(4)).

Estonian legislation does not establish additional requirements in relation to Directive 2004/37/EC (carcinogens or mutagens) and Directive 98/24/EC (chemical agents at work) other than in horizontal legislation. One observed discrepancy relating to health surveillance has been identified with regard to Directive 2004/37/EC (carcinogens or mutagens). In relation to Directive 2009/148/EC (asbestos), Estonian legislation provides for a duration of training of at least 8 hours. It also gives some details as to the content of the training. Similarly, additional requirements are set with regard to health surveillance. Some observed discrepancies have been identified due to the lack of transposition of provisions on information for workers, on training, health surveillance and consultation of workers. Finally, the waiver in case of sporadic and low intensity worker exposure applies to the obligation to draw a plan of work.

Estonia legislation sets additional requirements with regard to Directive 2000/54/EC (biological agents) relating to information to workers (written instructions for handling all groups of biological agent) and preventive treatment in case of exposure. Observed discrepancies are due to the lack of transposition of some provisions on information for workers (on the results of the risk assessment), training (adaptation of the training to new risk) and health surveillance (notification of cases of relevant diseases or death).

In relation to Directive 92/57/EC (temporary or mobile construction sites), one observed discrepancy relates to the fact that the coordinators for safety and health are appointed only for the project execution stage and not for the project preparation.

Estonian legislation does not establish additional requirements in relation to the directives on extractive industries other than in horizontal legislation. Concerning the two directives relating to vessels, additional requirements relating to training have been identified. Furthermore, the Estonian legislation does not transpose the obligation to ensure that the information is comprehensible to the workers concerned, as set by Directive 93/103/EC (work on board fishing vessels).

With regard to Directive 92/85/EEC (pregnant/breastfeeding workers), the only additional requirement relates to midwife's role. In relation to Directive 91/383/EEC (temporary workers), the Estonian legislation does not reflect the obligation to inform protective and prevention services about the assignment of workers with temporary or fixed-duration contracts. Additional requirements on health

surveillance stem from horizontal legislation. In relation to Directive 94/33/EC (young workers), the only observed discrepancy concerns work of children less than 15 years old in certain circumstances.

Table 1- 2 Directive 89/391/EEC (Framework Directive) – Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions (Art.2 and 3)</p>	<p>Art.2 1. All sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.). 2. Not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.</p> <p>Art.3</p> <ul style="list-style-type: none"> • Apply to any person employed by an employer, including trainees and apprentices but excluding domestic servants; • Employer: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment; 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Are specific public service activities (such as armed forces or police) included in the scope of the legislation which are not in the Directive? <p>Y. TTOS shall be applied to the conditions of service of military servicemen and persons in alternative service and to the work performed by the workers of the Police and Border Guard Board, the Security Police and rescue service agencies insofar as not otherwise provided by specific laws or legislation established on the basis thereof.</p> <ul style="list-style-type: none"> • Does the legislation include domestic servants in its scope? <p>Y. The term “domestic servants” is not applied in Estonian labour law. A person working under relationship identified as employment relationship is regarded as a worker and is therefore covered by TTOS.</p> <ul style="list-style-type: none"> • Is the definition of employer broader than the Directive's? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>According to NIR 2013, “The Estonian Act regulates, to a certain extent, temporary agency work and the work of self-employed persons at the same workplace with other workers (Sections 12(7) and (8), 24(11)): “A self-employed worker shall ensure the soundness and proper use of the work equipment, personal protective equipment and other equipment belonging to him/her in every work situation. If a self-employed person works at a workplace at the same</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>time with workers of one or several employers, he/she shall notify the employer who organises the work or, in the absence of such employer, the other employers of the hazards relating to his/her activities and shall ensure that his/her activities do not endanger other workers. The employer who organises the work or, in the absence of such employer, the other employers shall inform the self-employed person of the hazards related to the operation of its enterprise and of the measures for avoiding such hazards. If an occupational accident occurs with a self-employed person in a situation where he/she works at a workplace along with other workers, the acts related to an occupational accident shall be performed by the employer who organises the work or with whom the self-employed person has a contractual relationship."</p> <p>The application of the OHS to the work of self-employed persons was due to the fact that there are many of them in Estonia (2007: more than 14 000, and 2012: more than 28 000) and occupational accidents happen to them as with workers within the sphere of responsibility of an employer.¹¹</p> <p>However, the NIR does not seem to be correct here: according to the TTOS, a temporary agency worker has the same rights and obligations as other workers. Thus, the temporary agency worker does not have</p>

¹¹ Liikmesriigi poolt koostatava direktiivi 89/391/EMÜ, selle üksikdirektiivide ning direktiivide 2009/148/EÜ, 91/383/EMÜ, 92/29/EMÜ ja 94/33/EÜ praktilise rakendamise aruanne [National Implementation Report of Directive 89/391/EEC, its individual Directives and Directives 2009/148/EC, 91/383/EEC, 92/29/EEC and 94/33/EC], *Eesti Vabariigi Sotsiaalministeerium* [Estonian Ministry of Social Affairs], 2013 (NIR), Part A, Section II, pp 24-25.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			a special status here. In addition, the TTOS does not include self-employed persons: the TTOS regulates the joint activities of persons who perform work only.
Conducting a risk assessment <i>Art. 6(3), 9(1)(a)</i>	<p>Art.6</p> <ul style="list-style-type: none"> The employer must, taking into account the nature of the activities of the enterprise and/ or establishment evaluate the risks to the safety and health of workers, inter alia in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places. <p>Art.9</p> <ul style="list-style-type: none"> The employer shall be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? Y. TTOS §13 (1) 3) underlines the obligation to take into account the gender and age characteristics of the worker, including special risks to pregnant and nursing women and to minors and disabled in evaluating the risks to the health and safety of an worker. Besides risks related to work organisation must take into account. However, there is no explicit reference to the chemical substances or preparations used. The latter is covered by the employer's obligation to ascertain working environment hazards. Is the content of the risk assessment more detailed than described in the Directive? Y. According to TTOS §13 (1) 3), in the framework of the risk assessment it is required to measure parameters of working environment hazards if necessary. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Other additional or more detailed requirements N.
Ensuring	<ul style="list-style-type: none"> The employer shall designate one or more 	An observed discrepancy has been	<ul style="list-style-type: none"> Does the legislation define in more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>preventive and protective services Art.7(1)</p>	<p>workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/ or establishment.</p> <ul style="list-style-type: none"> • Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of occupational risks and shall be allowed adequate time to enable them to fulfil their obligations. • If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/ or establishment, the employer shall enlist competent external services or persons. • He shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers. • In all cases (internal/external services), they must have the necessary capabilities/ aptitudes and means and must be sufficient in number to deal with the organization of protective and preventive measures. MS must define the necessary capabilities and aptitudes and may determine the sufficient number. • The protection from, and prevention of, the health and safety risks shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/ or establishment. The worker(s) and/ or agency(ies) must work together whenever necessary. • MS may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the 	<p>identified. There is no provision provided for legal acts corresponding to Art. 7 (2). According to TTOS §16 (1) an employer designates the working environment specialist, who is an engineer competent in the sphere of working environment or any other specialist in an enterprise who has received training concerning working environment and whom the employer has authorised to perform occupational health and safety duties. A working environment specialist is considered to be the representative of the employer and therefore, there is no need to protect them similarly to the workers' representative e.g. not to place them at any disadvantage because of their activities related to the protection and prevention of occupational risks.</p>	<p>specific terms who shall be designated?</p> <p>Y. According to TTOS §16 (1), (2) an employer shall appoint a working environment specialist from among the employer's workers. A working environment specialist is an engineer competent in the sphere of working environment or any other specialist in an enterprise who has received training concerning working environment and whom the employer has authorised to perform occupational health and safety duties.</p> <ul style="list-style-type: none"> • Are the conditions for resorting to external services more specifically defined in the legislation? <p>N. According to TTOS §16 (2) second sentence in the absence of a competent worker, an employer shall use a competent external service provider.</p> <ul style="list-style-type: none"> • Are the competences required from workers or external services defined in the legislation? <p>Y.</p> <p>a) The competences required from workers are defined in the legislation. However, it is done in an uncertain manner. According to TTOS §16 (1) a working environment specialist is an engineer competent in the sphere of working environment or any other specialist in an enterprise who has received training concerning working environment. SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety" details the rules on in-service training for working environment specialist.</p> <p>b) The competences required from external services are defined in the legislation (TTOS</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>employer, provided he is competent, may himself take responsibility.</p>		<p>§19 "Occupational health service and provider thereof" and §19¹ "Registration of occupational health service provider") and secondary legislation (SoMM No 90 of 20 June 2003 "Registration of occupational health service providers and the list of documents required", SoMM No 89 of 20 June 2003 "Tasks of occupational health specialists for providing occupational health services".</p> <ul style="list-style-type: none"> • Are criteria to define the resources (number of persons designated) provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. TTOS §16 (9) an employer who has completed training in the field of working environment may perform the duties of a working environment specialist himself or herself.</p>
<p>Information for workers Art.10</p>	<ul style="list-style-type: none"> • The employer shall ensure that workers receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of the establishment and each type of workstation. • The employer shall take appropriate measures so that employers of workers from any outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment receive similar information • The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Are there more detailed requirements relating specifically to one of the individual directives? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>According to TTOS § 24 (1) a working environment representative or, in his or her absence, a workers' trustee shall participate</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	representatives with specific responsibility for the safety and health of workers shall have access to the risk assessment and protective measures, to the list of and reports on occupational accidents and the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health.		with the right to vote in an investigation of an occupational accident. Therefore the law provides for more than access to the reports referred to in Art 9(1)(d) (Art 10(3)(b)).
Training of workers Art.12	<ul style="list-style-type: none"> The employer shall ensure that each worker receives adequate safety and health training during working hours, in particular in the form of information and instructions specific to his workstation or job and adapted to any changes in technology or risks and repeated periodically if necessary. The employer shall ensure that workers from outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks. Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? Y. Specific regulation is provided for SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety". Are there specific requirements as to the competence of trainers provided in the legislation? Y. There are no very specific requirements as to the competence of trainers. However, according to Art 3.1 of SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety" educational and training institutions registered with the Ministry of Social Affairs may engage in training regarding occupational health and safety. Are there more detailed requirements relating specifically to one of the individual directives? N. Other additional or more detailed requirements N.
Health surveillance Art.14	<ul style="list-style-type: none"> The employer shall ensure that workers receive health surveillance appropriate to the health and safety risks they incur at 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements relating specifically to one of the individual directives?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>work.</p> <ul style="list-style-type: none"> • These measures shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals. • Health surveillance may be provided as part of a national health system. 		<p>N. However, SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" provides for a detailed regulation of workers' health surveillance which is used as a basis for a specific health surveillance in relation to the individual directives.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the periodicity of medical surveillance is set by the occupational health doctor but it must not be less than once every three years.</p>
<p>Consultation of workers Art.11, 6(3)(c)</p>	<ul style="list-style-type: none"> • Employers shall consult workers and/ or their representatives and allow them to take part in discussions on all questions relating to safety and health at work. • Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger. • They shall have adequate time off work, without loss of pay, and the necessary means to enable them to exercise their rights and functions. • Workers and/ or their representatives are entitled to appeal to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Is balanced¹² participation reflected in the national legislation? Are specific criteria put in place? <p>N.</p> <ul style="list-style-type: none"> • Are there more detailed requirements relating specifically to one of the individual directives? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

¹² This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>of ensuring safety and health at work.</p> <ul style="list-style-type: none"> Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority. 		
Limit values	N/A	N/A	N/A
Other issues identified	Eg. List and reports regarding occupational accidents, emergency measures, adequate controls and supervision, other protective and preventive measures	No observed discrepancies have been identified.	N.
	Art. 8	No observed discrepancies have been identified.	SoMM No 82 of 13 Dec. 1999 "The provision of the first aid in enterprises" establishes specific rules on the training of first aid providers and mandatory lists of first aid equipment at workplaces (§§ 2-6).
	Art. 9 (1)(c) Keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days.	No observed discrepancies have been identified.	According to TTOS § 24 (3) an employer shall register all occupational accidents. TTOS provides therefore for a broader requirement than that of in Art. 9 (1)(c).

Table 1- 3 Council Directive 89/654/EEC (workplace) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and Art. 2	<ul style="list-style-type: none"> The Directive applies to workplaces, but excludes from its scope of application (a) means of transport used outside the undertaking and/or the establishment, or workplaces inside means of transport, (b) temporary or mobile construction sites, (c) extracting industries, (d) fishing boats, and (e) fields, woods and other land forming part of an agricultural or forestry undertaking but situated away from the 	No observed discrepancies have been identified in relation to the scope and definitions of the workplace directive.	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes¹³? <p>N.</p> <ul style="list-style-type: none"> Is the definition of 'workplace' in national law broader than the ones required by the Directive? <p>Y. The directive's definition includes workstations and other places on the premises</p>

¹³ Please note that points (b), (c) and (d) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>undertaking's buildings.</p> <ul style="list-style-type: none"> 'Workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment. 		<p>or within the area of the undertaking and/or establishment. The TTOS's definition of "workplace" includes also working places where the worker works with the permission or on the order of the employer.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements. <p>N.</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Workers and/ or their representatives shall be informed of all measures to be taken concerning safety and health at the workplace Framework Directive applies. 	No observed discrepancies have been identified regarding the information to be provided to workers and their representatives.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N.
Limit values	N/A	N/A	N/A
Others		No observed discrepancies have been identified.	<p>According to VVM No 176 of 14 June 2007 "Occupational health and safety requirements for workplaces", additional requirements not included in the Directive have been added to the Estonian legislation. These are first and foremost:</p> <ol style="list-style-type: none"> 1) requirements for the ergonomic arrangement of the workplace: workplaces shall be designed such that workers can change their positions and find a suitable working position. The amount of free space in workplaces shall be considered such that workers can perform their work duties with sufficient freedom of movement. If this is not possible due to the specific conditions of the workplace, sufficient space for moving in the vicinity of their workplaces shall be provided for workers. The placement of the chair and work desk or the working level shall ensure that the worker can position his/her body ergonomically. The construction and other properties of the work chair shall conform to the type of work. The height of the work chair shall be generally adjustable and the height and angle of the backrest shall be changeable (§ 2 (1)-(3)); 2) requirements for the size of the workroom: there shall be at least 10 m³ of airspace in the workroom per worker, whereas, when calculating the airspace, up to 3.5 m of the height of the room shall be taken into account when calculating the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>airspace (§ 3(2));</p> <p>3) requirements for the lighting of workplaces: workplaces shall be adequately lit. Natural daylight shall be preferred when planning lighting. It shall be presumed that the requirements for the interior lighting of workplaces are met if Part 1 "Indoor Work Places" of the EVS-EN 12464 standard "Light and Lighting – Lighting of Workplaces" has been used as the basis for the lighting of workplaces. The lighting of a workplace shall be increased if necessary according to the age or state of health of a worker (§ 8 (1));</p> <p>4) requirements for drying damp working clothes: a drying chamber or drying box that is large enough and well ventilated shall be provided for drying of wet or damp working clothes, towels and footwear. The moist air coming from the drying chamber or drying boxes shall not enter other rooms (§ 9(2));</p> <p>5) requirements for first-aid facilities: an eyewash that is located at an easily accessible and clearly indicated location shall be provided if there is a danger of a foreign body or a chemical coming into contact with eyes in the workplace (§ 10).</p>

Table 1- 4 Directive 2009/104/EC (work equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and Art. 2(a)	<ul style="list-style-type: none"> The Directive relates to the use of work equipment by workers at work where work equipment is defined as any machine, apparatus, tool or installation used at work. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Any additional or more detailed requirements Y. Definition "work equipment" is broader than the definition set out in the Directive. It is

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			left opened. According to TTOS § 5 (1), work equipment means a machine, device, installation, means of transport, tool or other equipment which is used for work.
Conducting a risk assessment Art. 3	<ul style="list-style-type: none"> The employer must take measures to ensure that the work equipment made available to workers is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health. In selecting the work equipment which he proposes to use, the employer must pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of the work equipment in question. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Other additional or more detailed requirements N.
Ensuring preventive and protective services Art. 5	N/A	N/A	N/A
Information for workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies. Where appropriate, written instructions should be made available to workers on the work equipment used at work, including information on (a) the conditions of use of work equipment; (b) foreseeable abnormal situations; and (c) the conclusions to be drawn from experience, where appropriate, in using work equipment. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Other additional or more detailed requirements N.
Training of workers	<ul style="list-style-type: none"> Framework Directive applies. Workers given the task of using work 	An observed discrepancy has been identified. There is no provision provided for	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 9	equipment receive adequate training, including training on any risks which such use may entail. • Workers specifically designated to carry out repairs, modifications, maintenance or servicing receive adequate specific training.	legal acts corresponding to Art 9 (b).	N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 10	• Framework Directive applies.	No observed discrepancies have been identified.	• Is balanced ¹⁴ participation reflected in the national legislation? Are specific criteria put in place? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Art 6	An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art 6.	N.
	Annex II. P. 3.1.2. second sentence	No observed discrepancies have been identified.	Estonian law does not establish such exceptions.

*Where appropriate, the existence of the earlier version (89/655/EEC) will be taken into account.

Employers are required to assess possible risks in selecting work equipment.

+ Inspection (and testing) by competent persons.

Table 1- 5 Council Directive 89/656/EEC (PPE) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to personal protective equipment (PPE) used by workers at work. PPE as defined excludes (a) ordinary working clothes and uniforms not specifically	No observed discrepancies have been identified.	• Does the transposing legislation cover PPE used by emergency and rescue services? N. • Does the transposing legislation cover any

¹⁴ This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	designed to protect the safety and health of the worker; (b) equipment used by emergency and rescue services; (c) personal protective equipment worn or used by the military, the police and other public order agencies; (d) personal protective equipment for means of road transport; (e) sports equipment; (f) self-defence or deterrent equipment; (g) portable devices for detecting and signalling risks and nuisances.		of the other exclusions in the Directive? N. • Other additional or more detailed requirements N.
Conducting a risk assessment Art. 5*	<ul style="list-style-type: none"> • Before choosing personal protective equipment, the employer is required to assess whether the personal protective equipment he intends to use satisfies certain requirements. This assessment shall involve (a) an analysis and assessment of risks which cannot be avoided by other means; (b) the definition of the characteristics which personal protective equipment must have in order to be effective against such risks, taking into account any risks which this equipment itself may create; (c) comparison of those characteristics with the characteristics of the personal protective equipment available. • The assessment shall be reviewed if any changes are made to any of its elements. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Any additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken with regard to the health and safety of workers when personal protective 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	equipment is used by workers at work.		
Training of workers Art. 4(8) Art 4(9)	<ul style="list-style-type: none"> The employer shall arrange for training and shall, if appropriate, organize demonstrations in the wearing of personal protective equipment. Personal protective equipment must be used in accordance with instructions. Such instructions must be understandable to the workers. 	<p>No observed discrepancies have been identified.</p> <p>However, there is no clear requirement (in VVM No 12 of 11 Jan. 2000 "Procedure for Selection and Use of Personal Protective Equipment") that the instructions must be understandable to the workers.</p>	<ul style="list-style-type: none"> Is more specific information on the scope of training on PPE provided in the legislation? N. Are there detailed requirements on demonstrations to be organized in the wearing of PPE? N. Other additional or more detailed requirements N.
Health surveillance #	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements? N.
Limit values	N/A	N/A	N/A
Other issues identified	Other KR's	No observed discrepancies have been identified.	N.

* The Directive makes no provision for a risk assessment. The need for the use of PPE is presumably identified in addressing the findings of other risk assessments, relating to the hazard which the PPE is intended to protect against. There is however provision for an assessment of the PPE itself (Article 5) but this is not specifically a risk assessment.
Health surveillance is covered by the provisions of those directives covering the risks from which a specific item of PPE is intended to provide protection.

Table 1- 6 Council Directive 92/58/EEC (OSH signs) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to safety and/or health signs and excludes from its scope of application signs for placing on the market of dangerous substances and preparations, products and/or equipment and signs used for regulating road, rail, inland waterway, sea or air transport. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies. • Workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and/or health signs used at work. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Training of workers Art. 7(2)	<ul style="list-style-type: none"> • Framework Directive applies. • Workers must be given specific directions concerning the safety and/or health signs used at work, in particular the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Labelling of pipes	No observed discrepancies have been identified.	In addition to the general requirement pipes will be labelled with a permanent paint or coloured adhesive label possessing an arrow indicating the direction of flow of the substance, in accordance with the table provided for SoMM No 75 of 30 Nov. 1999 "Requirements for the use of safety and/or health signs at work" § 10 (4).

Table 1- 7 Directive 1999/92/EC (ATEX) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive applies to the protection of workers potentially at risk from explosive atmospheres as defined in Art. 2. It excludes from its scope of application: (a) the areas used directly for and during the medical treatment of patients; (b) the use of appliances burning gaseous fuels; (c) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances; (d) mineral extracting industries; and (e) the use of transport subject to international agreements as specified. The Directive applies to the risk from explosive atmospheres, i.e. from mixtures with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture. 	No observed discrepancies have been identified in terms of scope and definitions.	<ul style="list-style-type: none"> Does the transposing legislation include¹⁵ : <ul style="list-style-type: none"> areas used directly for and during the medical treatment of patients? N. the manufacture, handling, use, storage and transport of explosives or chemically unstable substances? N. Other additional or more detailed requirements N.
Conducting a risk assessment Art. 4(1)	<ul style="list-style-type: none"> The employer shall assess the specific risks arising from explosive atmospheres, taking account at least of: <ul style="list-style-type: none"> the likelihood that explosive atmospheres will occur and their persistence, the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective, the installations, substances used, processes, and their possible interactions, the scale of the anticipated effects. Explosion risks shall be assessed overall. 	No observed discrepancies have been identified in relation to the risk assessment.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? Y. According to VVM No 197 of 15 July 2003, the specific risks arising from explosive atmospheres should be assessed in the order and conditions envisaged by TTOS. The TTOS sets down the employer's obligation to organise a new risk assessment of the working environment if the working conditions have changed, the work equipment or technology has been changed or upgraded, if new

¹⁵ Please note that points (b), (d) and (e) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>information concerning the effect of a hazard on human health has become evident, if the risk level has changed as compared with the original level due to an accident or a dangerous situation or if an occupational health doctor has established a work-related illness of a worker in the course of a medical examination.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	N/A	N/A	N/A
Training of workers Annex II, 1.1	<ul style="list-style-type: none"> • The employer must provide those working in places where explosive atmospheres may occur with sufficient and appropriate training with regard to explosion protection. 	No observed discrepancies have been identified in relation to the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N.
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	Other KR's	No observed discrepancies have been identified.	N.

Table 1- 8 Council Directive 90/269/EEC (manual handling of loads) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive relates to the manual handling of loads where there is a risk particularly of back injury to workers where manual handling is defined as any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers. 	No observed discrepancies have been identified.	Under § 1(1) of SoMM No 26 of 27 Feb. 2001 "Occupational health and safety requirements for manual handling of loads", the regulation applies to manual handling of loads with the weight of 5 kg and more at workplace, with the aim to reduce the risk of overload of bone and muscular structure and back injury of workers.
Conducting a risk assessment Art. 4(a)	<ul style="list-style-type: none"> Wherever the need for manual handling of loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as safe and healthy as possible and: assess, in advance if possible, the health and safety conditions of the type of work involved, and in particular examine the characteristics of loads, taking account the reference factors provided for in Annex I to the Directive. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? <p>Y. According to TTOS § 13 (1) 5), an employer is required to organise a new risk assessment of the working environment if the working conditions have changed, the work equipment or technology has been changed or upgraded, if new information has become evident concerning the effect of a hazard on human health, if the risk level has changed as compared with the original level due to an</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>accident or a dangerous situation or if an occupational health doctor has established a work-related illness of an worker in the course of a medical examination.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive, in particular are the reference factors provided in Annex I of the Directive further detailed? <p>Y. Pursuant to § 5 (4) 2), 4) and 5) of SoMM No 26 of 27 Feb. 2001 "Occupational health and safety requirements for manual handling of loads", the organisation of handling work could present a health risk, if handling works are carried out in the sitting position; the lifting-lowering of a load is carried out in the uncomfortable height, e.g. above the shoulder girdle or below the height of knees, or in uncomfortable distance, e.g. away from the body; and the load could not be held against the body or if the carrying distance is excessive.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>Y. The Annex of SoMM No 26 of 27 Feb. 2001 "Occupational health and safety requirements for manual handling of loads" provides for the instructions for assessment of health risks in manual handling of loads.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>Y. The Annex of SoMM No 26 of 27 Feb. 2001 "Occupational health and safety requirements for manual handling of loads" provides for the instructions for assessment of health risks in manual handling of loads.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements. <p>Section 3 (8) and (9) of SoMM No 26 of 27 Feb. 2001 "Occupational health and safety requirements for manual handling of loads" state that:</p> <ul style="list-style-type: none"> - by using female workers in handling work the employer must observe that the loads to be handled would not exceed their expected physical abilities; - in case the handling is the dominant work, the worker could be engaged in such work from 18 years of age. - The handling work by a pregnant woman, woman after three months of giving birth and under 16 years of age is prohibited.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be implemented, pursuant to this Directive, with regard to the protection of safety and of health. • Employers must ensure that workers and/or their representatives receive general indications and, where possible, precise information on: <ul style="list-style-type: none"> — the weight of a load, 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	— the centre of gravity of the heaviest side when a package is eccentrically loaded.		
Training workers of Art. 6	<ul style="list-style-type: none"> • Framework Directive applies • Employers must ensure that workers receive in addition proper training and information on how to handle loads correctly and the risks they might be open to particularly if these tasks are not performed correctly, having regard to the reference factors provided for in Annex I to the Directive and the risk factors listed in Annex II to the Directive. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation, in particular in relation to the reference and risk factors? N. • Other additional or more detailed requirements Under section 3 (5) and (6) of SoMM No 26 of 27 Feb. 2001 "Occupational health and safety requirements for manual handling of loads", the worker whose everyday tasks involve no handling work must be relevantly instructed. Also, the instruction and training of workers could be carried out only by the competent person appointed by the employer.
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 7	Framework Directive applies	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Other KRs	No observed discrepancies have been identified.	N.
Annex I	<p>Reference Factors:</p> <ul style="list-style-type: none"> • The manual handling of a load may present a risk particularly of back injury if it is too heavy or too large; unwieldy or difficult to grasp; unstable or has contents likely to shift; positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk; likely, because of its contours and/or consistency, to result in injury to workers, particularly in the event of a collision. • A physical effort may present a risk particularly of back injury if it is too strenuous; only achieved by a twisting movement of the trunk; likely to result in a sudden movement of the load; made with the body in an unstable posture. • The characteristics of the work environment may increase a risk particularly of back injury if there is not enough room, in particular vertically, 		

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>to carry out the activity; the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear; the place of work or the working environment prevents the handling of loads at a safe height or with good posture by the worker; there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels; the floor or foot rest is unstable; the temperature, humidity or ventilation is unsuitable.</p> <ul style="list-style-type: none"> The activity may present a risk particularly of back injury if it entails over-frequent or over-prolonged physical effort involving in particular the spine; an insufficient bodily rest or recovery period; excessive lifting, lowering or carrying distances; a rate of work imposed by a process which cannot be altered by the worker. 		
Annex II	<p>Individual Risk Factors</p> <p>The worker may be at risk if he/she is physically unsuited to carry out the task in question; is wearing unsuitable clothing, footwear or other personal effects; does not have adequate or appropriate knowledge or training.</p>		

Table 1- 9 Council Directive 90/270/EEC (display screen equipment) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions	<ul style="list-style-type: none"> The Directive relates to work with display screen equipment as defined in Article 2, an alphanumeric or graphic display screen, regardless of the display process employed. The Directive does not apply to: <ul style="list-style-type: none"> (a) drivers' cabs or control cabs for vehicles or machinery; (b) (computer systems on board a means of transport; (c) computer systems mainly intended for public use; (d) 'portable' systems not in prolonged use at a workstation; (e) calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment; (f) typewriters of traditional design, of the type known as 'typewriter with window' 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the transposing legislation cover any of the elements that the Directive expressly excludes? <ul style="list-style-type: none"> Y. Computer systems mainly intended for public use. Is the definition of 'display screen equipment' in national law broader than required by the Directive? <ul style="list-style-type: none"> N. Other additional or more detailed requirements <ul style="list-style-type: none"> N.
Conducting a risk assessment Art.3	<ul style="list-style-type: none"> Employers must perform an analysis of workstations in order to evaluate the safety and health conditions to which they give 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>rise for their workers, particularly as regards possible risks to eyesight, physical problems and problems of mental stress.</p> <ul style="list-style-type: none"> • Employers must take appropriate measures to remedy the risks found, on the basis of the evaluation of the safety and health conditions, taking account of the additional and/or combined effects of the risks so found. 		<p>involved?</p> <p>Y. According to TTOS § 13 (1) 5) an employer is required to organise a new risk assessment of the working environment if the working conditions have changed, the work equipment or technology has been changed or upgraded, if new information has become evident concerning the effect of a hazard on human health, if the risk level has changed as compared with the original level due to an accident or a dangerous situation or if an occupational health doctor has established a work-related illness of a worker in the course of a medical examination.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>Y. According to VVM No 362 of 15 Nov. 2000 "Occupational health and safety requirements for work with display screen equipment" § 3 (1) in addition to the factors endangering the worker's eyesight and potential physical or mental overload at work, the employer is obliged to take into account risk factors of work environment, including lighting, noise, electromagnetic radiation and internal atmosphere of work room, as well ergonomics and suitability of design of workplace for the worker.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>in the legislation in a more specific manner than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Framework Directive applies. • Workers shall receive information on all aspects of safety and health relating to their workstation, in particular information on such measures applicable to workstations as are implemented under Articles 3 (analysis of workstations), 7 (daily work routine) and 9 (protection of workers' eyes and eyesight). 	<p>An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art 6 (1) first paragraph relating to specifically information on analysis of workstations, daily work routine and protection of workers' eyes and eyesight. TTOS § 13 (1) 6) provides only for general information. An employer is required to notify the workers, through working environment representatives, members of the working environment council and workers' trustees, of hazards, of the results of risk assessments of the working environment and of the measures to be implemented in order to prevent damage to health.</p>	<ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 6	<ul style="list-style-type: none"> • Framework Directive applies. • Every worker shall receive training in use of the workstation before commencing work with display screen equipment and whenever the organization of the workstation is substantially modified. 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the notion of 'substantially modified' further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance Art. 9*	<ul style="list-style-type: none"> • Workers shall be entitled to an appropriate eye and eyesight test carried out by a person with the necessary capabilities: 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Are the conditions in which eye and eye sight test is required more specifically described in the legislation?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>— before commencing display screen work, at regular intervals thereafter, and</p> <p>— if they experience visual difficulties which may be due to display screen work.</p> <ul style="list-style-type: none"> • Workers shall be entitled to an ophthalmological examination if the results such test show that this is necessary. • If the results of the test or of the examination show that it is necessary and if normal corrective appliances cannot be used, workers must be provided with special corrective appliances appropriate for the work concerned. • In no circumstances these measure may involve workers in additional financial cost. • Protection of workers' eyes and eyesight may be provided as part of a national health system. 	<p>However, it is not sufficiently clear from the legal provision that the worker is entitled to undergo health surveillance before being assigned to duties. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work.</p>	<p>Y. According to VVM No 362 of 15 Nov. 2000 "Occupational health and safety requirements for work with display screen equipment" § 3 (5) the employer should organise health surveillance (eye and eyesight test and test of status of bones and musculature) for the worker working at least half of his working time with display screen.</p> <ul style="list-style-type: none"> • Is the periodicity of eye and eye sight test provided in national law? <p>Y. According to VVM No 362 of 15 Nov. 2000 "Occupational health and safety requirements for work with display screen equipment" § 3 (5) 1) the employer should organise eye and eyesight test, considering the date set by the occupational health doctor or oculist for the specific worker, but not less than once every three years, or on demand of the worker in case of visual disorders due to working with display screen.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. According to VVM No 362 of 15 Nov. 2000 "Occupational health and safety requirements for work with display screen equipment" § 3 (5) 2) and (7) in addition to eye and eyesight test, the employer should organise for the worker working with display screen equipment the test of status of bonesand musculature, mainly for discovering the disorders related to staying in the forced position with the frequency not less than once every three years, or on demand of the worker in case of disorders due to working with the display screen. In case the results of the test indicate that the worker's health has deteriorated due to non-</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			ergonomic working conditions, the employer should immediately take the measures for improving the ergonomic design of workplace. According to the same act § 3 (4), the length of breaks have been specified. The employer should organise the work so that the worker could vary working with a display screen with the performance of tasks of another kind in order to prevent the troubles arising from the overstrain of eyes and working in a forced position. If the latter is impossible, the worker is entitled to have periodical breaks. The length of breaks should make at least 10% of the time of working with a display screen.
Consultation of workers Art. 8	<ul style="list-style-type: none"> • Framework Directive applies. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Art 7	No observed discrepancies have been identified.	The duration of breaks is specified. According to VVM No 362 of 15 Nov. 2000 "Occupational health and safety requirements for work with display screen equipment" § 3 (4) Duration of breaks should make at least 10% of the time of working with display screen.

* The primary purpose of this requirement is to identify users who have deficiencies in their eyesight which require correction to enable them to carry out their work with DSE without risk to their health.

Table 1- 10 Directive 2002/44/EC (vibration) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and	<ul style="list-style-type: none"> • This Directive shall apply to activities in 	No observed discrepancies have been	<ul style="list-style-type: none"> • Any additional or more detailed

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
definitions Art 1(2) and Art 2	<p>which workers are or are likely to be exposed to risks from mechanical vibration during their work.</p> <ul style="list-style-type: none"> • 'hand-arm vibration': the mechanical vibration that, when transmitted to the human hand-arm system, entails risks to the health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders; • 'whole-body vibration': the mechanical vibration that, when transmitted to the whole body, entails risks to the health and safety of workers, in particular lower-back morbidity and trauma of the spine. 	identified in terms of scope and definitions.	requirements N.
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of mechanical vibrations to which workers are exposed. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage. • The employer shall give particular attention to: <ul style="list-style-type: none"> - the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks; - the exposure limit values and the exposure action values - any effects concerning the health and safety of workers at particularly sensitive risk - any indirect effects on worker safety resulting from interactions between mechanical vibration and the workplace or other work equipment - information provided by the manufacturers of work equipment - the existence of replacement equipment designed to reduce the levels of exposure 	No observed discrepancies have been identified related to the risk assessment.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? On request. • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? N. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? Y. VVM No 109 explains the risks described in the Directive by bringing examples. For instance, it is explained, that the workers at particularly sensitive risk include for example pregnant and breastfeeding workers and minors. The specific working conditions are explained as the conditions like low temperature, high humidity level, noise. • Is the content of the risk assessment more detailed than described in the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>to mechanical vibration</p> <ul style="list-style-type: none"> - the extension of exposure to whole-body vibration beyond normal - working hours under the employer's responsibility - specific working conditions such as low temperatures - appropriate information obtained from health surveillance, including published information, as far as possible • The employer must be in possession of the risk assessment • The risk assessment shall be recorded on a suitable medium; it may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary. • The risk assessment shall be kept up-to-date on a regular basis, particularly in case of significant changes. 		<p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>Y. In addition to the circumstances mentioned in Art.4, the employer has to give particular attention to the amortisation and condition of work equipment.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 6	<ul style="list-style-type: none"> • Exposed workers and/or their representatives must receive information and training on the outcome of the risk assessment in particular: - measures taken to eliminate or reduce to a minimum the risks from mechanical vibration; - the exposure limit values and the exposure action values - the results of the assessment and measurement and the potential injury arising from the work equipment in use; 	No observed discrepancies have been identified related to the information for workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - why and how to detect and report signs of injury; - circumstances in which workers are entitled to health surveillance - safe working practices to minimise exposure. 		
Training of workers Art. 6	Same as above	There are no observed discrepancies regarding the training of workers.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? Y. According to VVM No 80 "The Order of Occupational Health and Safety Training and Continuing Training" the working environment representatives and/or members of the working environment council can be trained by the employer or by an educational institution. If the training is provided by the educational institution, the training should last 24 hours and include the themes proposed in VVM No 80. The educational institutions have to be registered in the Ministry of Social Affairs. • Other additional or more detailed requirements Y. In addition to the outcomes of the risk assessment brought in Art. 6, the employer must give training to the exposed workers and working environment representatives on the harmful effect of vibration to the health.
Health surveillance Art. 8	<ul style="list-style-type: none"> • Health surveillance of workers measures with reference to the risk assessment outcome where it indicates a risk to their health. • Health surveillance is intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration. 	There are no observed discrepancies regarding health surveillance.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to vibration? N. According to VVM No 109 employer guarantees health surveillance to the workers exposed to the risk concerning vibration. VVM No 74 from 24 Apr. 2003 "The Order of Worker's Health Surveillance" sets out that

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>Such surveillance shall be appropriate where:</p> <ul style="list-style-type: none"> - workers' exposure to vibration is such that a link can be established with an identifiable illness or harmful effects on health, - it is probable that the illness or the effects occur in a worker's particular working conditions, and - there are tested techniques for the detection of the illness or the harmful effects on health. <ul style="list-style-type: none"> • Workers exposed to mechanical vibration in excess of the values shall be entitled to appropriate health surveillance. • Individual health records are required and kept up-to-date. • Health records to contain a summary of the results of the health surveillance and kept in a suitable form to permit any later consultation, taking into account any confidentiality. • Where a worker is found to have an identifiable disease or adverse health effect, considered by a doctor or occupational health-care professional to be the result of exposure to mechanical vibration at work: <ul style="list-style-type: none"> - The worker shall be informed of the result which relates to him personally and, in particular, information and advice regarding any health surveillance which he should undergo following the end of exposure; - The employer shall be informed of any significant findings from the health surveillance, taking into account any medical confidentiality. 		<p>the first health surveillance has to be conducted during the first month of working.</p> <ul style="list-style-type: none"> • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? <ul style="list-style-type: none"> Y. According to VVM No109 worker's health must be surveyed after the end of exposure in accordance with the schedule envisaged by occupational health care doctor. • Does the national legislation oblige employers in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to mechanical vibration at work, to review the risk assessment and the measure to eliminate or reduce risk? <ul style="list-style-type: none"> Y. • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? <ul style="list-style-type: none"> Y. Official formulas of health records are stipulated in VVM No 74. • Are the conditions in which health surveillance is required more specifically described in the legislation? <ul style="list-style-type: none"> N. • Is the periodicity of health surveillance provided in national law? <ul style="list-style-type: none"> Y. According to VVM No 74 employer has to guarantee health surveillance to worker during the first month of working and afterwards periodically according to the schedule provided by occupational health care doctor, but at least once every three

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	- Arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. The competent doctor/authority or occupational health care professional may propose that exposed persons undergo a medical examination.		years. • Other additional or more detailed requirements Y. VVM No109 sets out that all workers exposed to vibration have a right to health surveillance.
Consultation of workers Art. 7	• Framework Directive applies	No observed discrepancies have been identified related to consultation of workers.	• Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> • The Directive provides for a set of exposure limit values and exposure action values in respect of the daily vibration exposure levels. • Hand-arm vibration: <ul style="list-style-type: none"> - Daily exposure limit value standardised to an eight-hour reference period: 5 m/s²; - Daily exposure action value standardised to an eight-hour reference period: 2,5 m/s². • For whole-body vibration: <ul style="list-style-type: none"> - Daily exposure limit value standardised to an eight-hour reference period: 1,15 m/s² or, at the MS's choice, a vibration dose value of 21 m/s^{1,75}; - Daily exposure action value standardised to an eight-hour reference period: 0,5 m/s² or, at the MS's choice, a vibration dose value of 9,1 m/s^{1,75}. 	No observed discrepancies have been identified related to setting of limit values.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? N. • Other additional or more detailed requirements N.
Other issues identified	Other KR's	No observed discrepancies have been identified.	N.

Table 1- 11 Directive 2003/10/EC (noise) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> • Directive shall apply to activities in which workers are or are likely to be exposed to risks from noise as a result of their work. - daily noise exposure level ($L_{EX,8h}$) (dB(A) re. 20 μPa): time weighted average of the noise exposure levels for a nominal; - weekly noise exposure level ($L_{EX,8h}$): time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by international standard ISO 1999:1990, point 3.6 (note 2). 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure the levels of noise to which workers are exposed, giving particular attention, to: - the level, type and duration of exposure, including any exposure to impulsive noise; - the exposure limit values and the exposure action values; - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - as far as technically achievable, any effects on workers' health and safety resulting from interactions between noise and work-related toxic substances, and between noise and vibrations; - any indirect effects resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents; - information on noise emission provided by 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>Y. On request of Labour Inspectorate the employer is obliged to submit risk assessment. Labour Inspectorate exercises state supervision over compliance with the safety and health requirements.</p> <ul style="list-style-type: none"> • Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? <p>N.</p> <ul style="list-style-type: none"> • Are the risks/factors to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>manufacturers of work equipment in accordance with relevant EU directives;</p> <ul style="list-style-type: none"> - the existence of alternative work equipment designed to reduce the noise emission; - the extension of exposure to noise beyond normal working hours under the employer's responsibility; - appropriate information from health surveillance, including published information, as far as possible; - the availability of hearing protectors with adequate attenuation characteristics. <ul style="list-style-type: none"> • The employer shall be in possession of the risk assessment. • The risk assessment shall be recorded on a suitable medium, according to national law and practice. • The risk assessment shall be kept up to date on a regular basis, particularly in case of significant changes which could render it out of date, or when the results of health surveillance show it to be necessary. 		<ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services Art 4(4)	<ul style="list-style-type: none"> • The assessment and measurement shall be planned and carried out by competent services at suitable intervals 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Other additional or more detailed requirements No.
Information for workers Art. 8	<ul style="list-style-type: none"> • Workers exposed at work at or above the lower exposure action values, and/or their representatives, receive information and training relating to risks resulting from exposure concerning, in particular: <ul style="list-style-type: none"> - the nature of such risks; - the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from noise, - the exposure limit values and the exposure action values 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> - the results of the assessment and measurement together with an explanation of their significance and potential risks - the correct use of hearing protectors - why and how to detect and report signs of hearing damage - the circumstances in which workers are entitled to health surveillance and the purpose of health surveillance - safe working practices to minimise exposure to noise 		
Training of workers Art. 8	Same as above	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N.
Health surveillance Art. 10	<ul style="list-style-type: none"> • Health surveillance of workers where the results of the assessment/measurement show a risk to their health. • A worker whose exposure exceeds the upper exposure action values shall have the right to have his/her hearing checked by a doctor or by another suitably qualified person under the responsibility of a doctor, • Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, where the risk assessment indicates a risk to health. • The objectives of these checks are to provide early diagnosis of any hearing loss and preserve hearing function. • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance carried out. • They shall be kept in a suitable form to permit consultation, taking into account 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to noise? N. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work. • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? N. • Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? Y. Specific regulation on health surveillance records is provided for SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers". • Are the conditions in which health surveillance is required more specifically described in the legislation? Y. According to SoMM No 74 of 24 Apr. 2003

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>any confidentiality.</p> <ul style="list-style-type: none"> • Copies of the appropriate records shall be supplied to the CA on request. The individual worker shall, at his or her request, have access to health records relating personally to him/her. • Where, as a result of surveillance, a worker is found to have identifiable hearing damage, a doctor, or a specialist if the doctor considers it necessary, shall assess if the damage is likely to be the result of exposure at work. If this is the case: <ul style="list-style-type: none"> - the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him or her personally; <p>The employer shall:</p> <ul style="list-style-type: none"> - review the risk assessment - review the risk mitigation measures taking into account the advice of the occupational healthcare professional or other suitably qualified person or the CA in implementing any measures required to eliminate or reduce risk and, including the possibility of assigning the worker to alternative work where there is no risk of further exposure; and - arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. 		<p>"The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but not less than once every three years.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>See above.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>According to NIR 2013, "All the workers exposed to noise undergo medical examinations according to the Regulation "The Procedure for Medical Examinations for Workers". Workers whose exposure to noise, according to the results of the risk assessment, exceeds the exposure action values must undergo audiometric testing. Medical examinations are carried out by an occupational health doctor. During medical examinations:</p> <ol style="list-style-type: none"> 1) the worker's state of health is evaluated; 2) the suitability of the working environment or the organisation of work for the worker is assessed; 3) the worker's work-related diseases or possible occupational diseases are identified. <p>Where a medical examination reveals that a worker has damage to health from noise, the employer shall review the working environment risk assessment and the measures taken to reduce the risks and, if necessary, assign the worker to alternative</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			work or a position where there is no risk of further exposure to noise, taking into account the advice of the occupational health doctor." ¹⁶ However, these are not additional requirements, but requirements from the Directive.
Consultation of workers Art. 9	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values Art.3	<ul style="list-style-type: none"> • For the purposes of this Directive the exposure limit values and exposure action values in respect of the daily noise exposure levels and peak sound pressure are fixed at: (a) exposure limit values: $L_{EX,8h} = 87$ dB(A) and $p_{peak} = 200$ Pa (1) respectively; (b) upper exposure action values: $L_{EX,8h} = 85$ dB(A) and $p_{peak} = 140$ Pa (2) respectively; (c) lower exposure action values: $L_{EX,8h} = 80$ dB(A) and $p_{peak} = 112$ Pa (3) respectively. • When applying the exposure limit values, the determination of the worker's effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker. • The exposure action values shall not take account of the effect of any such protectors. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? Y. VVM No 108 of 12 Apr. 2007 "Health and safety requirements for the working environments affected by noise, maximum noise limits for the working environments and the noise measurement procedure" § 3 (1), (2) provide for exposure limit values: $L_{EX,8h} = 85$ dB(A) and exposure action values: $L_{EX,8h} = 80$ dB(A). • Other additional or more detailed requirements N.
Other issues identified	Art.14	No observed discrepancies have been identified.	It should be noted that there is no legal provision provided for legal acts corresponding to Art 14. However, there is a practical guideline for employers and

¹⁶ See National Implementation Report 2013, Part A, Section II, (EN) p. 69.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			workers "Working environment in the night-clubs" ("Töökeskkond ööklubides") provided by state supervisory authority (Labour Inspectorate) ¹⁷ .

Table 1- 12 Directive 2004/40/EC (electromagnetic fields) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 1 and Art 2	<ul style="list-style-type: none"> • Directive lays down minimum requirements for the protection of workers from risks from exposure to electromagnetic fields (0 Hz to 300 GHz) during their work. • It refers to the risk to the health and safety of workers due to known short-term adverse effects in the human body caused by the circulation of induced currents and by energy absorption as well as by contact currents. • It does not address suggested long-term effects, nor the risks resulting from contact with live conductors. • electromagnetic fields': static magnetic and time-varying electric, magnetic and electromagnetic fields with frequencies up to 300 GHz; 	<p>General remark: Directive 2004/40/EC has not been transposed into Estonian law because according to Art 17(1) of Directive 2013/35/EU it is null and void.</p>	<ul style="list-style-type: none"> • Does the national legislation cover suggested long-term effects? • Does the national legislation address the risks resulting from contact with live conductors? • Other additional or more detailed requirements
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure and/or calculate the levels of electromagnetic fields to which workers are exposed. • On the basis of this assessment, if the action values are exceeded, s/he shall assess and, if necessary, calculate whether the exposure limit values are exceeded. 		<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? • Is the content of the risk assessment more

¹⁷ Töökeskkond ööklubides. Abimaterjal [Working environment in the night clubs. Practical guideline], Tööinspeksioon [Labour Inspectorate]. Available in Estonian at <http://ti.ee/public/files/abimaterjal-ooklubidele%281%29.pdf> (last consulted on 15.04.2014).

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • Assessment, measurement and/or calculations need not be carried out in workplaces open to the public provided that an evaluation has already been undertaken in accordance with Council Recommendation 1999/519/EC. • The data obtained shall be preserved in a suitable form to permit consultation at a later stage • The employer shall give particular attention, when carrying out the risk assessment, to: <ul style="list-style-type: none"> - level, frequency spectrum, duration and type of exposure; - the exposure limit values and action values; - any effects concerning workers at particular risk; - any indirect effects. • The employer shall be in possession of a risk assessment. • The risk assessment shall be recorded on a suitable medium. It may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary. • The risk assessment shall be updated on a regular basis, particularly if there have been significant changes which could render it out of date, or when the results of health surveillance show it to be necessary. 		<p>detailed than described in the Directive?</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? • Other additional or more detailed requirements
Ensuring preventive and protective services Art 4(4)	Assessment, measurement and/or calculations shall be planned and carried out by competent services or persons at suitable intervals.		<ul style="list-style-type: none"> • Any additional or more detailed requirements • Other additional or more detailed requirements
Information for workers	The employer shall ensure that exposed workers and/or their representatives receive	-	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments)

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 6	<p>any necessary information/training relating to the outcome of the risk assessment, in particular on:</p> <ul style="list-style-type: none"> - measures taken to implement this Directive; - values and concepts of the exposure limit values and action values and the associated potential risks - the results of the assessment, measurement /calculations of the levels of exposure to electromagnetic fields - how to detect adverse health effects and to report them; - circumstances in which workers are entitled to health surveillance; - safe working practices to minimise risks from exposure 		<p>in relation to workers information?</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified?
Training of workers Art. 6	Same as above		<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? • Other additional or more detailed requirements
Health surveillance Art. 8	<ul style="list-style-type: none"> • Framework Directive applies • In any event, where exposure above the limit values is detected, a medical examination shall be made available to the worker(s) concerned. • If health damage resulting from exposure is detected, the employer must carry out a reassessment of the risks • The employer shall take appropriate measures to ensure that the doctor and/or the medical authority responsible for the health surveillance has access to the results of the risk assessment • The results of health surveillance shall be preserved in a suitable form to permit consultation at later date, taking account of confidentiality requirements. Individual 		<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to electromagnetic fields? • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to electromagnetic fields? • Are the arrangements for health surveillance records specified in the legislation? • Are the conditions in which health surveillance is required more specifically described in the legislation? • Is the periodicity of health surveillance provided in national law? • Other additional or more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	workers shall, at their request, have access to their own personal health records		
Consultation of workers <i>Art. 7</i>	<ul style="list-style-type: none"> Framework Directive applies 		<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? Other additional or more detailed requirements
Limit values <i>Art.3</i>	Exposure limit values are as set out in the Annex, Table 1. Action values are as set out in the Annex, Table 2.		<ul style="list-style-type: none"> Does the transposing legislation set more stringent values? Other additional or more detailed requirements
Other issues identified	Other KRs		

Table 1- 13 Directive 2006/25/EC (artificial optical radiation) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art 1 and Art 2</i>	<ul style="list-style-type: none"> It lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to artificial optical radiation during their work. It refers to the risk to the health and safety of workers due to adverse effects caused by exposure to artificial optical radiation to the eyes and to the skin. optical radiation: any electromagnetic radiation in the wavelength range between 100 nm and 1 mm. The spectrum of optical radiation is divided into ultraviolet radiation, visible radiation and infrared radiation: <ul style="list-style-type: none"> (i) ultraviolet radiation: optical radiation of wavelength range between 100 nm and 400 nm. The ultraviolet region is divided into UVA (315-400 nm), UVB (280-315 nm) and UVC (100-280 nm); (ii) visible radiation: optical radiation of 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	wavelength range between 380 nm and 780 nm; (iii) infrared radiation: optical radiation of wavelength range between 780 nm and 1 mm. The infrared region is divided into IRA (780-1 400 nm), IRB (1 400-3 000 nm) and IRC (3 000 nm-1 mm);		
Conducting a risk assessment Art.4	<ul style="list-style-type: none"> • The employer shall assess and, if necessary, measure and/or calculate the levels of exposure to optical radiation to which workers are likely to be exposed • The data obtained shall be preserved in a suitable form to permit their consultation at a later stage. • The employer shall give particular attention, when carrying out the risk assessment, to the following: <ul style="list-style-type: none"> - the level, wavelength range and duration of exposure; - the exposure limit values - any effects concerning the health and safety of workers belonging to particularly sensitive risk groups; - any possible effects resulting from workplace interactions between optical radiation and photosensitising chemical substances; - any indirect effects e.g. temporary blinding, explosion or fire; - the existence of replacement equipment designed to reduce the levels of exposure to artificial optical radiation; - appropriate information obtained from health surveillance, including published information, as far as possible; - multiple sources of exposure; - a classification applied to a laser as defined 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? Y. On request of Labour Inspectorate the employer is obliged to submit risk assessment. Labour Inspectorate exercises state supervision over compliance with the safety and health requirements. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	in accordance with the relevant IEC standard and, in relation to any artificial source likely to cause damage similar to that of a laser of class 3B or 4, any similar classification;		
Ensuring preventive and protective services Art 4(2)	<ul style="list-style-type: none"> The assessment, measurement and/or calculations referred to in paragraph 1 shall be planned and carried out by competent services or persons at suitable intervals 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.
Information for workers Art. 6	<ul style="list-style-type: none"> The employer shall ensure that workers exposed to risks from artificial optical radiation at work and/or their representatives receive necessary information and training relating to the outcome of the risk assessment in particular: <ul style="list-style-type: none"> measures taken to implement this Directive; the exposure limit values and the associated potential risks; the results of the assessment, measurement and/or calculations with an explanation of their significance and potential risks; how to detect adverse health effects of exposure and how to report them circumstances in which workers are entitled to health surveillance; safe working practices to minimise risks from exposure; proper use of appropriate personal protective equipment 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art. 6	Same as above	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the competence of trainers provided in the legislation? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
<p>Health surveillance Art. 8</p>	<ul style="list-style-type: none"> • Health surveillance is carried out by a doctor, an occupational health professional or a medical authority responsible for health surveillance • Individual health records are made and kept up to date. • Health records shall contain a summary of the results of the health surveillance and be kept in a suitable form to permit later consultation, taking into account any confidentiality. • Copies of the appropriate records shall be supplied to the competent authority on request, taking into account any confidentiality. • Doctor, the occupational health professional or the medical authority responsible for the health surveillance, has access to the results of the risk assessment where such results may be relevant to the health surveillance. • Individual workers shall, at their request, have access to their own personal health records • When exposure above limit values is detected, a medical examination shall be made available to the worker(s) concerned. • In both cases, when limit values are exceeded or adverse health effects (incl. diseases) are identified: <ul style="list-style-type: none"> - the worker shall be informed of the result which relates to him personally and receive information and advice regarding any 	<p>One observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art 8 (4) first sentence and Art. 8 (4) (a) second sentence related to situation when exposure above limit values is detected, a medical examination shall be made available to the worker(s) concerned; and when limit values are exceeded or adverse health effects (incl. diseases) are identified the worker shall receive information and advice regarding any health surveillance which he should undergo following the end of exposure.</p>	<ul style="list-style-type: none"> • Does the national legislation require health surveillance prior to exposure to artificial optical radiation? <p>N. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work.</p> <ul style="list-style-type: none"> • Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to artificial optical radiation? <p>N.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Y. Specific regulation on health surveillance records is provided for SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers"</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but not less than once during three years.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>See above</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>health surveillance which he should undergo following the end of exposure;</p> <ul style="list-style-type: none"> - the employer shall be informed of any significant findings of the health surveillance, taking into account any medical confidentiality; - the employer shall: <ul style="list-style-type: none"> o review the risk assessment o review the measures taken to eliminate or reduce risks o take into account the health professional advice in implementing such measures o arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. In such cases, the competent health professional may propose that the exposed persons undergo a medical examination. 		<ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Consultation of workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Limit values Art.3	<ul style="list-style-type: none"> • Exposure limit values for non-coherent radiation, other than that emitted by natural sources of optical radiation, are set out in Annex I. • Exposure limit values for laser radiation are set out in Annex II. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent values? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Other issues identified	Other KR's	No observed discrepancies have been identified.	N.

Table 1- 14 Directive 2004/37/EC (carcinogens or mutagens) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art 3(1) read in conjunction with Art 2</i>	<ul style="list-style-type: none"> • This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens or mutagens as a result of their work • Carcinogens Substance category 1 or 2 carcinogens Annex VI to Directive 67/548/EEC • Mutagens: Substance category 1 or 2 mutagens Annex VI to Directive 67/548/EEC 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the national legislation apply the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008? Y. • Does the transposing legislation also cover reprotoxic substances (1A and 1B)? N. • Other additional or more detailed requirements N.
Conducting a risk assessment <i>Art. 3</i>	<ul style="list-style-type: none"> • nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken. • The assessment shall be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens or mutagens. • The employer shall supply the authorities at their request with the information used for making the assessment. • When assessing the risk, account shall be taken of all other routes of exposure, such as absorption into and/or through the skin. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? On request. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directives? N. • Is the content of the risk assessment more detailed than described in the Directives? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directives? N. • Other additional or more detailed requirements N.
Ensuring preventive and	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
protective services			
Information for workers Art.12	<p>Appropriate measure to ensure that:</p> <ul style="list-style-type: none"> Workers and/or any workers' representatives in the undertaking can check that this Directive is applied or can be involved in its application in particular for: <ul style="list-style-type: none"> the consequences for workers' safety and health of the selection, wearing and use of protective clothing and equipment, without prejudice to the employer's responsibility for determining the effectiveness of protective clothing and equipment; the measures in case of foreseeable exposure Workers and/or their representatives are informed as quickly as possible of abnormal exposures including foreseeable ones or the cause and of the measures taken or to be taken to rectify the situation The employer keeps an up-to-date list of the workers engaged in the activities in respect of which the results of the assessment reveals a risk to workers and indicating if available their exposure Doctors and/or competent authorities have access to this list. Each worker has access to the information about him Workers and/or workers representatives have access to anonymous collective information 	There are no observed discrepancies regarding the information of workers.	<ul style="list-style-type: none"> Does the Directive set additional information requirements, including on: <ul style="list-style-type: none"> relevant activities and industrial processes, including reasons why carcinogens mutagens and reprotoxins are used; N. quantities of substances and preparations manufactured or used that contain CMR N. numbers of workers exposed N. replacement by another product N. negative impacts on fertility N. Does the legislation provide for specific conditions in relation (e.g. size of the establishments) to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers Art.11	<ul style="list-style-type: none"> Sufficient and appropriate training on the basis of all available information on: <ul style="list-style-type: none"> Potential risks to health including the additional risks due to tobacco 	There are no observed discrepancies regarding the training of workers.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation? N. Are there specific requirements as to the

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>consumption</p> <ul style="list-style-type: none"> o Precautions to be taken to prevent exposure 		<p>competence of trainers provided in the legislation?</p> <p>N. According to VVM No 80 "The Order of Occupational Health and Safety Training and Continuing Training" the working environment representatives and/or members of the working environment council can be trained by the employer or by an educational institution. If the training is provided by the educational institution, the training should last 24 hours and include the themes proposed in VVM No 80. The educational institutions have to be registered in the Ministry of Social Affairs.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
<p>Health surveillance Art.14 and ANNEX II</p>	<ul style="list-style-type: none"> • Health surveillance prior exposure and at regular intervals thereafter • If a workers suffer from an abnormality suspected to be the result of exposure the doctor or relevant authority may require other workers who have been similarly exposed to undergo health surveillance. In that even a reassessment of the risk must be carried out. • Medical records must be kept and doctors must propose any protective or preventive measures to be taken in respect of any individual worker. • Advice must be given to workers on health surveillance after the end of exposure • Workers have access to the result of health surveillance that concern them • Workers/employers may request a review of the results of the health surveillance 	<p>An observed discrepancy has been identified. There are no legal norms that guarantee health surveillance of workers <u>prior to exposure</u>. According to VVM No 74 employer has to guarantee health surveillance to worker during the first month of working.</p>	<ul style="list-style-type: none"> • Does the national legislation set health surveillance requirements after the end of exposure? <p>Y. According to VVM No308 worker's health must be surveyed after the end of exposure in accordance with the schedule envisaged by occupational health care doctor.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Y. Official formulas of health records are stipulated in VVM No 74.</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more specifically described in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Is the periodicity of health surveillance provided in national law? <p>Y. According to VVM No 74 employer has to guarantee health surveillance to worker</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			during the first month of working and afterwards periodically according to the schedule provided by occupational health care doctor, but at least once every three years. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Consultation of workers Art.13	<ul style="list-style-type: none"> Framework Directive applies 	There are no observed discrepancies regarding the consultation of workers.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Limit values Art 16 and Annex III	<ul style="list-style-type: none"> Limit values on Benzene, Vinyl chloride monomer, hardwood dusts 	There are no observed discrepancies regarding the limit values for exposure.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? N. <ul style="list-style-type: none"> Does the legislation set binding limit values on other carcinogens and mutagens (e.g. refractory ceramic fibres and its compound)? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Other issues identified	Other KRs	No observed discrepancies have been identified.	N.

Table 1- 15 Council Directive 98/24/EC (chemical agents at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The requirements of this Directive apply where hazardous chemical agents are present or may be present at the workplace, without prejudice to the provisions for chemical agents to which 	<p>No observed discrepancies have been identified.</p> <p>However, there are no clear definitions in Estonian law. The definitions must be</p>	<ul style="list-style-type: none"> Is the scope broader than the directive's for: - Chemical agent? N. - Hazardous chemical agent?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>measures for radiation protection apply pursuant to Directives adopted under the Treaty establishing the European Atomic Energy Community.</p> <ul style="list-style-type: none"> • Chemical agent is defined as any chemical element or compound, on its own or admixed, as it occurs in the natural state or as produced, used or released, including release as waste, by any work activity, whether or not produced intentionally and whether or not placed on the market. • Hazardous chemical agent is defined as <ul style="list-style-type: none"> ○ any chemical agent which meets the criteria for classification as a dangerous substance according to the criteria in Annex VI to Directive 67/548/EEC, whether or not that substance is classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the environment; ○ any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 88/379/EEC, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment; ○ any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (i) and (ii), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and 	<p>deduced on the basis of several acts (Regulation (EC) No 1907/2006 and other EC Regulations, the KemS, SoMM No 122 of 3 Dec. 2004 "Requirements and procedure for the identification, classification, packaging and labelling of dangerous chemicals"). Thus, in the framework of the implementation of Directive 98/24/EC, it is difficult to understand the meaning of these conceptions.</p>	<p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	health of workers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive.		
Conducting a risk assessment Art. 4(1), (2) and (4)	<ul style="list-style-type: none"> The Directive requires a risk assessment to be carried out by employers which must determine whether any hazardous chemical agents are present at the workplace. If so they should assess them taking into account, inter alia, their hazardous properties; level, type and duration of exposure; the circumstances of work involving such agents; occupational exposure limit values or biological limit values; effect of preventive measures taken or to be taken; conclusions to be drawn from any health surveillance. In case of activities involving exposure to several agents, the risk must be assessed taking into account all chemical agents in combination. The risk assessment must be documented. The employer must be in possession of the risk assessment. 	No observed discrepancies have been identified although it should be noted that there is no clear obligation in Estonian law that in case of activities involving exposure to several agents, the risk must be assessed taking into account all chemical agents in combination.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? On request. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Other additional or more detailed requirements. N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> The employer must ensure that workers are provided with: <ul style="list-style-type: none"> Data obtained from the risk assessments Information on the hazardous chemical agents occurring in the workplace (e.g. relevant occupational exposure limit 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the transposing legislation set any additional information requirements? N. Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> values) o Training and information on appropriate precautions and actions to be taken o Safety data sheet 		<p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Training workers of Art.8	<ul style="list-style-type: none"> • The employer must ensure that workers are provided with: <ul style="list-style-type: none"> o Training and information on appropriate precautions and actions to be taken 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance Art.10	<ul style="list-style-type: none"> • The employer shall provide health surveillance of workers for whom the results of the assessment of the hazardous chemical agents reveal a risk to health. • Individual health and exposure records shall be made and kept up-to-date and contain a summary of the results of health surveillance and of any monitoring data representative of the exposure of the individual. • Copies must be supplied on request to the authorities 	<p>No observed discrepancies have been identified.</p> <p>However, it should be noted that there is no regulation about the obligation to supply the copy of the individual health and exposure records to the competent authority.</p>	<ul style="list-style-type: none"> • Does the transposing legislation require health surveillance to be provided for other workers than those for which the assessment of the hazardous chemical agents revealed a risk to health? <p>N.</p> <ul style="list-style-type: none"> • Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? <p>No regulation.</p> <ul style="list-style-type: none"> • Are the arrangements for health surveillance records specified in the legislation? <p>Y. Official formulas of health records are stipulated in VVM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <ul style="list-style-type: none"> • Are the conditions in which health surveillance is required more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>specifically described in the legislation? Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but not less than once during three years.</p> <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but not less than once during three years.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Consultation of workers Art.11	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Limit values Art 3 and 6(4) and (5)	<ul style="list-style-type: none"> Exposure limit values and biological limit values In addition, Directive 91/322/EEC, Directive 2000/39/EC, Directive 2006/15/EC and Directive 2009/161/EC 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the transposing legislation set more stringent limit values? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p> <p>Limit values for chemical hazards have been established by VVM No 293 of 18 Sept. 2001 "Limit values for chemical hazards in the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Other issues identified	Other KRs	No observed discrepancies have been identified.	working environment". That regulation does not set more stringent limit values. The Labour Inspectorate has elaborated the practical guideline "Dangerous chemicals in the working environment" ("Ohtlikud kemikaalid töökeskkonnas") ¹⁸ .

Table 1- 16 Directive 2009/148/EC (asbestos) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art.1 and 2	The Directive covers health and safety risks arising or likely to arise from exposure to asbestos at work where asbestos is defined as any one of six fibrous silicates: - asbestos actinolite, CAS No 77536-66-4 (1); - asbestos grunerite (amosite), CAS No 12172-73-5 (1); - asbestos anthophyllite, CAS No 77536-67-5 (1) - chrysotile, CAS No 12001-29-5 (1); - crocidolite, CAS No 12001-28-4 (1); - asbestos tremolite, CAS No 77536-68-6 (1).	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Any additional or more detailed requirements N.
Conducting a risk assessment Art.3(2)	<ul style="list-style-type: none"> In the case of activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed to determine the nature and degree of the workers' exposure. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? N. <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? N. <ul style="list-style-type: none"> Are the sources of information and persons

¹⁸ *Ohtlikud kemikaalid töökeskkonnas* [Dangerous chemicals in the working environment]. *Tööinspeksioon* [Labour Inspectorate], 2013. Available in Estonian at http://www.tooelu.ee/UserFiles/Sisulehtede-failid/Teemad/keemilised-ohutegurid/Ohtlikud_kemikaalid_tookeskkonnas.pdf.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services Art.7(4)	<ul style="list-style-type: none"> • Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in laboratories equipped for fibre counting. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Information for workers Art.4(4) Art.17	<ul style="list-style-type: none"> • Art.4(4): Workers must have access to the documents used in the documentation system • Art.17: Workers must receive adequate information on: <ul style="list-style-type: none"> - potential risks to health from exposure to dust arising from asbestos or materials containing asbestos; - existence of statutory limit values and the need for the atmosphere to be monitored; - hygiene requirements, including the need to refrain from smoking; - precautions to be taken as regards the wearing and use of protective equipment and clothing; - special precautions designed to minimise exposure to asbestos. • Workers must have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results. if the results exceed the limit value, the workers concerned are informed as quickly as possible of the fact and the reasons for it and the workers are consulted 	An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art 4 (4) and 17 (1).	<ul style="list-style-type: none"> • Does the transposing legislation set any additional information requirements? <p>N.</p> <ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>on the measures to be taken or, in an emergency, are informed of the measures which have been taken.</p>		
Training of workers Art.14	<ul style="list-style-type: none"> • Appropriate training must be given for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers. • The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards: <ul style="list-style-type: none"> - properties of asbestos and its effects on health; - types of products or materials likely to contain asbestos; - operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure; - safe work practices, controls and protective equipment; - appropriate role, choice, selection, limitations and proper use of respiratory equipment; - emergency procedures; - decontamination procedures; - waste disposal; - medical surveillance requirements 	<p>An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art 14 (1) second sentence. According to VVM No 224 of 11 Oct. 2007 "Occupational health and safety requirements from the risks related to exposure to asbestos at work" § 12 an employer must organise training for all workers who are exposed to asbestos before commencing the work first time.</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? Y. VVM No 224 of 11 Oct. 2007 "Occupational health and safety requirements from the risks related to exposure to asbestos at work" § 12 provides for duration of the training which must be at least 8 hours. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Are there more detailed requirements on the content of training than in the Directive? Y. VVM No 224 of 11 Oct. 2007 "Occupational health and safety requirements from the risks related to exposure to asbestos at work" § 12 4) provides that training must include as well planning of work with asbestos and drawing up a plan of work. • Are there more detailed requirements on the regularity of training than in the Directive? N. • Other additional or more detailed requirements N.
Health surveillance Art.18	<ul style="list-style-type: none"> • Assessment of each worker's health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work. It must include a specific examination of the chest. • A new assessment must be available at 	<p>An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art 18 (3) allowing a doctor or authority responsible for the medical surveillance to determine any individual protective or preventive measures.</p>	<ul style="list-style-type: none"> • Do these health surveillance requirements also apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded? Y.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>least once every 3 years for as long as exposure continues.</p> <ul style="list-style-type: none"> • Individual health record to be established for each worker • The doctor or responsible authority shall advise on individual protective/preventive measures to be taken or determine such measures, including where appropriate the withdrawal of the worker from all exposure to asbestos. • Information and advice must be given to workers on any assessment of their health which they may undergo following the end of exposure. • The doctor may indicate that medical surveillance must continue after the end of exposure for as long as he/she considers it necessary to safeguard the health • The worker concerned or the employer may request a review of the assessments • These measures do not apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded (See Article 3(3)) • Annex I gives practical recommendations for the clinical assessment of workers to which the Member States may refer for the clinical surveillance of workers. 	<p>There is no provision provided for legal acts corresponding to Art 18 (5) related to the worker's or the employer's request to review the assessments referred to in Art 18 (3).</p> <p>In addition, it is not sufficiently clear from the legal provision that the worker is entitled to undergo health surveillance before being assigned to duties. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work.</p>	<ul style="list-style-type: none"> • Does the national legislation oblige worker to continue medical surveillance after exposure to asbestos? Y. Only if the doctor so determines. • Are the arrangements for health surveillance records specified in the legislation? Y. Specific regulation on health surveillance records is provided for SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers". • Are the conditions in which health surveillance is required more specifically described in the legislation? Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but not less than once every three years. • Is the periodicity of health surveillance provided in national law? See above. • Other additional or more detailed requirements Legal acts provide no specific reference to Annex I. However, principles set out in the Annex I are taken into account by SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers". General clinical examination, with particular reference to the chest and lung function tests (respiratory flow volumes and rates) are specially provided for by VVM No 224 of 11 Oct. 2007 "Occupational health and safety

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			requirements from the risks related to exposure to asbestos at work" § 13 (3). VVM No 224 of 11 Oct. 2007 "Occupational health and safety requirements from the risks related to exposure to asbestos at work" § 13 (4) stipulates that occupational health doctor must inform worker that he or she is not advised to work exposed to asbestos if he or she is diagnosed with chronic lung or upper respiratory disease.
Consultation of workers Art.3(5) and 7(3) and 12	<ul style="list-style-type: none"> • Art.3(5): risk assessment is subject to worker consultation • Art.7(3): sampling is carried out after worker consultation • Art.12: workers must be consulted on measures to be taken in case of activities such as demolition, asbestos removal work, repairing and maintenance where it is foreseeable that the limit values will be exceeded, before the activities start. 	An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art 3 (5) and Art. 12.	<ul style="list-style-type: none"> • Does the national legislation set additional worker consultation requirements? N. • Are more specific criteria put in place? N. • Other additional or more detailed requirements N.
Limit values Art.8	<ul style="list-style-type: none"> • Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm³ as an 8-hour time-weighted average (TWA). 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the transposing legislation set more stringent limit values? N. • Other additional or more detailed requirements N.
Other issues identified	Art 3(3) Provided that worker exposure is sporadic and of low intensity, and if it is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded in the air of the working area, Articles 4, 18 and 19 may be waived.	An observed discrepancy has been identified. According to VVM No 224 of 11 Oct. 2007 "Occupational health and safety requirements from the risks related to exposure to asbestos at work" § 6 Art 13 is waived which is not provided for in Art 3 (3).	Art 18 and Ar. 19 are not waived. In other words in case the worker's exposure is sporadic and of low intensity health surveillance requirements and the requirement to register workers exposed to asbestos are applied. According to VVM No 224 of 11 Oct. 2007 § 5 (3), in cases of low-risk asbestos works, § 6 (notification of commencement of asbestos works) and § 7 (work plan) may be waived.
	Art.21 register of cases of asbestosis and		It was not possible to identify the register of

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	mesothelioma.		recognised cases of asbestosis and mesothelioma.

Table 1- 17 Directive 2000/54/EC (biological agents) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> The Directive covers risks, arising or likely to arise from exposure to biological agents at work. 'biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites, which may be able to provoke any infection, allergy or toxicity; 	<p>No observed discrepancies have been identified.</p> <p>However, there are no provisions provided for legal acts corresponding to Art 2 (c) on definition of "cell culture".</p>	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? <p>Y. Definition on "biological agents" is left opened. According to TTOS § 8 (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.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Conducting a risk assessment Art. 3, 7(1)	<ul style="list-style-type: none"> The nature, degree and duration of workers' exposure must be determined. In the case of activities involving exposure to several groups of biological agents, the risk shall be assessed on the basis of the danger presented by all hazardous agents present. The assessment must be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure The employer must supply the CAs, at their request, with the information used for making the assessment. 	<p>No observed discrepancies have been identified.</p>	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities automatically? <p>N.</p> <ul style="list-style-type: none"> Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? <p>N. However, there is a practical guideline "Biological risk factor in the working environment" ("<i>Bioloogiline ohutegur töökeskkonnas</i>")¹⁹ provided by state supervisory authority (Labour Inspectorate).</p> <ul style="list-style-type: none"> Are the risks to be taken into account in

¹⁹ *Bioloogiline ohutegur töökeskkonnas. Abimaterjal* [Biological risk factor in the working environment. Practical guideline], *Tööinspeksioon* [Labour Inspectorate]. Available in Estonian at <http://ti.ee/public/files/bio%20ohutegur%20juhend%281%29.pdf>.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> • The assessment is conducted on the basis of all available information: <ul style="list-style-type: none"> - classification of biological agents which are or may be a hazard to human health - recommendations from a CA which indicate that the biological agent should be controlled to protect workers' health when workers are or may be exposed to such a biological agent as a result of their work - information on diseases which may be contracted as a result of the work of the workers - potential allergenic or toxigenic effects as a result of the work of the workers; - knowledge of a disease from which a worker is found to be suffering and which has a direct connection with his work • Where the assessment reveals risk to workers' health or safety, employers shall, when requested, make available to the CA appropriate information on: <ul style="list-style-type: none"> - the results of the assessment; - the activities in which workers have been exposed or may have been exposed; - the number of workers exposed; - the name and capabilities of the person responsible for OSH, - the protective and preventive measures taken; - an emergency plan for the protection of workers from exposure to a group 3 or 4 biological agent which might result from a loss of physical containment. 		<p>the assessment described in a more specific manner than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Information for workers Art.10	<ul style="list-style-type: none"> • Employers shall provide written instructions and, if appropriate, display notices which shall, include the procedure to follow in the case of: <ul style="list-style-type: none"> - a serious accident or incident involving the handling of a biological agent; - handling a group 4 biological agent. • Employers shall inform the workers of any accident/incident which may have resulted in the release of a biological agent and could cause severe human infection and/or illness. • Employers shall inform the workers as quickly as possible when a serious accident or incident occurs, of its causes and the remedial measures taken or to be taken. • Each worker shall have access to the information on the list of exposed workers which relates to him personally. • Workers or their representatives shall have access to anonymous collective information. • Employers shall provide workers and/or their representatives, at their request, with the information for CAs (see Article 7) 	<p>An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art. 10(6).</p>	<ul style="list-style-type: none"> • Does the information to be provided to the CAs need to be available to the workers independently of their request? N. There is no provision provided for legal acts corresponding to Art. 10(6). • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements Y. According to VVM No 144 of 5 May 2000 "Occupational health and safety requirements for the working environment affected by biological hazards" § 9 (1) the employer shall compose and approve written instructions for handling all biological risk factors not only for handling a group 4 biological agent (see Art.10 (1) (b)).
Training of workers Art.9	<ul style="list-style-type: none"> • Workers receive training concerning: <ul style="list-style-type: none"> - potential risks to health; - precautions to be taken to prevent exposure; - hygiene requirements; - wearing and use of protective equipment and clothing; - steps to be taken in case of incidents and to prevent them. • Training shall be: <ul style="list-style-type: none"> - given at the beginning of work involving contact with biological agents, 	<p>An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art. 9 (2) (b) the training shall be adapted to take account of new or changed risks.</p> <p>VVM No 144 of 5 May 2000 "Occupational health and safety requirements for the working environment affected by biological hazards" § 8 (3) provides that the workers shall be additionally informed if new health risks emerge. However, information on new</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Are there specific requirements as to the competence of trainers provided in the legislation? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	- adapted to new or changed risks, and repeated periodically if necessary	risks can be considered substantially different than adaptation of training to new risks.	
Health surveillance Art.14	<ul style="list-style-type: none"> • Each worker can undergo, if appropriate, relevant health surveillance prior to exposure and at regular intervals • When necessary, effective vaccines should be made available for workers who are not already immune to the biological agent to which they are exposed. • A worker is found to be suffering from an infection and/or illness which is suspected to result from exposure, the doctor or responsible authority shall offer such surveillance to other workers similarly exposed. In that event, a reassessment of the risk of exposure shall be carried out • In cases where health surveillance is carried out, an individual medical record shall be kept for at least 10 years following the end of exposure. • In the special cases of infection [referred to in Article 11(2) second subparagraph], an individual medical record shall be kept for an appropriately longer time up to 40 years following the last known exposure. • The doctor or responsible authority shall propose protective or preventive measures in respect of any individual worker. • Information and advice must be given to workers on health surveillance they may undergo after the end of exposure. • Workers shall have access to the results of the health surveillance which concern them, and they or the employer may request a review of these results. • All cases of diseases or death identified from occupational exposure to biological 	<p>An observed discrepancy has been identified. It is not sufficiently clear from the legal provision that the worker is entitled to undergo health surveillance before being assigned to duties. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work.</p> <p>There is no provision provided for legal acts corresponding to Art. 14 (9).</p>	<ul style="list-style-type: none"> • Does the national legislation set more stringent requirements on health surveillance (e.g. individual medical records must be kept more than 10 years)? N. • Are the arrangements for health surveillance records specified in the legislation? Y. Specific regulation on health surveillance records is provided for SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers". • Are the conditions in which health surveillance is required more specifically described in the legislation? Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but not less than once during three years. • Is the periodicity of health surveillance provided in national law? See above. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	agents shall be notified to the CA <ul style="list-style-type: none"> Annex IV gives practical recommendations for the clinical assessment of workers to which the Member States may refer for the clinical surveillance of workers. 		
Consultation of workers Art.12	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N.
Limit values	N/A	N/A	N/A
Other issues identified	Other KRs	No observed discrepancies have been identified.	Y. According to VVM No 144 of 5 May 2000 "Occupational health and safety requirements for the working environment affected by biological hazards" § 6 (2 ¹) The employer is obliged to ensure preventive treatment for workers who were subject to an exposure that penetrated the skin with a person, animal or person who is suspected of being infected or carrying an infectious agent and who has immediately notified the employer of the exposure. Preventive treatment shall be, above all, immediate administration of a prophylactic medicinal product or an anti-rabic vaccine and anti-rabic immunoglobulin to the worker after the said exposure. The said exposure that penetrated the skin, followed by preventive treatment, shall be considered to be an occupational accident.

Table 1- 18 Council Directive 92/57/EEC (temporary or mobile construction sites) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1, 2 and	<ul style="list-style-type: none"> The Directive applies to the health and safety of workers at temporary or mobile construction sites, i.e. any construction site 	No observed discrepancies regarding the scope and definitions.	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
10(1) and (2)	at which building or civil engineering works are carried out (a non-exhaustive list of works is provided in Annex I). It does not apply to drilling and extractive industries*.		
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.11	<ul style="list-style-type: none"> • Framework Directive applies. • Workers and/or their representatives must be informed of all the measures to be taken concerning their safety and health on the construction site. • The information must be comprehensible to the workers concerned. 	No observed discrepancies regarding the information of workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 12	<ul style="list-style-type: none"> • Framework Directive applies. • The consultation of workers must be coordinated, whenever necessary, between workers and/or workers' representatives carrying out their activities at the workplace, having regard to the degree of risk and the size of the work site. 	No observed discrepancies regarding the consultation of workers.	<ul style="list-style-type: none"> • Are specific criteria put in place for coordination of workers consultation e.g. based on the size of the work site? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Art. 2(e), (f) and Art. 3(1)	An observed discrepancy has been identified. Under VVM No 377 of 8 Dec. 1999 "Occupational health and safety requirements at construction sites" § 6 (1), the coordinators for safety and health matters	N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		are appointed only for the project execution stage, not for the project preparations stage.	

* The Council Decision 74/326/EEC, to which the Directive refers for a definition of "drilling and extracting industries" has been repealed by the Council Decision setting up an Advisory Committee on Safety and Health at Work.

Table 1- 19 Council Directive 92/104/EEC (surface and underground mineral-extracting industries) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	The Directive applies to surface and underground mineral-extracting industries (excluding extraction by drilling which is subject to a separate directive).	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is the scope of the national legislation broader than the Directive? N.
Conducting a risk assessment Art. 3.2	The employer shall ensure that a document concerning safety and health and covering the relevant requirements on risk assessment of the Framework Directive is drawn up and kept up to date. The safety and health document shall demonstrate in particular that the risks to which workers at the workplace are exposed have been determined and assessed.	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. However, on request of the Labour Inspectorate the employer is obliged to submit risk assessment. Labour Inspectorate exercises state supervision over compliance with the safety and health requirements. Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. Is the content of the risk assessment more detailed than described in the Directive? N. Is a more specific methodology for risk assessment provided in the legislation? N. Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. Does the national legislation include more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring internal and/or external preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> • Framework Directive applies • Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). • The information must be comprehensible to the workers concerned. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> • Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Training of workers Art. 10 (Annex)	<ul style="list-style-type: none"> • Workers must be given the necessary information, instructions, training and re-training to ensure their health and safety. • The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Health surveillance Art. 8</p>	<ul style="list-style-type: none"> • To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. • The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals. • Health surveillance may be provided as part of a national health system. 	<p>No observed discrepancies have been identified.</p> <p>However, it is not sufficiently clear from the legal provision that the worker is entitled to undergo health surveillance before being assigned to duties. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work.</p>	<ul style="list-style-type: none"> • Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? N. There is no such exact provision. However, according to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the periodicity of medical surveillance is determined by the occupational health doctor but health surveillance must not be less than once every three years. • Are the arrangements for health surveillance records specified in the legislation? Y. Specific regulation on health surveillance records is provided for SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers". • Are the conditions in which health surveillance is required more specifically described in the legislation? Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but not less than once during three years. • Is the periodicity of health surveillance provided in national law? See above. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Consultation of workers <i>Art. 9</i>	<ul style="list-style-type: none"> • Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? N. • Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Other KR's	No observed discrepancies have been identified.	N.

Table 1- 20 Council Directive 92/91/EEC (mineral-extracting industries through drilling) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions <i>Art. 1 and 2</i>	<ul style="list-style-type: none"> • The Directive applies to the safety and health protection of workers in mineral extracting industries; i.e. industries practising extraction of minerals through drilling by boreholes, prospection with a view to such extraction and/or preparation of extracted materials for sale, excluding activities of processing the materials extracted. 	<p>No observed discrepancies have been identified.</p> <p>However, there is no clear reference to "drilling" in the legal provision, except reference to extracting groundwater through drilling. The scope defined in the transposing act is therefore not sufficiently clear.</p>	<ul style="list-style-type: none"> • Is the scope of the national legislation broader than the Directive? N.
Conducting a risk assessment <i>Art.3(2)</i>	<ul style="list-style-type: none"> • A 'safety and health document', covering the relevant requirements of the Framework Directive is drawn up and kept up to date. It shall demonstrate in particular that the risks incurred by the workers at the work place have been determined and assessed. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? N. However, on request of the Labour Inspectorate the employer is obliged to submit risk assessment. The Labour Inspectorate exercises state supervision over compliance with the safety and health requirements. • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. • Is the content of the risk assessment more

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>detailed than described in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> Framework Directive applies Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems). The information must be comprehensible to the workers concerned. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? <p>N.</p> <ul style="list-style-type: none"> Is the content or form of information to workers further specified? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Training of	<ul style="list-style-type: none"> Workers must be given the necessary 	No observed discrepancies have been	<ul style="list-style-type: none"> Is more specific information on the scope

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art. 10 (Annex Part A 2.5)	<p>information, instructions, training and retraining to ensure their health and safety.</p> <ul style="list-style-type: none"> The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers. 	<p>identified.</p>	<p>of training provided in the legislation? N.</p> <ul style="list-style-type: none"> Are there specific requirements as to the competence of trainers provided in the legislation? N. Other additional or more detailed requirements N.
Health surveillance Art. 8	<ul style="list-style-type: none"> To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices. The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals. Health surveillance may be provided as part of a national health system 	<p>No observed discrepancies have been identified.</p> <p>However, it is not sufficiently clear from the legal provision that the worker is entitled to undergo health surveillance before being assigned to duties. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work.</p>	<ul style="list-style-type: none"> Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? N. There is no such exact provision. However, according to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the periodicity of medical surveillance is determined by the occupational health doctor but health surveillance must not be less than once every three years. Are the arrangements for health surveillance records specified in the legislation? Y. Specific regulation on health surveillance records is provided for SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers". Are the conditions in which health surveillance is required more specifically described in the legislation? Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			hereafter on the date set by the occupational health doctor but not less than once every three years. <ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? See above. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Consultation of workers Art. 9	<ul style="list-style-type: none"> Framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Are there more detailed requirements than in the Framework Directive? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.
Limit values	N/A	N/A	N/A
Other issues identified	Annex, Part C: Special minimum requirements applicable to the off-shore sector.	No observed discrepancies have been identified.	Not transposed. There are no off-shore activities in Estonia.

Table 1- 21 Council Directive 92/29/EEC (medical treatment on board vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(a) and(b), Art 2(3) and (4)	<ul style="list-style-type: none"> The Directive applies to workers on board a vessel, i.e. any vessel flying the flag of a MS or registered under the plenary jurisdiction of a MS, seagoing or estuary-fishing, publicly or privately owned, excluding inland navigation vessels, warships, pleasure boats used for non-commercial purposes and not manned by professional crews and tugs operating in harbour areas. It applies to workers, excluding port pilots and shore personnel carrying out work on board a vessel at the quayside. Vessels of more than 500 gross registered tonnes with a crew of 15 or more workers 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the national legislation require a sick bay for vessels board under conditions that go beyond the conditions set by the directive? N. <ul style="list-style-type: none"> Does the national legislation require having a doctor responsible for medical care on board under conditions that go beyond the conditions set by the directive? N. <ul style="list-style-type: none"> Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>and engaged in voyage of more than three days are required to have a sick bay.</p> <ul style="list-style-type: none"> Vessels with a crew of 100 or more workers and engaged in international voyage of more than 3 days are required to have a doctor responsible for medical care on board. 		
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 5	<p>Each Member State shall take the measures necessary to ensure that:</p> <ol style="list-style-type: none"> 1. medical supplies are accompanied by one or more guides to their use, including instructions for use of at least the antidotes required in Annex II section III; 2. all persons receiving professional maritime training and intending to work on board ship have been given basic training in the medical and emergency measures to be taken immediately in the event of an accident or serious medical emergency; 3. the captain and any worker or workers to whom he delegates the use of the medical supplies pursuant to Article 4 (1) (b) have received special training updated periodically, at least every five years, taking into account the specific risks and needs connected with the different categories of vessel and in accordance with the general guidelines set out in Annex V. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Does the national legislation set additional information requirements? N. Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of	Same as above.	No observed discrepancies have been	<ul style="list-style-type: none"> Is more specific information on the scope

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
workers Art. 5		identified.	<p>of training provided in the legislation (general training for person likely to command a vessel)?</p> <p>Y. The scope of training has been established by SoMM No 31 of 26 Feb. 2003 "Curricula of first aid and medical care training for crewmembers on ships, and the number of training hours and qualification requirements for training providers".</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>Y. The specific requirements have been stipulated by SoMM No 31 of 26 Feb. 2003 "Curricula of first aid and medical care training for crewmembers on ships, and the number of training hours and qualification requirements for training providers".</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	Other KRs	No observed discrepancies have been identified.	N.

Table 1- 22 Council Directive 93/103/EC (work on board fishing vessels) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(b) and(c)	<ul style="list-style-type: none"> • The Directive applies to any new or existing fishing vessels with a length between perpendiculars of 15 meters or over (which on or after 23 November 1995 furthermore 	No observed discrepancies have been identified taking into account the accession date of Estonia to the European Union (01.05.2004) and the enforcement date of	<ul style="list-style-type: none"> • Does the national legislation apply the requirement of the Directive to other fishing vessels than the ones covered by the Directive?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	satisfied the conditions specified therein) or with a length of 18 metres or over respectively.	VVM No 173 of 17 May 2001 "Occupational health and safety requirements for fishing vessels" (01.01.2002). However, VVM No 173 of 17 May 2001 "Occupational health and safety requirements for fishing vessels" § 1 (2) 1) is not sufficiently clear. According to § 1 (2) 1) the regulation is applied to new fishing vessels with a length between perpendiculars of 15 metres or over which will be completed after the entry into force of this regulation. In order to interpret "which will be completed after the entry into force of this regulation" it is necessary to turn to Art. 2 (b) ii), iii) of the Directive.	N. • Other additional or more detailed requirements N.
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> The framework Directive applies. The information must be comprehensible to the workers concerned. 	An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art. 8 (2).	<ul style="list-style-type: none"> Does the national legislation set additional information requirements? N. Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. Is the content or form of information to workers further specified? N. Other additional or more detailed requirements N.
Training of workers	Art.9 <ul style="list-style-type: none"> Workers shall be given suitable training, in 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.9 Art.10	<p>particular in the form of precise, comprehensible instructions, on safety and health on board vessels and on accident prevention</p> <ul style="list-style-type: none"> • The training shall cover in particular firefighting, the use of life-saving and survival equipment and, for the workers concerned, the use of fishing gear and hauling equipment and the use of various types of signs including hand signals • Such training shall be subject to the necessary updating where this is required by changes in the activities on board <p>Art.10</p> <ul style="list-style-type: none"> • Any person likely to command a vessel shall be given detailed training on: <ul style="list-style-type: none"> - the prevention of occupational illness and accidents on board and the steps to be taken in event of accident; - stability and maintenance of the vessel under all foreseeable conditions of loading and during fishing operations; - radio navigation and communication, including procedures. 		<p>(general training for person likely to command a vessel?</p> <p>Y. Specific provisions on seafarers training are provided for the MSOS.</p> <ul style="list-style-type: none"> • Are there specific requirements as to the competence of trainers provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Health surveillance	N/A	N/A	N/A
Consultation of workers Art.11	<ul style="list-style-type: none"> • The framework Directive applies 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Are there more detailed requirements than in the Framework Directive? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Limit values	N/A	N/A	N/A
Other issues identified	Other KR	No observed discrepancies have been identified.	N.

Table 1- 23 Council Directive 92/85/EEC (pregnant/breastfeeding workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<p>The Directive applies to pregnant workers and workers who have recently given birth or who are breastfeeding.</p> <ul style="list-style-type: none"> • <i>pregnant worker</i> shall mean a pregnant worker who informs her employer of her condition, in accordance with national legislation and/or national practice; • <i>worker who has recently given birth</i> shall mean a worker who has recently given birth within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice; • <i>worker who is breastfeeding</i> shall mean a worker who is breastfeeding within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice. 	No observed discrepancies have been revealed concerning the scope and definitions.	<ul style="list-style-type: none"> • Any additional or more detailed requirements <p>N.</p>
Conducting a risk assessment Art. 4	<p>For all activities liable to involve a specific risk of exposure to the agents, processes or working conditions of which a non-exhaustive list is given in Annex I, the employer shall assess the nature, degree and duration of exposure, in the undertaking and/or establishment concerned in order to:</p> <ul style="list-style-type: none"> - assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers - decide what measures should be taken 	No observed discrepancies have been revealed concerning risk assessment.	<ul style="list-style-type: none"> • Does the national legislation go beyond the Directive by prohibiting exposure of agent listed in Annex I without carrying out a risk assessment? <p>N.</p> <ul style="list-style-type: none"> • Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>N. According to TTOS a labour inspector has the right to obtain information necessary for the exercise of supervision, examine relevant documents in the process of supervision, obtain copies of the documents, and, if a misdemeanour is suspected, take the documents with him/her. So, the labour inspector can obtain the risk assessment on</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>request if he/she is performing supervision over an employer.</p> <ul style="list-style-type: none"> • Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? N. According to the Directive the risks to the health and safety of the worker and possible effects on the pregnancy or breastfeeding should be assessed. VVM No 95 sets out that the risks to the health and safety of the worker and possible effects on the pregnancy or the health of a child, who is being breastfed, should be assessed. • Is the content of the risk assessment more detailed than described in the Directive? N. • Is a more specific methodology for risk assessment provided in the legislation? N. • Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? N. • Other additional or more detailed requirements N.
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.4(2)	Pregnant workers, workers who have recently given birth, workers who are breastfeeding in the undertaking and/or establishment concerned shall be informed of the results of the assessment and of all measures to be taken concerning health and safety at work.	No observed discrepancies have been revealed concerning the information of workers.	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified?

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			N. • Other additional or more detailed requirements N.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values Art. 6	N/A	N/A	N/A
Other issues identified	Other KRs	No observed discrepancies have been identified.	Under § 1 (2) of VVM No 95 of 11 June 2009 "Occupational health and safety requirements for work of pregnant and breastfeeding women", in addition to a doctor's certificate, the submission of a midwife's certificate to the employer if the female worker has to inform the employer of her condition. The employer may also consult with the midwife on implementing working conditions suitable for the female worker. ²⁰

Table 1- 24 Council Directive 91/383/EEC (temporary workers) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 3(1) read in conjunction with Art 2	<ul style="list-style-type: none"> This Directive shall apply to: <ul style="list-style-type: none"> employment relationships governed by a fixed-duration contract of employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions such as: reaching a specific date, completing a specific task or the 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> Any additional or more detailed requirements <p>Training of workers is provided for the TTOS and detailed by SoMM No 80 of 14 Dec. 2000 "Procedure for training and in-service training regarding occupational health and safety".</p> <p>Health surveillance is provided for the TTOS</p>

²⁰ National Implementation Report 2013, Part A, Section II, (EN) p. 56.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>occurrence of a specific event;</p> <ul style="list-style-type: none"> o temporary employment relationships between a temporary employment business which is the employer and the worker, where the latter is assigned to work for and under the control of an undertaking and/or establishment making use of his services. 		and detailed by SoMM No 74 of 24 Apr. 2003 "The procedure of health examination of workers".
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services Art. 6	<ul style="list-style-type: none"> • Protective and prevention services are to be informed about the assignment of workers with temporary or fixed-duration contracts 	An observed discrepancy has been identified. There is no provision provided for legal acts corresponding to Art. 6.	<ul style="list-style-type: none"> • Does the legislation define in more specific terms information to be provided to such services? Not transposed.
Information for workers Art.3	<ul style="list-style-type: none"> • In addition to the general requirements with regard to workers' information, temporary workers shall be informed of special occupational qualifications or skills or special medical surveillance and about increased risks that the job may entail. 	<p>No observed discrepancies have been identified.</p> <p>However, transposition of Art.3 concerning temporary employment relationship is not sufficiently clear. According to TTOS § 12 (1) second sentence if duties are performed by way of temporary agency work, the user undertaking shall guarantee the conformity with occupational health and safety requirements in the user undertaking.</p>	<ul style="list-style-type: none"> • Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? N. • Is the content or form of information to workers further specified? N. • Other additional or more detailed requirements N.
Training of workers Art.4	<ul style="list-style-type: none"> • In addition to the general requirements regarding training, each temporary worker must receive sufficient training appropriate to the particular characteristics of the job, account being taken of his qualifications and experience. 	<p>No observed discrepancies have been identified.</p> <p>However, transposition of Art. 4 concerning temporary employment relationship is not sufficiently clear. According to TTOS § 12 (1) second sentence if duties are performed by way of temporary agency work, the user undertaking shall guarantee the conformity with occupational health and safety</p>	<ul style="list-style-type: none"> • Is more specific information on the scope of training provided in the legislation? N. • Other additional or more detailed requirements N.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		requirements in the user undertaking.	
Health surveillance Art.5(2)	<ul style="list-style-type: none"> Workers who are used for particularly dangerous work which requires special medical surveillance must be provided with appropriate special medical surveillance. 	<p>No observed discrepancies have been identified.</p> <p>However, transposition of Art. 5 (2) concerning temporary employment relationship is not sufficiently clear. According to TTOS § 12 (1) second sentence if duties are performed by way of temporary agency work, the user undertaking shall guarantee the conformity with occupational health and safety requirements in the user undertaking.</p> <p>Health surveillance is based on SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p>	<ul style="list-style-type: none"> Does the transposing legislation require medical surveillance for all types of temporary workers? N. Health surveillance is based on SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers". Are the arrangements for health surveillance records specified in the legislation? Y. Specific regulation on health surveillance records is provided for SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers". Are the conditions in which health surveillance is required more specifically described in the legislation? Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2) the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but not less than once during three years. Is the periodicity of health surveillance provided in national law? See above. Other additional or more detailed requirements N.
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	Other KRs	No observed discrepancies have been identified.	N.

Table 1- 25 Council Directive 94/33/EC (young people at work) - Observed discrepancies, more stringent and more detailed requirements

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions Art. 2(1) in conjunction with Art. 3 Art. 2(2)</p>	<ul style="list-style-type: none"> The Directive applies to any person under 18 years of age (defined as a 'young person') having an employment contract or an employment relationship. It provides for the optional exclusion of occasional or short-term work in domestic service in a private household or of work not considered to be harmful, damaging or dangerous to young people in a family undertaking. 	<p>No observed discrepancies have been identified.</p> <p>However, as the TLS does not use the terminology of the Directive ("child", "adolescent" and "young person") but distinguishes minors on the basis of their age and the obligation to attend school, it is difficult to compare the Estonian rules with the Directive.</p>	<ul style="list-style-type: none"> Does the transposing legislation cover occasional or short-term work in domestic service in a private household or work not considered to be harmful, damaging or dangerous to young people in a family undertaking? <p>Y. If the employment contract has been concluded.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
<p>Conducting a risk assessment Art. 6(2)</p>	<ul style="list-style-type: none"> The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(a) the fitting-out and layout of the workplace and the workstation;</p> <p>(b) the nature, degree and duration of exposure to physical, biological and chemical agents;</p> <p>(c) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;</p> <p>(d) the arrangement of work processes and operations and the way in which these are combined (organization of work);</p>	<p>No observed discrepancies have been identified although it should be noted that there is no clear obligation to conduct the assessment before young people begin work.</p>	<ul style="list-style-type: none"> Does the transposing legislation provide for a risk assessment to be conducted on a regular basis (i.e. every year) independently of any major change in working conditions? <p>N.</p> <ul style="list-style-type: none"> Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>On request.</p> <ul style="list-style-type: none"> Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>N.</p> <ul style="list-style-type: none"> Is the content of the risk assessment more detailed than described in the Directive? <p>N.</p> <ul style="list-style-type: none"> Is a more specific methodology for risk assessment provided in the legislation? <p>N.</p> <ul style="list-style-type: none"> Are the sources of information and persons in charge of the risk assessment described

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>(e) the level of training and instruction given to young people.</p> <ul style="list-style-type: none"> • Where this assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC. • The free health assessment and monitoring may form part of a national health system. 		<p>in the legislation in a more specific manner than in the Directive?</p> <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Ensuring preventive and protective services Art. 6(4)	<ul style="list-style-type: none"> • The employer shall involve the protective and preventive services referred to in Article 7 of Directive 89/391/EEC in the planning, implementation and monitoring of the safety and health conditions applicable to young people. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Does the national legislation set any specific/detailed rules on the way and extent of the involvement of protective and preventive services in the planning, implementation and monitoring of the safety and health conditions applicable to young people? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Information for workers Art. 6(3)	<ul style="list-style-type: none"> • The employer shall inform young people of possible risks and of all measures adopted concerning their safety and health. Furthermore, he shall inform the legal representatives of children of possible risks and of all measures adopted concerning children's safety and health. 	No observed discrepancies have been identified.	<ul style="list-style-type: none"> • Is the content or form of information to young workers/legal representatives of children further specified? <p>N.</p> <ul style="list-style-type: none"> • Other additional or more detailed requirements <p>N.</p>
Training of workers Art.6 (2)	<ul style="list-style-type: none"> • The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work. <p>The assessment must be made before young people begin work and when there</p>	A observed discrepancy has been identified. There is no clear obligation to conduct the assessment before young people begin work. There is no obligation to pay particular attention to the level of training and instruction given to young people.	<ul style="list-style-type: none"> • Does the transposing legislation provide for mandatory training of young workers (according to the Directive, the level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training)? <p>N.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>is any major change in working conditions and must pay particular attention to the following points:</p> <p>(e) the level of training and instruction given to young people. *</p>		<ul style="list-style-type: none"> Is more specific information on the scope of training provided in the legislation in relation to young workers? <p>N.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
<p>Health surveillance Art. 6(2) and 9(3)</p>	<p>Where the assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC.</p> <p>The free health assessment and monitoring may form part of a national health system.</p> <ul style="list-style-type: none"> Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature. 	<p>No observed discrepancies have been identified.</p> <p>However, SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" establishes the procedure for medical examination of workers whose health may be affected by the hazards of the working environment or by the nature of the work which may cause work-related illnesses. That regulation should lay down the clearer obligation to organize the health assessment and monitoring of young people.</p>	<ul style="list-style-type: none"> Besides night work and cases where an assessment of the hazards to young people in connection with their work was shown that there is a risk to the safety, the physical or mental health or development of young people, does the transposing legislation provide for a free health assessment of young workers in other circumstances? <p>N.</p> <ul style="list-style-type: none"> Are the arrangements for health surveillance records specified in the legislation? <p>Y. Specific regulation on health surveillance records is provided for SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers".</p> <ul style="list-style-type: none"> Are the conditions in which health surveillance is required more specifically described in the legislation? <p>Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2), the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but no less frequently than once in every three years and in case of a minor no less frequently than once every two years.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> Is the periodicity of health surveillance provided in national law? <p>Y. According to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2), the medical surveillance begins with the primary surveillance during the first month commencing the work and hereafter on the date set by the occupational health doctor but no less frequently than once in every three years and in case of a minor no less frequently than once every two years.</p> <ul style="list-style-type: none"> Other additional or more detailed requirements <p>N.</p>
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	Art 8	No observed discrepancies have been identified.	According to TLS § 49(3), an agreement by which a worker subject to the obligation to attend school undertakes to perform work immediately before the start of a school day is void.
	Art 9.1(a)	No observed discrepancies have been identified.	Unlike the Directive, TLS § 49(2) permits children (minors of less than 15 years of age) to perform light work in the field of culture, art, sports or advertising from 20:00 to 24:00.
	Art 9.1(b)	No observed discrepancies have been identified.	As a rule, an agreement by which a worker who is a minor (incl. adolescent) undertakes to perform work from 20:00 to 6:00 is void (TLS § 49(1)). This rule is not applied if a worker who is a minor does light work in the field of culture, art, sports or advertising under the supervision of an adult from 20:00 to 24:00 (TLS § 49(2)).
	Art 11	No observed discrepancies have been identified.	Under TLS § 8(2), the legal representative of a minor may not consent to the employment

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			during the school holiday of a minor subject to the obligation to attend school for more than a half of each term of the school holiday.

* The level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training.

1.3.2 Options

This sub-section considers the options provided by the directives to the Member States to exercise their legislative powers beyond what is strictly required by the Directives. In this case, Member States can ultimately set more stringent measures than those required by the Directive. The analysis here reviews whether these options have been used, contributing to the identification of more stringent measures.

Estonia has made use of the option only for Directive 200/54/EC (biological agents), adding work in forestry.

Table 1- 26 Options

Directive	Y/N	Legal references and brief description
Directive 2000/54/EC on biological agents - Annex I	Y.	VVM No 144 of 5 May 2000 "Occupational health and safety requirements for the working environment affected by biological hazards" § 4 (2) 2) (work in forestry).
Directive 91/383/EEC on temporary workers - Art. 5(1)	N.	-
Directive 91/383/EEC on temporary workers - Art. 5(3)	N.	-
Directive 91/383/EEC on temporary workers - Art. 7(2) second indent	N.	-

1.4 INTERACTIONS

This section aims at identifying synergies provided in the national legislation for the transposition of CPMs across Directives.

For each of the CPMs, the Occupational Health and Safety Act (TTOS) contains the general requirements e.g. on risk assessment. General requirements are also set with regard to training of workers by the Regulation of the Ministry of Social Affairs on Procedure for training and in-service training regarding occupational health and safety (SoMM No 80) and with regard to health surveillance by the Regulation of the Ministry of Social Affairs on the procedure of medical examination of workers (SoMM No 74). These are completed by each of the specific governmental or ministerial implementing regulation with regard to the relevant individual Directives' requirements.

The results of the analysis are presented in table 1-27 below.

Table 1- 27 Interactions between CPMs across OSH Directives

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Directive 89/391/EEC (Framework Directive)	TTOS Sec. 13(1)3-5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6), Sec. 12(6)	TTOS Sec. 12(6), Sec. 13(1)12)13); SoMM No 80	TTOS Sec 13(1)7); SoMM No 74	TTOS Sec. 12(5)
Council Directive 89/654/EEC (workplace)	TTOS Sec. 13(1)3-5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6)	TTOS Sec. 13(1)12)13); SoMM No 80	TTOS Sec 13(1)7); SoMM No 74	TTOS Sec. 12(5)
Directive 2009/104/EC (work equipment)	TTOS Sec. 13(1)3-5); VVM No 13 Sec. 1(1), (3)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); VVM No 13 Sec. 1(1)-(9)	TTOS Sec. 13(1)12)13); VVM No 13 Sec. 1(1)-(9); SoMM No 80	TTOS Sec 13(1)7)	TTOS Sec. 12(5)
Council Directive 89/656/EEC (PPE)	TTOS Sec. 13(1)3-5); VVM No 12 Sec. 3	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); VVM No 12 Sec. 2(6)5)	TTOS Sec. 13(1)12)13); VVM No 12 Sec. 2(6)5)	TTOS Sec 13(1)7)	TTOS Sec. 12(5)
Council Directive 92/58/EEC (OSH signs)	TTOS Sec. 13(1)3-5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); SoMM No 75 Sec. 2(4)	TTOS Sec. 13(1)12)13); SoMM No 75 Sec. 2(4); SoMM No 80	TTOS Sec 13(1)7)	TTOS Sec. 12(5); SoMM No 75 Sec. 2(5)
Directive 1999/92/EC (ATEX)	TTOS Sec. 13(1)3-5); VVM No 197 Sec. 7	TTOS Sec. 16(1)(2), 19; VVM No 197 Sec. 8-9	TTOS Sec. 13(1)6)	TTOS Sec. 13(1)12)13); SoMM No 80; VVM No 197 Sec. 5	TTOS Sec 13(1)7); SoMM No 74	TTOS Sec. 12(5)
Council Directive 90/269/EEC (manual handling of loads)	TTOS Sec. 13(1)3-5); SoMM No 26 Sec. 3(1), 5	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); SoMM No 26 Sec. 3(3)	TTOS Sec. 13(1)12)13); SoMM No 26 Sec. 3(4)-(6)	TTOS Sec 13(1)7)	TTOS Sec. 12(5)
Council Directive 90/270/EEC (display screen equipment)	TTOS Sec. 13(1)3-5); VVM No 362 Sec. 3(1),(2)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6)	TTOS Sec. 13(1)12)13); VVM No 362 Sec. 3(4); SoMM No 80	TTOS Sec 13(1)7); VVM No 362 Sec. 3(5)-(8); SoMM No 74	TTOS Sec. 12(5)
Directive 2002/44/EC (vibration)	TTOS Sec. 13(1)3-	TTOS Sec. 16(1)(2),	TTOS Sec. 13(1)6)	TTOS Sec.	TTOS Sec 13(1)7);	TTOS Sec. 12(5)

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
	5); VVM No 109 Sec. 4	19; VVM No 109 Sec. 5		13(1)12)13); SoMM No 80; VVM No 109 Sec. 6	SoMM No 74; VVM No109 Sec. 7	
Directive 2003/10/EC (noise)	TTOS Sec. 13(1)3)-5); VVM No 108 Sec. 4	TTOS Sec. 16(1)(2), 19; MõõteS Sec. 5	TTOS Sec. 13(1)6); VVM No 108 Sec. 7	TTOS Sec. 13(1)12)13); VVM No 108 Sec. 7; SoMM No 80	TTOS Sec 13(1)7); VVM No 108 Sec. 8; SoMM No 74	TTOS Sec. 12(5)
Directive 2004/40/EC (electromagnetic fields)	N/A ²¹	N/A	N/A	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	TTOS Sec. 13(1)3)-5); VVM No 47 Sec. 4	TTOS Sec. 16(1)(2), 19; MõõteS Sec. 5	TTOS Sec. 13(1)6); VVM No 47 Sec. 6	TTOS Sec. 13(1)12)13); VVM No 47 Sec. 6; SoMM No 80	TTOS Sec 13(1)7); VVM No 47 Sec. 7; SoMM No 74	TTOS Sec. 12(5)
Directive 2004/37/EC (carcinogens or mutagens)	TTOS Sec. 13(1)3)-5); VVM No 308 Sec. 3	TTOS Sec. 16(1)(2), 19; VVM No 308 Sec. 4	TTOS Sec. 13(1)6); VVM No 308 Sec. 6, 10	TTOS Sec. 13(1)12)13); SoMM No 80; VVM No 308 Sec. 9	TTOS Sec 13(1)7); SoMM No 74; VVM No 308 Sec. 12	TTOS Sec. 12(5); VVM No 308 Sec. 5
Council Directive 98/24/EC (chemical agents at work)	TTOS Sec. 13(1)3)-5); VVM No 105 Sec. 2	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); VVM No 105 Sec. 9(1)	TTOS Sec. 13(1)12)13); SoMM No 80; VVM No 105 Sec. 9(2)	TTOS Sec 13(1)7); SoMM No 74; VVM No 105 Sec. 11	TTOS Sec. 12(5)
Directive 2009/148/EC (asbestos)	TTOS Sec. 13(1)3)-5); VVM No 224 Sec. 5	TTOS Sec. 16(1)(2), 19; VVM No 224 Sec. 3(4); MõõteS Sec. 5	TTOS Sec. 13(1)6); VVM No 224 Sec. 11	TTOS Sec. 13(1)12)13); VVM No 224 Sec. 12; SoMM No 80	TTOS Sec 13(1)7); VVM No 224 Sec. 13; SoMM No 74	TTOS Sec. 12(5); VVM No 224 Sec. 3(3), Sec.9
Directive 2000/54/EC (biological agents)	TTOS Sec. 13(1)3)-5); VVM No 144 Sec. 3	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); VVM No 144 Sec. 9	TTOS Sec. 13(1)12)13); VVM No 144 Sec. 8; SoMM No 80	TTOS Sec 13(1)7); VVM No 144 Sec. 11, Sec. 683); SoMM No 74	TTOS Sec. 12(5)

²¹ N/A refers to “not applicable because the Directive has not been transposed in national legislation”. The acronym of N/A will be used consistently throughout the remainder of the tables.

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
Council Directive 92/57/EEC (temporary or mobile construction sites)	TTOS Sec. 13(1)3-5)	TTOS Sec. 16(1)(2), 19; VVM No 377 Sec. 3	TTOS Sec. 13(1)6); VVM No 377 Sec. 3(12)	TTOS Sec. 13(1)12)13); SoMM No 80	TTOS Sec 13(1)7); SoMM No 74	TTOS Sec. 12(5)
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	TTOS Sec. 13(1)3-5); VVM No 233 Sec. 3(5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); VVM No 233 Sec. 3(12)	TTOS Sec. 13(1)12)13); VVM No 233 Sec. 3(3), (4); SoMM No 80	TTOS Sec 13(1)7); VVM No 233 Sec. 3(15); SoMM No 74	TTOS Sec. 12(5); VVM No 233 Sec. 3(13)
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	TTOS Sec. 13(1)3-5); VVM No 233 Sec. 3(5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); VVM No 233 Sec. 3(12)	TTOS Sec. 13(1)12)13); VVM No 233 Sec. 3(3), (4); SoMM No 80	TTOS Sec 13(1)7); VVM No 233 Sec. 3(15); SoMM No 74	TTOS Sec. 12(5); VVM No 233 Sec. 3(13)
Council Directive 92/29/EEC (medical treatment on board vessels)	TTOS Sec. 13(1)3-5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6); SoMM No 128 Sec.6(3)	TTOS Sec. 13(1)12)13); MSOS Sec. 28; SoMM No 31	TTOS Sec 13(1)7)	TTOS Sec. 12(5)
Council Directive 93/103/EC (work on board fishing vessels)	TTOS Sec. 13(1)3-5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)6)	TTOS Sec. 13(1)12)13); VVM No 173 Sec. 2, Sec. 7; MSOS Sec. 20(1), (2), Sec. 24	TTOS Sec 13(1)7)	TTOS Sec. 12(5)
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	TTOS Sec. 13(1)3-5); VVM No 95 Sec. 2, 6.	TTOS Sec. 16(1)(2), 19, Sec. 10; VVM No 95 Sec. 3; TLS Sec. 18.	TTOS Sec. 13(1)6); VVM No 95 Sec.2	TTOS Sec. 13(1)12)13); SoMM No 80	TTOS Sec 13(1)7); SoMM No 74	TTOS Sec. 12(5)
Council Directive 91/383/EEC (temporary workers)	TTOS Sec. 13(1)3-5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 12(1), Sec. 13(1)6)	TTOS Sec. 12(1), Sec. 13(1)12)13); SoMM No 80	TTOS Sec. 12(1), Sec 13(1)7); SoMM No 74	TTOS Sec. 12(5)
Council Directive 94/33/EC (young people at work)	TTOS Sec. 13(1)3-5)	TTOS Sec. 16(1)(2), 19	TTOS Sec. 13(1)5 ²)6)	TTOS Sec. 13(1)12)13)	TTOS Sec 13(1)7)7 ¹); SoMM No 74	TTOS Sec. 12(5)
Conclusions on interactions	TTOS Sec. 13(1)3-	TTOS Sec. 16(1)(2),	TTOS Sec. 13(1)6) is	TTOS Sec.	TTOS Sec 13(1)7) is	TTOS Sec. 12(5) is

	<i>Risk assessment</i>	<i>Preventive and protective services</i>	<i>Information for workers</i>	<i>Training of workers</i>	<i>Health surveillance</i>	<i>Consultation of workers</i>
between Directives	5) are applicable in the context of every Directive.	19 are applicable in the context of every Directive.	applicable in the context of every Directive.	13(1)12)13) are applicable in the context of every Directive. The other general act in this field is SoMM No 80.	applicable in the context of every Directive. The other general act in this field is SoMM No 74.	applicable in the context of every Directive.

2 MAPPING QUESTION 2: GAPS IN CONTENT OR TIME

This section aims at determining whether the Member State has applied or used derogations and transitional periods when provided for by the Directives. Provisions setting options are covered under MQ1, in section 1.3.

2.1 TRANSITIONAL PERIODS

Transitional periods: these are periods of time where a derogation applies with extended deadlines for the implementation of particular provisions of the Directives. It is noteworthy that most of the transitional periods are not applicable anymore as the dates by which provisions in question had to be implemented at latest have already passed. However, these periods should be taken into consideration to explain delays in implementation of certain Directives.

Such transitional periods can be found in eight Directives as listed below. Estonia has reflected the transitional period for Directive 93/103/EEC (work on board fishing vessels), Directive 2002/44/EC (vibration), Directive 2009/104/EC (work equipment) and Directive 1999/92/EEC (ATEX).

Table 2- 1 Transitional Periods

<i>Directive</i>	<i>Transitional periods applied</i>	<i>Transitional period respected</i>	<i>Date of end of application of the transitional period</i>
Directive 92/91/EC (mineral-extracting industries through drilling)	No	-	-
Directive 92/104/EC (surface and underground mineral-extracting industries)	No	-	-
Directive 93/103/EEC (work on board fishing vessels)	Yes	Yes	01.01.2007
Directive 2002/44/EC (vibration)	Yes	Yes	12.04.2007
Directive 2003/10/EC (noise)	No	-	-
Directive 2009/104/EC (work equipment)	Yes	Yes	24.01.2003
Directive 90/270/EEC (display screen equipment)	No	-	-
Directive 1999/92/EEC (ATEX)	Yes	No	01.07.2004; Partly on 01.07.2006

2.2 DEROGATIONS

Derogations: these are provisions, which explicitly permit Member States to derogate from certain requirements contained in the Directive. All derogations are accompanied by conditions which need to be fulfilled before and/or after derogation is permitted. The following table shows which derogations have been used and whether or not the conditions attached are adequately reflected in the transposing legislation.

Estonia transposing legislation reflects part of the derogations and, as a rule, the conditions attached to them. The derogations which have not been used are:

- the possibility to allow for contribution of workers towards the costs of some personal protective equipment (Directive 89/656/EEC on personal protective equipment),
- derogations foreseen in Directive 92/58/EEC (OSH signs),
- in relation to Directive 94/33/EC (young workers), the derogation from the requirement to receive a prior authorisation for the employment of children for the purposes of performance of children in cultural and similar activities, derogations on working time limits, derogations from prohibition of rest periods and night work in respect of adolescents for specific categories of work, derogations from the minimum rest periods for interruption in the case of activities involving periods of work that are split up over the day or are of short duration, other derogation set by Article 13,
- all derogations set by Directive 2002/44/EC (vibration)

The derogation set in Directive 2004/40/EC (electromagnetic fields) is not relevant as Estonia has not transposed it.

Table 2- 2 Derogations

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
Directive 89/656/EEC on personal protective equipment	Art. 4.6, second indent	Member States' legislation may allow for contribution of workers towards the costs of some personal protective equipment.	N	Estonia has not made use of this derogation.	The derogation applies in circumstances where use of the equipment is not exclusive to the workplace	N	Estonia has not made use of this derogation.
Directive 92/57/EEC on temporary or mobile construction sites	Art. 3.2	Derogation from the obligation to draw up a health and safety plan	Y	As a rule, Estonian legislation on temporary or mobile construction sites requires drawing up a health and safety plan. The derogation made from this obligation reflects literally the wording of the Directive.	The derogation does not cover work involving particular risks as listed in Annex II.	N	Derogation covers work involving particular risks as listed in Annex II.
					The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	N	Derogation covers work for which prior notice is required pursuant to paragraph 3 of this Article.
Directive 92/58/EEC on safety and/or health signs at work	Art. 6.2.	Derogation from the application of Annex VIII, section 2	N	Estonia has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down.	N	Estonia has not made use of this derogation.
		Derogation from the application of Annex IX, section 3	N	Estonia has not made use of this derogation.	Alternative measures guaranteeing the same level of protection laid down	N	Estonia has not made use of this derogation.
Directive 92/85/EEC on breastfeeding workers	Art. 11.4	Member States have an option to make certain employment rights conditional upon requirements specified in Art. 11.4. first indent	Y	Estonia has made use of this derogation.	The worker concerned shall fulfil the conditions of eligibility for such benefits laid down under national legislation.	Y	According to Health Insurance Act (RakS) of 19 Jun. 2002, a worker is eligible for sickness benefit only in she is insured person or equalized with an insured person. Insured person is a worker who works under an employment contract lasting at least 1 month. Pregnant women are treated as insured persons

Directive	Article	Use of derogation	Y/ N	Explanation	Conditions reflected	Y/N	Explanation
							from the 12th week of pregnancy (sections 5(2) and (4) of RaKS).
					These conditions may under no circumstances provide for periods of previous employment in excess of 12 months immediately prior to the presumed date of confinement.	N	
Directive 94/33/EC on the protection of young people at work ²²	Art. 5.3	Derogation from the requirement to receive a prior authorisation for the employment of children for the purposes of performance of children in cultural and similar activities	N	Estonia has not made use of this derogation.	In the case of children of at least 13 years of age, Member States may authorize, by legislative or regulatory provision, in accordance with conditions which they shall determine, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.	N	Estonia has not made use of this derogation.
	Art. 7.3.	Derogation from the prohibition of employment of young people for works listed in Article 7.2 in the case of adolescents	Y	Under § 6 of VVM No 94 of 11 Jun. 2009 "List of Working Environment Hazards and Work for Which Employment of Minors is Forbidden", exceptions may be made when entering into an employment contract and permitting a minor to work if the minor is working in course of practical training that is being carried out	Derogations indispensable for their vocational training.	Y	Under § 6 of VVM No 94 of 11 Jun. 2009 "List of Working Environment Hazards and Work for Which Employment of Minors is Forbidden", exceptions may be made when entering into an employment contract and permitting a minor to work if the minor is working in course of practical training that is being carried out based on a vocational training study

²² National Implementation Report, Section II, pp 47-50

Directive	Article	Use of derogation	Y/ N	Explanation	Conditions reflected	Y/N	Explanation
				based on a vocational training study programme and on the condition that work is performed under the supervision of an instructor of practical training or a working environment specialist and necessary measures have been implemented in order to ensure the health and safety of minors.			programme and on the condition that work is performed under the supervision of an instructor of practical training or a working environment specialist and necessary measures have been implemented in order to ensure the health and safety of minors.
			Y	Same as above.	Protection of their safety and health is ensured by the fact that the work is performed under the supervision of a competent person within the meaning of Article 7 of Directive 89/391/EEC.	Y	Same as above.
			Y	Same as above.	Protection afforded by Framework Directive is guaranteed.	Y	Same as above.
	Art. 8.5	Derogations from limits on the working hours of children specified in Article 8.1.(a).	N	Estonia has not made use of this derogation.	Derogation is justified by way of exception	N	Estonia has not made use of this derogation.
					Or because objectives grounds are provided	N	Estonia has not made use of this derogation.
					Member States shall, by legislative or regulatory provision, determine the conditions, limits and procedure for implementing such derogations.	N	Estonia has not made use of this derogation.
	Art.9.2	Article 9 (2) a Member States may, by legislative	Y	According to section 49(1) of the TLS, an agreement by which a worker who is a	Conditions for the application of the derogation in Article 9 (2)	N	According to section 49(1) of the TLS, an agreement by which a worker who is a minor undertakes

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		or regulatory provision, authorize work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).		minor undertakes to perform work from 20:00 to 6:00 is void. However, subsection (1) is not applied if an worker who is a minor does light work in the field of culture, art, sports or advertising under the supervision of an adult from 20:00 to 24:00 (TLS § 49(2)).	a: 1/ work by adolescents in specific areas of activity 2/ Supervision of the adolescent by an adult where such supervision is necessary for the adolescent's protection. 3/ work shall continue to be prohibited between midnight and 4 a.m.		to perform work from 20:00 to 6:00 is void. However, subsection (1) is not applied if an worker who is a minor does light work in the field of culture, art, sports or advertising under the supervision of an adult from 20:00 to 24:00 (TLS § 49(2)).
		Article 9 (2) b second indent - Derogation from prohibition of night work for adolescents for: — work performed in the shipping or fisheries sectors; — work performed in the context of the armed forces or the police; — work performed in hospitals or similar establishments; — cultural, artistic, sports or advertising activities.	N	Estonia has not made use of this derogation.	Conditions for the application of the derogation in Article 9 (2) b second indent: 1/ Objective grounds for so doing 2/ and provided that adolescents are allowed suitable compensatory rest time 3/ and that the objectives set out in Article 1 are not called into question	N	Estonia has not made use of this derogation.
	Art.10.3	Derogation from the minimum rest	N	Estonia has not made use of this derogation.			

Directive	Article	Use of derogation	Y/ N	Explanation	Conditions reflected	Y/N	Explanation
		periods for interruption in the case of activities involving periods of work that are split up over the day or are of short duration.					
	Art. 10.4	Derogations from rest periods in respect of adolescents for (a) work performed in the shipping or fisheries sectors; (b) work performed in the context of the armed forces or the police; (c) work performed in hospitals or similar establishments; (d) work performed in agriculture; (e) work performed in the tourism industry or in the hotel, restaurant and café sector; (f) activities involving periods of work split up over	N	Estonia has not made use of this derogation.	Objective grounds are provided and provided that they are granted appropriate compensatory rest time and that the objectives set out in Article 1 are not called into question.	N	Estonia has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		the day.					
	Art. 13	Member States may, by legislative or regulatory provision, authorize derogations from Article 8 (2), Article 9 (1) (b), Article 10 (1) (b) and, in the case of adolescents, Article 12, for work under force majeure.	N	Estonia has not made use of this derogation.	Work is of a temporary nature and must be performed immediately.	N	Estonia has not made use of this derogation.
			N	Estonia has not made use of this derogation.	Adult workers are not available.	N	Estonia has not made use of this derogation.
			N	Estonia has not made use of this derogation.	Adolescents are allowed equivalent compensatory rest time within the following three weeks.	N	Estonia has not made use of this derogation.
Directive 98/24/EC on chemical agents at work	Art. 9.2 and 9.3	Derogations from prohibition of the use of certain chemical agents and activities involving chemical agents in the following circumstances: - for the sole purpose of scientific research and testing, including analysis, - for activities intended to eliminate chemical agents that are present in the form of by-products or waste products, - for the production of the chemical agents referred to	Y	Under sections 10 (1) and (2) of VVM No 105 of 20 Mar. 2001 "Occupational health and safety requirements for using hazardous chemicals and materials containing the latter", the chemicals (2-naphthylamine and its salts, 4-aminodiphenyl and its salts, Benzidine and its salts and 4-nitrodiphenyl) are allowed to be exceptionally used: in scientific research; in eliminating chemicals from by-products and waste products; and in intermediates of their synthesis.	Exposure of workers to chemical agents must be prevented, via single closed systems, from which the chemical agents may be removed only to the extent necessary to monitor the process or service the system. Member States may provide for systems of individual authorisations.	Y	Under section 10 (1) and (3) of VVM No 105 of 20 Mar. 2001 "Occupational health and safety requirements for using hazardous chemicals and materials containing the latter", in case of using the chemicals (2-naphthylamine and its salts, 4-aminodiphenyl and its salts, Benzidine and its salts and 4-nitrodiphenyl), the workers should be completely protected against the exposure. The separate room should be established for using the chemicals and materials containing the latter, from which the aforesaid chemicals could be removed according to the regulations fixed by the employer.
					The competent authority shall request the employer to submit the information listed in Art. 9.3.	N	No specific regulation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		in paragraph 1 for use as intermediates, and for such use.					
Directive 2002/44/EC on vibration	Art. 10.1	Derogation from the obligation to comply with exposure limit values in the case of sea and air transport.	N	Estonia has not made use of this derogation.	<p>In duly justified circumstances with respect to whole-body vibration where, given the state of the art and the specific characteristics of workplaces, it is not possible to comply with the exposure limit value despite the technical and/or organisation measures taken.</p> <p>Article 10 (3) Such derogations must be accompanied by conditions which guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.</p> <p>Such derogations shall be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain.</p>	N	Estonia has not made use of this derogation.
	Art. 10.2	Derogation from	N	Estonia has not made use of	The exposure value	N	Estonia has not made use of this

Directive	Article	Use of derogation	Y/ N	Explanation	Conditions reflected	Y/N	Explanation
		the obligation to comply with exposure limit values in a case where the exposure of a worker to mechanical vibration is usually below the exposure action values but varies markedly from time to time and may occasionally exceed the exposure limit value		this derogation.	averaged over 40 hours must be less than the exposure limit value and		derogation.
					there must be evidence to show that the risks from the pattern of exposure to the work are lower than those from exposure at the exposure limit value. Article 10 (3) Such derogations must be accompanied by conditions which guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance. Such derogations shall be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain.	N	Estonia has not made use of this derogation.
Directive 2003/10/EC on noise	Art.11.1 and 11.2	Derogations from the provisions of Articles 6 (1)(a) and (b) and 7.in exceptional situations where, because of the nature of the work,	Y	According to VVM No 108 of 12 Apr. 2007 "Health and safety requirements for the working environments affected by noise, maximum noise limits for the working environments and the noise measurement	Guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.	Y	According to VVM No 108 of 12 Apr. 2007 "Health and safety requirements for the working environments affected by noise, maximum noise limits for the working environments and the noise measurement procedure" § 6 (3), the employer may

Directive	Article	Use of derogation	Y/ N	Explanation	Conditions reflected	Y/N	Explanation
		the full and proper use of individual hearing protectors would be likely to cause greater risk to health or safety than not using such protectors		procedure" § 6 (2), if the working environment risk assessment indicates occurrence of such situations or work processes at workplace where proper use of individual hearing protectors arising from the nature of the work would pose a greater risk to the health or safety of the worker than the omission of use, the employer may provide for exceptions from making available individual hearing protectors.			implement the exception only in case of urgent need and shall also consult with an occupational healthcare professional to obtain an assessment of justifiability of this exception and find a suitable solution for the protection of hearing of the worker in question. As well, according to SoMM No 74 of 24 Apr. 2003 "The procedure of medical examination of workers" § 5 (2), the periodicity of medical surveillance is set by the occupational health doctor and must not be less frequently than once in every three years.
					Review every four years and withdrawn as soon as the justifying circumstances no longer obtain.	N	No specific regulation.
Directive 2004/40/EC on electromagnetic fields	Art.4.6	The risk assessment may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary.	N / A	Not transposed.			

3 MAPPING QUESTION 3: LEVEL OF COMPLIANCE BY DIFFERENT STAKEHOLDERS

The question consists of two separate, but intertwined questions: the degree of compliance and approaches to compliance.

3.1 DEGREE OF COMPLIANCE

The question aims to ascertain the extent to which establishments in Member States comply with the key requirements of the 24 OSH Directives and to what extent differences exist between public/private sector; different sizes of establishments: micro/SMEs/large enterprises and different sectors of economic activity.

The results are summarized in tables 3.1 and 3.2. Table 3.1 outlines the range of compliance with the common processes and mechanisms (CPMs) **across all 24 OSH Directives**. Table 3.2 complements the previous table by addressing the level of compliance with the CPMs at the **level of individual Directives**.

As regards **key requirements** which do not constitute CPMs, a detailed overview is provided in Table 3.3.

The following indicators are used for estimating the degree of compliance:

- | | |
|-------------------------------------|-----------------------|
| (5) very high degree of compliance: | indicators above 80% |
| (4) high degree of compliance: | indicators 60-79% |
| (3) medium degree of compliance: | indicators 40-59% |
| (2) low degree of compliance: | indicators 20-39% |
| (1) very low degree of compliance: | indicators below 20%. |

The percentages are intended as approximate guides, not exact values.

An initial assessment of compliance was made on the basis of the 2013 labour inspectorate annual report for risk assessment and the Estonian Work Life Survey 2009 for the remaining CPMs with the exception of consultation of workers for which the estimates of compliance are based on consultation with the labour inspectorate.

The results show that the level of compliance with CPMs considering the OSH *acquis* as a whole varies from high (60-79%) for risk assessment, ensuring protective and preventive services, making available health surveillance, and even very high (89%) for training of workers, to a medium degree of compliance in relation to information for workers and consultation of workers. The level of compliance appears lower in SMEs, and even lower in micro-enterprises.

Very limited information on the degree of compliance could be gathered for individual directives, mostly for chemical agents directives based on the “Use of Dangerous Chemicals at the Workplace. Analysis Report”, published by the Ministry of Social Affairs in 2012. The data was collected through telephone interviews amongst Estonian companies (1670 respondents) and online interviews with the person fulfilling the duties of the working environment specialist (247 companies).

With regard to the ESENER data reported upon in the below table, it should be noted that ESENER data are based on a relatively small sample size (interviews were carried out in only 28,649 establishments in 31 European countries) and composition (enterprises up to 10 employers were not involved). Moreover, this information is based on managers’ responses and the ESENER average response rate is around a third as only some 20 per cent answered in five out of the EU's six largest

countries (Germany, Spain, Italy, Poland and the UK).²³ The post-test of the ESENER survey noted that “it is important to mention that companies participating in the survey are likely to be the organisations with high standards or good procedures in place and therefore represent a self-selected sample of ‘good examples’.”²⁴

²³ EU-OSHA, European Survey of Enterprises on New and Emerging Risks - Managing safety and health at work, 2010, p.95

²⁴ EU-OSHA, Qualitative post-test evaluation of ESENER: National overview report, 2013

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale															
				250 to 499 workers 83.6% 16.4% ≥500 workers 100 % <table border="1"> <thead> <tr> <th>Sector Type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td></td> <td>87.11%</td> </tr> <tr> <td>Private</td> <td></td> <td>76.65%</td> </tr> <tr> <td>Public</td> <td></td> <td>78.12%</td> </tr> <tr> <td></td> <td></td> <td>19.66%</td> </tr> </tbody> </table>	Sector Type	Yes	No	Production		87.11%	Private		76.65%	Public		78.12%			19.66%
Sector Type	Yes	No																	
Production		87.11%																	
Private		76.65%																	
Public		78.12%																	
		19.66%																	
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	4 65%	Estimation of the Labour Inspectorate in 2013. ³⁰ This percentage has been confirmed during the stakeholder interviews.	micro – 56% SMEs – 70% large – 86% industry – 89% services – 46% agriculture – 88% ³¹															
		According to ESENER1: 7.47% - 72.12%	ESENER1 2009 asks about different forms of service. Occupational Health Physician, 66.1%; Safety specialist, 21.4%; Psychologist, 7.47%; Ergonomist, 18.46%; Health & Safety Consultant, 72.12%; ³²	Data based on company size showed a general trend for greater usage in larger companies. For sectors there lacked a general pattern. Use of an occupational health physician showed production and public service sectors to be nearly equal. However, use of a psychologist was exceptionally higher in the public service sector (21% vs.															

³⁰ *Töökeskkonna ülevaade 2013* [Annual Report of Work Environment 2013]. *Tööinspektsioon* [Labour Inspectorate], *Märts* [March] 2014. Available in Estonian at http://ti.ee/public/files/Tookeskonna_ulevaade_2013.pdf, p 8.

³¹ Conclusion based on consultation with the Ministry of Social Affairs.

³² ESENER1, questions MM150.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
				3%). The use of an ergonomics expert was more prominent with the private and public service sectors (≈20%) vs. 12%.
Information for workers	% of establishment which provide information to workers	3 48%	Estonian Work Life Survey 2009. ³³ This percentage has been confirmed during the stakeholder interviews.	micro – 31% SMEs – 65% large – 96% industry – 55% services – 44% agriculture – 48% ³⁴
Training of workers	% of establishments which provide training to workers	5 89%	Estonian Work Life Survey 2009. ³⁵ This percentage has been confirmed during the stakeholder interviews.	No Data Available
Making available health surveillance	% of establishments which provide health surveillance to workers	4 65%	Estonian Work Life Survey 2009. ³⁶ This percentage has been confirmed during the stakeholder interviews.	micro – 51% SMEs – 79% large – 96% industry – 75% services – 59% agriculture – 70% ³⁷

³³ M. Masso, E. Rünkla. *Töötervishoid* [Occupational Health and Safety]. M. Masso (ed), *Eesti tööelu-uuring 2009* [Estonian Work Life Survey 2009], *Sotsiaalministeeriumi Toimetised* [Series of the Ministry of Social Affairs] No 3, 2011, p 86.

³⁴ *Ibid.* Percentage of organizations where the working environment representatives exist (employers inform workers through the working environment representatives).

³⁵ *Ibid.*, p 85.

³⁶ *Ibid.*, p 89.

³⁷ M. Masso, E. Rünkla. *Töötervishoid* [Occupational Health and Safety]. M. Masso (ed), *Eesti tööelu-uuring 2009* [Estonian Work Life Survey 2009], *Sotsiaalministeeriumi Toimetised* [Series of the Ministry of Social Affairs] No 3, 2011, p 90.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
			The ESENER survey ³⁸ suggests that the health of workers is monitored in most of the workplaces (79.47%).	The ESENER survey ³⁹ shows the following differences according to enterprise size and sectors: <table border="1"> <thead> <tr> <th>Company Size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10 to 19 workers</td> <td>73.07%</td> <td>26.33%</td> </tr> <tr> <td>20 to 49 workers</td> <td>85.03%</td> <td>14.97%</td> </tr> <tr> <td>50 to 249 workers</td> <td>95.4%</td> <td>4.6%</td> </tr> <tr> <td>250 to 499 workers</td> <td>100 %</td> <td></td> </tr> <tr> <td>≥ 500 workers</td> <td>100 %</td> <td></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Sector Type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td>79.44 %</td> <td>20.56 %</td> </tr> <tr> <td>Private</td> <td>74.14 %</td> <td>25.04 %</td> </tr> <tr> <td>Public</td> <td>89.91 %</td> <td>10.09 %</td> </tr> </tbody> </table>	Company Size	Yes	No	10 to 19 workers	73.07%	26.33%	20 to 49 workers	85.03%	14.97%	50 to 249 workers	95.4%	4.6%	250 to 499 workers	100 %		≥ 500 workers	100 %		Sector Type	Yes	No	Production	79.44 %	20.56 %	Private	74.14 %	25.04 %	Public	89.91 %	10.09 %
Company Size	Yes	No																																
10 to 19 workers	73.07%	26.33%																																
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Private	74.14 %	25.04 %																																
Public	89.91 %	10.09 %																																
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment	4 60% 2 30% 2 30%	Conclusion based on consultation with the Labour Inspectorate.	No data available																														

³⁸ The European survey of enterprises on new and emerging risks (ESENER) of the European Agency for Safety and Health at Work, Question MM154. Available at <https://osha.europa.eu/sub/esener/en/front-page>.

³⁹ The European survey of enterprises on new and emerging risks (ESENER) of the European Agency for Safety and Health at Work, Question MM154. Available at <https://osha.europa.eu/sub/esener/en/front-page>.

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	% of establishments which consult workers on measures	According to ESENER1 data: 8.55% -77.26% ⁴⁰ have some form of representation/consultation	<p>ESENER1 2009 asked separately about different forms of consultation. Companies were least likely to have a healthy and safety committee and most likely to have a health and safety representative. The categories are not mutually exclusive.</p> <ul style="list-style-type: none"> - Trade union representative- 8.55% (production sector: 4.06%; private services: 3.32%; public services: 26.11%) - Health and safety representative:77.26% (production sector: 85.61%; private services: 72.26%; public services: 73.38%) - Health and safety committee: 17.72% (production sector: 18.07%; private services: 16.7%; public services: 19.14%) 	The data showed an increasing trend for all questions with company size. Overall, the public sector was more likely to have each of the forms of consultation/representation. However an exception exists in this trend in regards to the health and safety representative, as the production sector was more likely to have this form of representation.

Table 3- 2 Degree of compliance: Common processes and mechanisms (individual Directives)

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive No.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
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⁴⁰ Values as reported by ESENER MM 351-355-358.

Common Processes and mechanisms (individual Directives)	Criteria/ indicator to guide the assessment	Directive No.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	% of establishments which perform regular ⁴¹ risk assessment	Council Directive 89/656/EEC (PPE)	4 61%	Estonian Work Life Survey 2009. ⁴²	micro – 58% SMEs – 63% large – 85% industry – 91% services – 44% agriculture – 93% ⁴³
	% of establishments that carry out risk management activities resulting from the risk assessment	Directive 2004/37/EC (carcinogens or mutagens)	5 93%	Use of Dangerous Chemicals at the Workplace. Analysis Report. ⁴⁴	The corresponding percentage is smaller in small enterprises because they have fewer resources to follow the OSH rules.
		Council Directive 98/24/EC (chemical agents at work)	5 93%	Use of Dangerous Chemicals at the Workplace. Analysis Report. ⁴⁵	The corresponding percentage is smaller in small enterprises because they have fewer resources to follow the OSH rules.
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	No data available			

⁴¹ Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

⁴² M. Masso, E. Rünkla. *Töötervishoid* [Occupational Health and Safety]. M. Masso (ed), *Eesti tööelu-uuring 2009* [Estonian Work Life Survey 2009], *Sotsiaalministeeriumi Toimetised* [Series of the Ministry of Social Affairs] No 3, 2011, p 93.

⁴³ Conclusion based on consultation with the Ministry of Social Affairs.

⁴⁴ *Ohtlike kemikaalide kasutamine töökohal. Analüüsiraport* [Use of Dangerous Chemicals at the Workplace. Analysis Report], AS EMOR/Ministry of Social Affairs, 2012. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Toovaldkond/uuringud/Ohtlikud_kemikaalid_analüüsiraport.pdf, p 17.

⁴⁵ *Ibid.*

Common Processes and mechanisms (individual Directives)	Criteria/ indicator to guide the assessment	Directive No.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Information for workers	% of establishment which provide information to workers	Directive 2004/37/EC (carcinogens or mutagens)	5 81%	Use of Dangerous Chemicals at the Workplace. Analysis Report. ⁴⁶	The corresponding percentage is smaller in small enterprises because they have fewer resources to follow the OSH rules.
		Council Directive 98/24/EC (chemical agents at work)	5 82%	Use of Dangerous Chemicals at the Workplace. Analysis Report. ⁴⁷	The corresponding percentage is smaller in small enterprises because they have fewer resources to follow the OSH rules.
Training of workers	% of establishment which provide training to workers	Directive 2004/37/EC (carcinogens or mutagens)	4 63%	Use of Dangerous Chemicals at the Workplace. Analysis Report. ⁴⁸	The corresponding percentage is smaller in small enterprises because they have fewer resources to follow the OSH rules.
		Council Directive 98/24/EC (chemical agents at work)	4 63%	Use of Dangerous Chemicals at the Workplace. Analysis Report. ⁴⁹	The corresponding percentage is smaller in small enterprises because they have fewer resources to follow the OSH rules.
Making available health surveillance	% of establishments which provide health surveillance to	Directive 2004/37/EC (carcinogens or mutagens)	5 82%	Use of Dangerous Chemicals at the Workplace. Analysis Report. ⁵⁰	The corresponding percentage is smaller in small enterprises because they have fewer resources to follow the OSH rules.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

Common Processes and mechanisms (individual Directives)	Criteria/ indicator to guide the assessment	Directive No.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	workers	Council Directive 98/24/EC (chemical agents at work)	5 82%	Use of Dangerous Chemicals at the Workplace. Analysis Report. ⁵¹	The corresponding percentage is smaller in small enterprises because they have fewer resources to follow the OSH rules.
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment % of establishments which consult workers on measures	No data available			

Table 3- 3 Degree of compliance: Key requirements

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
All Directives	All KRs		There is no information available, not from the desk study,	

⁵¹ *Ibid.*

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
			nor from the stakeholder interviews.	

3.2 APPROACHES TO COMPLIANCE

The second question complements the first sub-question in that it aims to answer the question of to what extent can potential differences in the degrees of compliance observed as between private undertakings and public sector bodies, various sizes of companies, etc. be attributed to different approaches to compliance.

The labour inspectorate has a systematic approach to compliance based on, on one hand consultation and awareness raising activities adapted to the size and sector of the companies, and, on the other hand, control based on risks.

SMEs experienced difficulties in complying with OSH legislation due to lack of financial resources and knowledge. No particular differences have been identified in terms of economic sectors and public versus private sectors.

Table 3- 4 Approaches to compliance

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
What approach has been adopted? Is it systematic?	<p>The approach to compliance of the Labour Inspectorate is the following:</p> <ul style="list-style-type: none"> • consulting employers and workers; • awareness raising and changing behaviour of employers and workers through provision of information; • continuous supervision. <p>This approach is systematic.</p>	<p>The informing and consulting take into account the sector and the size of establishment.</p> <p>The supervision considers the possible hazards of the sector.</p> <p>According to the NIR⁵², 'in Estonia, 97% of enterprises are micro- or small enterprises. According to the data of the survey for mapping problems of the Occupational Health and Safety Act that was carried out among workers in 2009, the compliance with occupational health and safety requirements causes difficulties or poses problems to them. The problems are firstly related to the scarcity of financial possibilities for investing in the working environment, understanding of the need for the compliance with the requirements, lack of the required knowledge as well as high market prices of mandatory services (training courses for working environment representatives and first aid providers, medical examinations of workers, etc.) provided to the employer.'</p>
What are the key characteristics of the approach?	<p>The key characteristics are:</p> <ul style="list-style-type: none"> • equal treatment of undertakings/establishments; • systematic and continuous supervision. 	No differences.
What are the criteria upon which priorities for compliance measures are set?	<p>The priorities for compliance measures are set based on the following policy documents:</p> <ul style="list-style-type: none"> • the EU Strategic Framework on Health and Safety at Work 2014-2020⁵³; • National Health Development Plan 2009-2020⁵⁴; 	The priorities of development plans are observed; for example when some special actions have been focused on specific sector and/or enterprises.

⁵² National Implementation Report of Directive 89/391/EEC, its individual Directives and Directives 2009/148/EC, 91/383/EEC, 92/29/EEC and 94/33/EC, Estonian Ministry of Social Affairs, 2013 (NIR), Part A, Section II, p.25

⁵³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU Strategic Framework on Health and Safety at Work 2014-2020. COM(2014) 332 final. Brussels, 6.6.2014.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
	<ul style="list-style-type: none"> Occupational Health and Safety Strategy 2010-2013 of the Ministry of Social Affairs⁵⁵; Development Plan of the Labour Inspectorate 2009-2013.⁵⁶ 	
Are stakeholders (workers and their representatives) involved in the forming of the compliance approach and its further development?	Stakeholders (representatives of workers and employers) are involved in the elaboration of the national development plans. The author of the development plan put forward the corresponding document to the stakeholders that are entitled to give their opinion. The author of the development plan is not obliged to take account of all opinions/suggestions.	No differences.

⁵⁴ *Rahvastiku tervise arengukava 2009-2020* [National Health Development Plan 2009-2020], *Sotsiaalministeerium* [Ministry of Social Affairs], 2008, *täiendatud* [amended] 2012. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Tervisevaldkond/Rahvatervis/RTA/2012_RTAPohitekst_ok_5.pdf.

⁵⁵ *Töötervishoiu ja tööohutuse strateegia 2010-2013* [Occupational Health and Safety Strategy 2010-2013], *Sotsiaalministeerium* [Ministry of Social Affairs], 2010. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Toovaldkond/TAO/TTTO_strateegia_2010-2013.pdf; partly in English at <http://www.ti.ee/index.php?page=1261&>.

⁵⁶ *Tööinspektsiooni arengukava 2009-2013* [Development Plan of the Labour Inspectorate 2009-2013], *Tööinspektsioon* [Labour Inspectorate], 02.02.2012. Available in Estonian at <http://ti.ee/public/files/Tooinspektsiooni%20arengukava%2002022012.pdf>.

4 MAPPING QUESTION 4: ACCOMPANYING ACTIONS THAT SUPPORT THE RESPECT OF THE RULE

The following types of accompanying documents/actions relating to OSH legislation are covered:

- Guidance documents (through decisions and other soft measures, guidelines);
- Awareness-raising campaigns;
- Support tools (possibly IT based); and
- Financial incentives i.e. tax benefits or possibility to offer reduction of insurance premium to reward organisations for going beyond the legal requirements
- Education and training actions.

Please note that accompanying measures targeted specifically at SME and micro-enterprises are also covered under Section 7.

The Estonian stakeholders, in particular the authorities, have issued a large number of accompanying actions, of different nature from guidance and awareness-raising programme to support tool and education and training actions. Conversely, no financial incentive has been identified. Accompanying actions have been undertaken for all directives, with the exception of Directive 92/29/EEC (medical treatment on board vessels) and Directive 93/103/EEC (work on board fishing vessels) and Directive 92/58/EEC (OSH signs). Many of the actions undertaken relate to Directive 89/391/EEC (Framework Directive) and Directive 89/654/EEC (workplace).

Most of the available guidelines and relevant information are available on one central website dedicated to working life.

Stakeholders highlighted that further accompanying actions should be developed for informing and raising awareness within the workplace e.g. posters and videos. The need to simplify guidance was also raised.

4.1 EXISTING ACCOMPANYING ACTIONS

This sub-section identifies the relevant accompanying documents/actions as described above.

The following documents have been identified:

Directive	Documents
<p>Directive 89/391/EEC (Framework Directive)</p>	<ul style="list-style-type: none"> • 2012 "Tööelu portaal" – website of the Ministry of Social Affairs, the Labour Inspectorate, the Health Board and the National Institute for Health Development on working life, available in Estonian and in Russian at http://www.toelu.ee/et/avaleht. • 2014 "Töökik" - support IT tool for a worker to manage occupational health and safety data and processes in the enterprise, available in Estonian at http://www.toobik.ee/site/login. • 2009 Database of best practices at the website of the Labour Inspectorate. • 2011 Prevention campaign aimed at reducing work-related health risks "Know your rights, healthy and safe working conditions". • 2011 Safety at work campaign "Internal control – management of work environment at enterprises". • 2013 Safety at work campaign "New workers". • 2012 "Occupational health and safety network", see in Estonian at http://www.toelu.ee/et/viited/tootervishoiu-ja-toohutuse-vorgustik.

Directive	Documents
	<ul style="list-style-type: none"> • 2012, 2013 "Month of Ergonomics". • 2014 "Working environment instrument" – the instrument is based on the involvement of and discussion with the workers in order to raise the awareness of workers on their working environment and identify the possibilities to improve their working environment, see in Estonian at http://www.tooelu.ee/et/teemad/tookeskkonna_korraldus/Tookeskkonna-toovahend. • 2013 "New worker in the enterprise". Guideline. • 2012 "36 occupation-specific guidelines" available in Estonian and in Russian at http://www.tooelu.ee/et/tegevusalad/ (for example a guideline on "Agriculture, forestry and fishery", available in Estonian and in Russian at http://www.tooelu.ee/UserFiles/Tookeskkonnajuhendid/Pollumajandus-metsandus_ja_kalandus.pdf). Guideline. • 2011 "Training and instruction of workers at work places". Guideline. • 2009 "Instruction and training at work place". Guideline. • 2010 "The measurement of parameters of physical agents". Guideline. • 2012 training on "Physiological risk factors at work". • 2013 training on "Taxation of occupational health costs". • 2013 training on "The indoor climate at workplace". • 2013 seminar "Occupational Health Day".
Council Directive 89/654/EEC (workplace)	<ul style="list-style-type: none"> • 2009 Campaign "Sliding and Stumbling- How to Prevent Accidents". • 2014 Campaign for the Prevention of Work Accidents due to Slips and Trips on the Same Level⁵⁷ • 2012 Conference on ergonomics. • Guidelines on workplace and occupational health and safety are available in Estonian at Labour Inspectorate website. • Guidelines on lighting and occupational health and safety are available in Estonian at Labour Inspectorate website. • 2010 Guideline "The measurement of parameters of physical agents". The guideline is dealing with the measurement of lighting in the workplace. • 2011, 2012 "Slips and trips - How to Prevent Accidents". Guidelines. • 2010, 2011 training "Lighting" provided to work environment specialists, the duration of the training was 1 day (8 academic hours). • 2011 training "OSH at workplaces" provided to work environment specialists and managers of SMEs. • 2011 training "Ergonomics" provided to work environment specialists and managers of SMEs.
Directive 2009/104/EC (work equipment)	<ul style="list-style-type: none"> • Guidelines on work equipment and occupational health and safety are available in Estonian at Labour Inspectorate website. • 2012, 2013 "Reminder on how to use scaffoldings and ladders – frequent shortcomings". Guideline (in Estonian and Russian).
Council Directive 89/656/EEC (PPE)	<ul style="list-style-type: none"> • 2011 Prevention campaign on reduction of work-related health risks – personal protective equipment. • Guidelines on personal protective equipment and occupational health and safety are available in Estonian at Labour Inspectorate website. • 2011 "Personal protective equipment – a tedious obligation or happy future?" Guidelines. • 2014 training on "Personal protective equipment". • 2014 training on "Personal protective equipment. Nano's at workplace".
Council Directive 92/58/EEC (OSH signs)	<p>No Directive specific accompanying actions.</p>
Directive 1999/92/EC (ATEX)	<ul style="list-style-type: none"> • The application guidelines for Directive 1999/92/EC are available in Estonian at websites of the Ministry of Social Affairs and Labour Inspectorate.

⁵⁷ Information based on consultation with the Labour Inspectorate.

Directive	Documents
Council Directive 90/269/EEC (manual handling of loads)	<ul style="list-style-type: none"> Guidelines on manual handling of loads and occupational health and safety are available in Estonian at Labour Inspectorate website.
Council Directive 90/270/EEC (display screen equipment)	<ul style="list-style-type: none"> Guidelines on display screen equipment and occupational health and safety are available in Estonian at Labour Inspectorate website.
Directive 2002/44/EC (vibration)	<ul style="list-style-type: none"> The application guidelines for Directive 2002/44/EC are available in Estonian at websites of the Ministry of Social Affairs and Labour Inspectorate. 2010 Guideline "The measurement of parameters of physical agents". The guideline is dealing with the measurement of vibration in the workplace. 2010 Training on dangerous chemicals, noise and vibration provided to technical labour inspectors. 2010 Training "Physiological risk factors" provided to work environment specialists. The duration of the training was 1 day (8 academic hours).
Directive 2003/10/EC (noise)	<ul style="list-style-type: none"> Guidelines on noise and occupational health and safety are available in Estonian at Labour Inspectorate website. 2010 Guideline "The measurement of parameters of physical agents". The guideline is dealing with the measurement of noise in the workplace. "Working environment in the night clubs". Guideline. 2010 Training on dangerous chemicals, noise and vibration provided to technical labour inspectors.
Directive 2004/40/EC (electromagnetic fields)	<ul style="list-style-type: none"> 2010 Guideline "The measurement of parameters of physical agents". The guideline is dealing with the measurement of electromagnetic fields in the workplace. 2012 training on "Electromagnetic fields at workplace".
Directive 2006/25/EC (artificial optical radiation)	<ul style="list-style-type: none"> 2010 Guideline "The measurement of parameters of physical agents". The guideline is dealing with the measurement of artificial optical radiation in the workplace. 2013 training on "Radiations at workplace".
Directive 2004/37/EC (carcinogens or mutagens)	<ul style="list-style-type: none"> 2010 Chemicals campaign "Risk assessment in the use of dangerous chemicals". Guidelines on carcinogens or mutagens and occupational health and safety are available in Estonian at Labour Inspectorate website. 2013 "Dangerous chemicals in the working environment". Guideline. 2010 Training on dangerous chemicals, noise and vibration provided to technical labour inspectors. 2011 Training on implementation of the SLIC campaign provided to technical labour inspectors.
Council Directive 98/24/EC (chemical agents at work)	<ul style="list-style-type: none"> 2010 Chemicals campaign "Risk assessment in the use of dangerous chemicals". Guidelines on chemicals and occupational health and safety are available in Estonian at Labour Inspectorate website. 2013 "Dangerous chemicals in the working environment". Guideline. 2012 training on "Chemical agents".
Directive 2009/148/EC (asbestos)	<ul style="list-style-type: none"> Guidelines on asbestos and occupational health and safety are available in Estonian at Labour Inspectorate website. 2011 "Methods of low risk asbestos work for demolishing, renovation and maintenance work". Guideline. Website on asbestos available in Estonian at http://www.asbest.ee/
Directive 2000/54/EC (biological agents)	<ul style="list-style-type: none"> Guidelines on biological agents and occupational health and safety are available in Estonian at Labour Inspectorate website. "Biological risk factor in the working environment. Practical guideline".
Council Directive 92/57/EEC	<ul style="list-style-type: none"> The application guidelines for Directive 92/57/EC are available in Estonian at websites of the Ministry of Social Affairs and Labour Inspectorate.

Directive	Documents
(temporary or mobile construction sites)	<ul style="list-style-type: none"> • 2011, 2012 Training of technical labour inspectors on 5 different modules incl. construction sites. • 2012 "Reminder on how to use scaffoldings and ladders – frequent shortcomings". Guideline. • 2010, 2011, 2012 Labour Inspectorate's participation in "Construction Fair" in Tallinn and building exhibition "Estonia builds". Labour inspectors – lawyers and labour inspectors – specialists consulted people and disseminated information materials.
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	<ul style="list-style-type: none"> • "Strip mining". Guideline. • Information on mining and occupational safety is available in Estonian at the Technical Surveillance Authority website. • 2011 Training on "Reasons for occupational accidents and their prevention; and occupational health and safety requirements for extraction of mineral resources".
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	<ul style="list-style-type: none"> • Information on mining and occupational safety is available in Estonian at the Technical Surveillance Authority website. • 2011 Training on "Reasons for occupational accidents and their prevention; and occupational health and safety requirements for extraction of mineral resources".
Council Directive 92/29/EEC (medical treatment on board vessels)	No Directive specific accompanying actions.
Council Directive 93/103/EC (work on board fishing vessels)	No Directive specific accompanying actions.
Council Directive 92/85/EEC (pregnant/breast-feeding workers)	<ul style="list-style-type: none"> • Information on pregnant, breastfeeding workers and occupational health and safety is available in Estonian and in Russian at the website "Tööelu portaal".
Council Directive 91/383/EEC (temporary workers)	<ul style="list-style-type: none"> • Information on temporary agency workers and occupational health and safety is available in Estonian at the Labour Inspectorate website.
Council Directive 94/33/EC (young people at work)	<ul style="list-style-type: none"> • 2011, 2012, 2013 Information of high school students of regulation on labour relations. • Guidelines on young people at work and occupational health and safety are available in Estonian at Labour Inspectorate website and in Estonian and in Russian at the website "Tööelu portaal". • 2012, 2013 "Employment of young people". Guidelines.

For each identified document/action, the table indicates:

- The name of the action
- The type of accompanying action: guidance (G)/awareness-raising programme (AR)/support tool (IT) financial incentive (FI)/ education and training actions (ET);
- The entity who initiated it: authorities (A)/social partners (SP);
- The target groups of the action: specific sectors, specific groups, SMEs.

Table 4- 1 Accompanying Actions

Name	Type	Initiated by (and date)	Target groups
Directive 89/391/EEC (Framework Directive)			
"Tööelu portaal"	IT	A (2012)	Parties to working life (employers, workers,

Name	Type	Initiated by (and date)	Target groups
			occupational health specialists, etc.)
"Tööbik"	IT	A (2014)	Employers
Database of best practices at the Labour Inspectorate website	AR	A (2009)	Employers
Prevention campaign aimed at reducing work-related health risks "Know your rights, healthy and safe working conditions"	AR	A (2011)	Workers, employers
Campaign "Internal control – management of work environment at enterprises"	AR	A (2011)	Occupational health specialists, employers
Campaign "New workers"	AR	A (2013)	Occupational health specialists, employers, workers
"Occupational health and safety network"	AR	A (2012)	Occupational health service providers, universities, non-governmental occupational health and safety organisations, authorities
"Month of Ergonomics"	AR	A (2012, 2013)	Occupational health specialists, employers, workers
"Working environment instrument"	AR	A (2014)	Workers, employers
"New worker in the enterprise"	G	A (2013)	Workers, employers
"36 occupation-specific guidelines"	G	A (2012)	Employers, workers
"Training and instruction of workers at work places"	G	A (2011)	Employers
"Instruction and training at work place"	G	A (2009)	Employers
"The measurement of parameters of physical agents"	G	A (2010)	Employers, occupational health service providers, occupational health specialists
"Physiological risk factors at work"	ET	A (2012)	Occupational health specialists
"Taxation of occupational health costs"	ET	A (2013)	Occupational health specialists
"The indoor climate at workplace"	ET	A (2013)	Occupational health specialists
"Occupational Health Day"	ET	A (2013)	Employers, occupational health specialists and workers
Council Directive 89/654/EEC (workplace)			
"Sliding and Stumbling-How to Prevent Accidents"	AR	A (2009)	Employers

Name	Type	Initiated by (and date)	Target groups
Campaign for the Prevention of Work Accidents due to Slips and Trips on the Same Level	AR	A (2014)	Employers ⁵⁸
Conference on ergonomics	AR	A (2012)	Employers, occupational health specialists and workers
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
"The measurement of parameters of physical agents"	G	A (2010)	Employers, prevention advisors
"Slips and trips - How to Prevent Accidents"	G	A (2011, 2012)	Employers, workers
"Lighting"	ET	A (2010)	Occupational health specialists, managers of SMEs
"Ergonomics"	ET	A (2011)	Occupational health specialists, managers of SMEs
"OSH at workplaces"	ET	A (2011)	Occupational health specialists, managers of SMEs
Directive 2009/104/EC (work equipment)			
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
"Reminder on how to use scaffoldings and ladders – frequent shortcomings"	G	A/SP (2012)	Employers and workers
Council Directive 89/656/EEC (PPE)			
Prevention campaign on reduction of work-related health risks – personal protective equipment	AR	A (2011)	Employers, workers
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
"Personal protective equipment – a tedious obligation or happy future?"	G	A (2011)	Employers, workers
"Personal protective equipment"	ET	A (2012)	occupational health specialists, employers, workers
"Personal protective equipment. Nano's at workplace"	ET	A (2014)	Occupational health specialists
Council Directive 92/58/EEC (OSH signs)			
No Directive specific accompanying actions			

⁵⁸ Information based on consultation with the Labour Inspectorate.

Name	Type	Initiated by (and date)	Target groups
Directive 1999/92/EC (ATEX)			
Application guidelines of Directive	IT	A	Employers, occupational health specialists
Council Directive 90/269/EEC (manual handling of loads)			
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
Council Directive 90/270/EEC (display screen equipment)			
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
Directive 2002/44/EC (vibration)			
"The measurement of parameters of physical agents"	G	A (2010)	Employers, prevention advisors
Application guidelines of D	G	A	Employers, prevention advisors
Dangerous chemicals, noise and vibration	ET	A (2010)	Technical labour inspectors
"Physiological risk factors"	ET	A (2010)	Work environment specialists, managers of SMEs
Directive 2003/10/EC (noise)			
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
"The measurement of parameters of physical agents"	G	A (2010)	Employers, prevention advisors
"Working environment in the night clubs"	G	A	Employers, workers
Dangerous chemicals, noise and vibration	ET	A (2010)	Technical labour inspectors
Directive 2004/40/EC (electromagnetic fields)			
"The measurement of parameters of physical agents"	G	A (2010)	Employers, prevention advisors
"Electromagnetic fields at workplace"	ET	A (2012)	Occupational health specialists
Directive 2006/25/EC (artificial optical radiation)			
"The measurement of parameters of physical agents"	G	A (2010)	Employers, prevention advisors
"Radiations at workplace"	ET	A (2013)	Occupational health specialists
Directive 2004/37/EC (carcinogens or mutagens)			
"Risk assessment in the use of dangerous chemicals"	AR	A (2010)	Employers, prevention advisors and workers
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
"Dangerous chemicals in the working"	G	A (2013)	Employers, workers, occupational health

Name	Type	Initiated by (and date)	Target groups
environment"			specialists
Dangerous chemicals, noise and vibration	ET	A (2010)	Technical labour inspectors
Implementation of the SLIC	ET	A (2011)	Technical labour inspectors
Council Directive 98/24/EC (chemical agents at work)			
"Risk assessment in the use of dangerous chemicals"	AR	A (2010)	Employers, prevention advisors and workers
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
"Dangerous chemicals in the working environment"	G	A (2013)	Employers, workers, occupational health specialists
"Chemical agents"	ET	A (2012)	Occupational health specialists
Directive 2009/148/EC (asbestos)			
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
"Methods of low risk asbestos work for demolishing, renovation and maintenance work"	G	A (2011)	Employers, workers
Website on asbestos	IT	A	Employers, workers, occupational health specialists
Directive 2000/54/EC (biological agents)			
Application guidelines of the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
"Biological risk factor in the working environment"	G	A	Employers, workers, occupational health specialists
Council Directive 92/57/EEC (temporary or mobile construction sites)			
Application guidelines of D	G	A	Employers, prevention advisors
Construction sites	ET	A (2011)	Technical labour inspectors
"Reminder on how to use scaffoldings and ladders – frequent shortcomings"	G	A/SP (2012)	Employers, prevention advisors, workers
"Construction Fair", "Estonia builds"	AR	A (2010)	Employers, prevention advisors, workers
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
Information on the requirements at the Technical Surveillance Authority website	G	A	Employers, workers
"Strip mining"	G	A	Employers
"Reasons for occupational accidents and their prevention; and	ET	A (2011)	Employers

Name	Type	Initiated by (and date)	Target groups
occupational health and safety requirements for extraction of mineral resources"			
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
Information on the requirements at the Technical Surveillance Authority website	G	A	Employers, workers
"Reasons for occupational accidents and their prevention; and occupational health and safety requirements for extraction of mineral resources"	ET	A (2011)	Employers
Council Directive 92/29/EEC (medical treatment on board vessels)			
No Directive specific accompanying actions			
Council Directive 93/103/EC (work on board fishing vessels)			
No Directive specific accompanying actions			
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
Information on the requirements at the website "Tööelu portaal"	G	A	Employers, workers.
Council Directive 91/383/EEC (temporary workers)			
Information on the requirements at the Labour Inspectorate website	G	A	Employers, workers, occupational health specialists
Council Directive 94/33/EC (young people at work)			
Application guidelines of the requirements at the Labour Inspectorate website and at the website "Tööelu portaal"	G	A	Employers, workers, occupational health specialists
"Employment of young people"	G	A (2012, 2013)	Employers and workers
Information of high school students of regulation on labour relations	ET	A (2011, 2012, 2013)	High school students

4.2 USE OF ACCOMPANYING ACTIONS

This sub-section assess to what extent the accompanying actions are actually used by establishments to pursue the objective of protecting health and safety of workers.

All actions organized by the Labour Inspectorate are very popular. These actions are free of charge and maximum numbers of participants have been filled. The Labour Inspectorate's information

booklets are also popular.⁵⁹

4.3 GAPS

This sub-section aims at determining whether there are any information needs that are not met.

Results from stakeholder interviews

Employers would like to have the possibility to invite OSH consultants to their companies. The Labour Inspectorate will provide such unpaid service from 2015 onwards. Thus, employers may ask the Labour Inspectorate to send the OSH consultants to their companies. The OSH consultants will help employers to resolve different questions concerning the OSH issues.⁶⁰

Also, according to employers' representatives, there is need for:

- posters and videos concerning OSH issues (gymnastic exercises, personal protective equipment, etc.);
- guidelines on the detection of narcotic intoxication and standardized rules about health surveillance, based on the type of hazard;
- an app about the in-house informing on the risk situation (for the in-house analysis of the data);
- physiotherapists who are specialised in the OSH issues and occupational health nurses (in large enterprises and depending on the sector).⁶¹

Finally, another stakeholder highlighted that the Labour Inspectorate should organise more training for employees, especially employees who work in micro and small enterprises.⁶²

⁵⁹ Information based on consultation with the Labour Inspectorate and the representative of employers.

⁶⁰ Information based on consultation with the Labour Inspectorate.

⁶¹ Information based on consultation with the representative of employers.

⁶² Information based on consultation with the research institute.

5 MAPPING QUESTION 5: ENFORCEMENT

The following section provides information on enforcement of 24 Directives. It describes the structure in place for enforcement.

In Estonia, the main authority in charge of OSH legislation enforcement is the Labour Inspectorate under the Ministry of Social Affairs. The Health Board is also competent for occupational health and chemical safety related aspects. With regard to the two mineral-extracting directives, enforcement is exercised jointly by the Labour Inspectorate and the Technical Surveillance Authority under the Ministry of Economic Affairs and Communications. For the two directives on vessels, responsibility for enforcement is shared with the Maritime Administration also under the Ministry of Economic Affairs and Communications. The Labour Inspectorate is responsible for both the private and the public sectors.

In terms of statistical information on inspections, from 2007 to 2012, the number of inspectors slightly decreased while the number of workers per labour inspector slightly increased, as well as the number of inspections per 100,000 workers.

Priorities for enforcement are set in terms of the size of the companies targeted, sectors, groups of workers, type of hazards and complaints. The main criteria to set those priorities are the risk assessment, the results of inspections and European strategic documents. The Directorate General also organises specific inspection campaigns e.g. on storage of inflammable substances in sales areas, on the use of chemical agents in formulating companies or in construction projects.

The legislation sets both criminal and administrative sanctions for non-compliance with OSH requirements. Criminal sanctions are pecuniary sanctions and imprisonment (up to 5 years if the infringement has caused a person's death and it was committed by negligence. The Estonian legislation also provides for administrative fines.

Structure for enforcement

The table below provides a list of the bodies in charge of enforcement in the Member State, by Directive if applicable.

Table 5- 1 Enforcement authorities

The enforcement body competent for occupational health and safety issues and the procedures in case of infringement in the public sector is the same as in the private sector.

Name	Type of authority
Directive 89/391/EEC (Framework Directive)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	<p>The Ministry of Social Affairs is responsible for the enforcement of 24 Directives. The enforcement is carried out by the Labour Inspectorate.</p> <p>Under § 8 of the Statutes of the Labour Inspectorate, its responsibilities include the implementation of working environment policy; state supervision of adherence to the legislative requirements regulating occupational health, occupational safety and employment relationships; informing the general public, workers and employers about threats in the working environment; and</p>

Name	Type of authority
	<p>resolution of individual labour disputes in pre-trial labour dispute resolution bodies.⁶³ The Labour Inspectorate is responsible for both the private and the public sectors.</p> <p>According to § 25(1) of the TTOS, state supervision over compliance with the requirements provided for in the TTOS and in legislation established on the basis thereof is exercised by the Labour Inspectorate.</p> <p>Pursuant to § 25(1¹) of the TTOS, the Health Board exercises supervision over compliance with the requirements of occupational health services pursuant to the procedure provided for in the Health Services Organisation Act. The Health Board results from the merging of the Health Protection Inspectorate, the Health Care Board and the Chemicals Notification Centre in 2010.</p>
Council Directive 89/654/EEC (workplace)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Directive 2009/104/EC (work equipment)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Council Directive 89/656/EEC (PPE)	
Ministry of Social Affairs – Labour Inspectorate and Health Board Consumer Protection Board	<p>See Framework Directive.</p> <p>In addition, according to § 25(2) of the TTOS, market supervision over personal protective equipment is exercised, within the limits of their competence, by the Consumer Protection Board and the Labour Inspectorate. Market supervision is subject to the Product Conformity Act.</p>
Council Directive 92/58/EEC (OSH signs)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Directive 1999/92/EC (ATEX)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Council Directive 90/269/EEC (manual handling of loads)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Council Directive 90/270/EEC (display screen equipment)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Directive 2002/44/EC (vibration)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Directive 2003/10/EC (noise)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Directive 2004/40/EC (electromagnetic fields)	
N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	

⁶³ SoMM No 67 of 17 Oct. 2007 “Statutes of the Labour Inspectorate” [SoMM nr 67 Tööinspektsiooni põhimäärus, 17.10.2007].

Name	Type of authority
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Directive 2004/37/EC (carcinogens or mutagens)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Council Directive 98/24/EC (chemical agents at work)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Directive 2009/148/EC (asbestos)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Directive 2000/54/EC (biological agents)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Council Directive 92/57/EEC (temporary or mobile construction sites)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	
Ministry of Social Affairs – Labour Inspectorate and Health Board Technical Surveillance Authority	See Framework Directive. In addition, under § 25 of the KaevS, state supervision over conformity with the requirements provided for in the KaevS and legislation established on the basis thereof is exercised by the Technical Surveillance Authority.
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	
Ministry of Social Affairs – Labour Inspectorate and Health Board Technical Surveillance Authority	See Framework Directive. In addition, under § 25 of the KaevS, state supervision over conformity with the requirements provided for in the KaevS and legislation established on the basis thereof is exercised by the Technical Surveillance Authority.
Council Directive 92/29/EEC (medical treatment on board vessels)	
Ministry of Social Affairs – Labour Inspectorate and Health Board Maritime Administration	See Framework Directive. In addition, according to § 76(1) of the MSOS, state supervision over the implementation of legislation regulating maritime safety is exercised on the basis of the MSOS by the Maritime Administration and by state supervisory authorities specified in other Acts.
Council Directive 93/103/EC (work on board fishing vessels)	
Ministry of Social Affairs – Labour Inspectorate and Health Board Maritime Administration	See Framework Directive. In addition, according to § 76(1) of the MSOS, state supervision over the implementation of legislation regulating maritime safety is exercised on the basis of the MSOS by the Maritime Administration and by state supervisory authorities specified in other Acts.
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	Same as for the Framework Directive.
Council Directive 91/383/EEC (temporary workers)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.
Council Directive 94/33/EC (young people at work)	
Ministry of Social Affairs – Labour Inspectorate and Health Board	See Framework Directive.

In addition, information is provided on any interactions between the enforcement bodies listed above.

The main body in charge of enforcement in Estonia is the Labour Inspectorate. The Labour Inspectorate, the Health Board and the Maritime Administration must co-operate in inspecting ships, including exchange information. (MTööS § 73(4)). The main form of the cooperation is the exchange of the information about the results of inspections of ships. The Labour Inspectorate and the Technical Surveillance Authority exchange the information on the OSH at workplaces.⁶⁴

Inspections

Statistical Information

The table below provides information on the statistical data available in relation to inspections in order to gain an understanding of the level of enforcement activities in the Member State.

Table 5- 2 Inspections statistical data

Year	Number of labour inspectors⁶⁵	Number of workers per labour inspector⁶⁶	Number of inspections per 100.000 workers⁶⁷	Frequency of inspections⁶⁸	Comments
2007	41	15 982	534,3	76,5% of undertakings participating in ESENER were subject to an inspection once in the past 3 years.	-
2008	49	13 397	639,9	<u>Employees</u> 10 to 19 employees 73.25% 20 to 49 employees 81.48% 50 to 249 employees 75.59% 250 to 499 employees 100% 500 or more employees 100 % <u>Sector</u> Production sector 81.26 % Private Services 76.53 % Public Services 68.84 %	-
2009	46	12 952	678,4	92% of employers that employ more than 5 employees were subject to an inspection during 2009-2013.	-
2010	44	12 975	651,3		-
2011	43	14 165	551,5		-
2012	38	16 431	603,9		-

⁶⁴ There are no specific rules about the procedure for exchanging the information.

⁶⁵ Information source is the NIR, p 4.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ Information source is the European survey of enterprises on new and emerging risks (ESENER) of the European Agency for Safety and Health at Work. Available at <https://osha.europa.eu/sub/esener/en/front-page>.

Strategies for inspection

The box below provides a short description of the strategic documents for enforcement.

Strategic documents for enforcement
<ul style="list-style-type: none"> • <i>Rahvastiku tervise arengukava 2009-2020</i> [National Health Development Plan 2009-2020]⁶⁹ • <i>Töötervishoiu ja tööohutuse strateegia 2010–2013</i> [Occupational Health and Safety Strategy 2010-2013]⁷⁰ • <i>Tööinspektsiooni arengukava 2009-2013</i> [Development Plan of the Labour Inspectorate 2009-2013]⁷¹ • <i>Töökeskkonna ülevaade 2013</i> [Annual Report of Work Environment 2013]⁷² • Annual Report of Work Environment 2012⁷³ • Annual Report of Work Environment 2011⁷⁴ • Annual Report of Work Environment 2010⁷⁵ • Annual Report of Work Environment 2009⁷⁶

The table below presents how priorities are set within strategic documents for inspections in relation to the different topics covered by the OSH Directives.

Table 5- 3 Data on enforcement strategy

Priorities set in terms of			
size of companies targeted	sectors	groups or workers	other criteria
✓	✓	✓	<ul style="list-style-type: none"> • Type of hazard • Complaints
Priorities set on the basis of			
risk assessment	result of inspections	others	
✓	✓	<ul style="list-style-type: none"> • Programmes and Strategies of the EU 	

⁶⁹ *Rahvastiku tervise arengukava 2009-2020* [National Health Development Plan 2009-2020], *Sotsiaalministeerium* [Ministry of Social Affairs], 2008, täiendatud [amended] 2012. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Tervisevaldkond/Rahvatervis/RTA/2012_RTA_pohitekst_ok_5.pdf.

⁷⁰ *Töötervishoiu ja tööohutuse strateegia 2010-2013* [Occupational Health and Safety Strategy 2010-2013], *Sotsiaalministeerium* [Ministry of Social Affairs], 2010. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Toovaldkond/TAO/TTTO_strateegia_2010-2013.pdf; partly in English at <http://www.ti.ee/index.php?page=1261&>.

⁷¹ *Tööinspektsiooni arengukava 2009-2013* [Development Plan of the Labour Inspectorate 2009-2013], *Tööinspektsioon* [Labour Inspectorate], 02.02.2012. Available in Estonian at <http://ti.ee/public/files/Tooinspektsiooni%20arengukava%2002022012.pdf>.

⁷² *Töökeskkonna ülevaade 2013* [Annual Report of Work Environment 2013], *Tööinspektsioon* [Labour Inspectorate], *Märts* [March] 2014. Available in Estonian at http://ti.ee/public/files/Tookeskkonna_ulevaade_2013.pdf.

⁷³ Annual Report of Work Environment 2012. The Labour Inspectorate of Estonia. March 2013. Available at http://www.ti.ee/public/files/TKY_2012%20%28ing%29.pdf.

⁷⁴ Annual Report of Work Environment 2011. The Labour Inspectorate of Estonia. March 2012. Available at <http://www.ti.ee/public/files/Annual%20Report%20on%202011%281%29.pdf>.

⁷⁵ Annual Report of Work Environment 2010. The Labour Inspectorate of Estonia. April 2011. Available at http://www.ti.ee/public/files/2010_Annual%20Report_1.pdf.

⁷⁶ Annual Report of Work Environment 2009. The Labour Inspectorate of Estonia. April 2010. Available at <http://www.ti.ee/public/files/Annual%20report%20on%202009.pdf>.

Sanctions

The table below presents the type and level of sanctions provided by law for infringements as defined in the national legislation for each of the Directive covered in the study for both criminal and administrative sanctions. Only the maximum sanctions are provided. The Labour Inspectorate may also imposed other sanctions such as suspension of work activities presenting a risk to workers or prohibition of the use of dangerous equipment.

Table 5- 4 Result table – type and level of sanctions

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
Directive 89/391/EEC (Framework Directive)		
Violation of the requirements of the TTOS or legislation established on the basis thereof	-	Pursuant to § 26 ¹ (1) of the TTOS, in case of a violation of the requirements of the TTOS or legislation established on the basis thereof, a labour inspector has the right to serve an enforcement notice. In case of a failure to comply with a notice, a labour inspector may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 1,300 euros (TTOS § 26 ¹ (4) and (5)).
Violation of occupational health and safety requirements	-	Under § 27 ¹ (1) of the TTOS, violation of occupational health and safety requirements is punishable by a fine of up to 300 fine units ⁷⁷ . The same act, if committed by a legal person, is punishable by a fine of up to 2,600 euros (TTOS § 27 ¹ (2)).
Concealment of occupational accident or occupational disease	-	According to § 27 ² (1) of the TTOS, concealment of or failure to investigate an occupational accident or an occupational disease, also failure to prepare a written report, or violation of other requirements for registration or investigation of an occupational accident or an occupational disease is punishable by a fine of up to 200 fine units ⁷⁸ . The same act, if committed by a legal person, is punishable by a fine of up to 2,000 euros (TTOS § 27 ¹ (2)).
Violation of occupational health and safety requirements if	Under § 197(1) of the Penal Code (KarS), violation of	-

⁷⁷ According to § 47(1) of the KarS, a fine unit is the base amount of a fine and is equal to 4 euro.

⁷⁸ *Ibid.*

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
significant damage is thereby caused to health of person or death of person is caused through negligence	occupational health and safety requirements if significant damage is thereby caused to the health of a person through negligence, is punishable by a pecuniary punishment or up to 3 years' imprisonment. The same act, if the death of a person is caused thereby through negligence, is punishable by up to 5 years' imprisonment (KarS § 197(2)). The same act, if committed by a legal person, is punishable by a pecuniary punishment (KarS § 197(3)).	
Violation of occupational health and safety requirements through negligence if significant damage is thereby caused to health of person or death of person is caused thereby	Under § 198(1) of the KarS, violation of occupational health and safety requirements through negligence if significant damage is thereby caused to the health of a person, is punishable by a pecuniary punishment or up to one year of imprisonment. The same act, if the death of a person is caused thereby, is punishable by a pecuniary punishment or up to 3 years' imprisonment (KarS § 198(2)). The same act, if committed by a legal person, is punishable by a pecuniary punishment (KarS § 198(3)).	-
Council Directive 89/654/EEC (workplace)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Directive 2009/104/EC (work equipment)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 89/656/EEC (PPE)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 92/58/EEC (OSH signs)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Directive 1999/92/EC (ATEX)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 90/269/EEC (manual handling of loads)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 90/270/EEC (display screen equipment)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Directive 2002/44/EC (vibration)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Directive 2003/10/EC (noise)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Directive 2004/40/EC (electromagnetic fields)		
N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Directive 2004/37/EC (carcinogens or mutagens)		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 98/24/EC (chemical agents at work)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Directive 2009/148/EC (asbestos)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Directive 2000/54/EC (biological agents)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 92/57/EEC (temporary or mobile construction sites)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Violations of the requirements of the KaevS or legislation established on the basis thereof, including for suspension of non-conforming mining operations, secondary utilisation of underground working or preparation of relevant plans, or for the removal of persons from sites	-	According to § 28(1) of the KaevS, an official exercising state supervision issues an enforcement notice for the termination of violations of the requirements of the KaevS or legislation established on the basis thereof, including for suspension of non-conforming mining operations, secondary utilisation of underground working or preparation of relevant plans, or for the removal of persons from sites. In case of a failure to comply with a notice, an official exercising state supervision may impose a coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payments is 640 euros (KaevS § 28(4)).
Violation of requirements for mining, secondary utilisation of underground workings and preparation of related plans	-	Under § 32(1) of the KaevS, violation of the requirements for mining or the secondary utilisation of underground workings or violation of the requirements for preparation of plans for mining operations or secondary utilisation of underground workings is punishable by a fine of up to 300 fine units ⁷⁹ . The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros (KaevS § 32(2)).
Council Directive 92/91/EEC (mineral-extracting industries through drilling)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Violations of the requirements of the KaevS or legislation established on the basis thereof, including for suspension of non-	-	According to § 28(1) of the KaevS, an official exercising state supervision issues an enforcement notice for the

⁷⁹ According to § 47(1) of the KarS, a fine unit is the base amount of a fine and is equal to 4 euro.

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
conforming mining operations, secondary utilisation of underground working or preparation of relevant plans, or for the removal of persons from sites		<p>termination of violations of the requirements of the KaevS or legislation established on the basis thereof, including for suspension of non-conforming mining operations, secondary utilisation of underground working or preparation of relevant plans, or for the removal of persons from sites.</p> <p>In case of a failure to comply with a notice, an official exercising state supervision may impose a coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payments is 640 euros (KaevS § 28(4)).</p>
Violation of requirements for mining, secondary utilisation of underground workings and preparation of related plans	-	<p>Under § 32(1) of the KaevS, violation of the requirements for mining or the secondary utilisation of underground workings or violation of the requirements for preparation of plans for mining operations or secondary utilisation of underground workings is punishable by a fine of up to 300 fine units⁸⁰.</p> <p>The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros (KaevS § 32(2)).</p>
Council Directive 92/29/EEC (medical treatment on board vessels)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Significant violations of occupational health, occupational safety or health protection requirements are discovered on the ship	-	<p>According to § 78(1)6) of the MSOS, when significant violations of occupational health, occupational safety or health protection requirements are discovered on the ship, supervisory officials of the Maritime Administration may prohibit a ship flying the national flag of the Republic of Estonia or a ship flying a foreign flag from leaving a port.</p>
Violations of the requirements of international conventions, the MSOS and legislation established on the basis thereof	-	<p>Under § 79(3) of the MSOS, supervisory officials of the Maritime Administration or of state supervisory authorities issue enforcement notices for the termination of violations of the requirements of international</p>

⁸⁰ According to § 47(1) of the KarS, a fine unit is the base amount of a fine and is equal to 4 euro.

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		<p>conventions, the MSOS and legislation established on the basis thereof; for the prevention of further violations and elimination of consequences caused by the violation.</p> <p>In case of a failure to comply with a notice, an official exercising state supervision may impose a substitutive enforcement or penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payments is 1,000 euros for a natural person and 3,200 euros for a legal person (MSOS § 79(5)).</p>
Council Directive 93/103/EC (work on board fishing vessels)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Significant violations of occupational health, occupational safety or health protection requirements are discovered on the ship	-	<p>According to § 78(1)6) of the MSOS, when significant violations of occupational health, occupational safety or health protection requirements are discovered on the ship, supervisory officials of the Maritime Administration may prohibit a ship flying the national flag of the Republic of Estonia or a ship flying a foreign flag from leaving a port.</p>
Violations of the requirements of international conventions, the MSOS and legislation established on the basis thereof	-	<p>Under § 79(3) of the MSOS, supervisory officials of the Maritime Administration or of state supervisory authorities issue enforcement notices for the termination of violations of the requirements of international conventions, the MSOS and legislation established on the basis thereof; for the prevention of further violations and elimination of consequences caused by the violation.</p> <p>In case of a failure to comply with a notice, an official exercising state supervision may impose a substitutive enforcement or penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payments is 1,000 euros for a natural person and 3,200 euros for a legal</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
		person (MSOS § 79(5)).
Council Directive 92/85/EEC (pregnant/breastfeeding workers)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 91/383/EEC (temporary workers)		
See Framework Directive.	See Framework Directive.	See Framework Directive.
Council Directive 94/33/EC (young people at work)		
See Framework Directive.	See Framework Directive.	See Framework Directive.

Enforcement actions

Table 5- 5 Number of infringements and court cases

Total number of infringement which resulted in legal action ⁸¹	Year	Number of infringement
	2007	3139
	2008	1479
	2009	893
	2010	1249
	2011	1257
	2012	1553
Other data on the number of court cases specific to OSH issues in the period 2007-2012	No data available	

⁸¹ Information source is the National Implementation Report 2013, Part A, Section I, (EN) p 4.

6 MAPPING QUESTION 6: SPECIFIC GROUPS OF WORKERS

No specific approaches to vulnerable groups are taken in Estonia beyond the requirements set out in the transposed Directives, with the exception of legislation on the protection of young and disabled workers for which the TTOS provides for general protection. A few guidance documents address specific vulnerable groups, namely pregnant workers and ageing workers.

The table 6-1 below provides an overview of the documents, including legislation, strategies, guidelines, roadmaps or plans, as well as other documents addressing the question of vulnerable groups.

Table 6- 1 Tools addressing risk factors for all vulnerable groups

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
TTOS § 10 ¹	Young workers; disabled workers			✓				✓			✓		✓		✓				✓
Biological risk factor in the working environment. Practical guideline ⁸²	Pregnant workers	✓																	

⁸² *Bioloogiline ohutegur töökonnas. Abimaterjal* [Biological risk factor in the working environment. Practical guideline], *Tööinspeksioon* [Labour Inspectorate]. Available in Estonian at <http://ti.ee/public/files/bio%20ohutegur%20juhend%281%29.pdf>.

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesseses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Working environment in the night clubs. Practical guideline ⁸³	Pregnant workers	✓																	
Active Ageing Development Plan 2013–2020 ⁸⁴	Ageing workers			✓			✓	✓							✓	✓			

⁸³ Töökeskkond ööklubides. Abimaterjal [Working environment in the night clubs. Practical guideline], Tööinspektsioon [Labour Inspectorate]. Available in Estonian at <http://ti.ee/public/files/abimaterjal-ooklubidele%281%29.pdf>.

⁸⁴ Aktiivsena vananemise arengukava 2013–2020 [Active Ageing Development Plan 2013–2020], Sotsiaalministeerium [Ministry of Social Affairs], 2013. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Hoolekandestatistika/Aktiivsena_vananemise_arengukava_2013-2020/Aktiivsena_vananemise_arengukava_2013-2020.pdf.

7 MAPPING QUESTION 7: SMEs AND MICRO-ENTERPRISES

This question focuses on the identification of measures adopted by Member States in order to assist SMEs and micro-enterprises in the implementation of OSH requirements. Measures provided by other actors, such as social partners, are not included. The concept of ‘measures’ is considered as covering national legislation and soft measures, i.e. incentives. Other measures such as guidance are included in Section 4.

Three elements should be checked for each Directive:

- Exemptions: are there thresholds of number of workers to be exempted from certain key requirements? If so, what are the thresholds? To what requirements does it apply?
- Lighter regime: are certain norms/ regulatory standards provided by law differentiated for SMEs?
- Incentives: have financial measures/tax reductions been adopted to support SMEs?

As stated in the NIR⁸⁵, in Estonia, ‘assistance provided by the state is firstly related to the development of guidance materials, organisation of information days and training courses, as well as the creation of electronic tools for the evaluation and assessment of risks in the working environment’ (see section on Accompanying Actions). There are no specific exemptions or lighter regime provided for SMEs. However, Estonia has put in place financial incentives with the support of the European Social Funds. Whereby SMEs with less than 45 workers can apply for financial support to carry out the risk assessment envisaged and to provide health surveillance to the workers on the basis of the outcomes of the risk assessment.

The results are summarised in Table 7-1 and then detailed in Table 7-2. It should be taken into account that the SME measures laid down in the national legislation transposing the Framework Directive are equally applicable to all of the transpositions of the OSH individual directives.

Table 7- 1 Overview of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)	-	-	✓
Directive 89/654/EEC (workplace)	-	-	-
Directive 2009/104/EC (work equipment)	-	-	-
Council Directive 89/656/EEC (PPE)	-	-	-
Council Directive 92/58/EEC (OSH signs)	-	-	-
Directive 1999/92/EC (ATEX)	-	-	-
Council Directive 90/269/EEC (manual handling of loads)	-	-	-
Council Directive 90/270/EEC (display screen equipment)	-	-	-
Directive 2002/44/EC (vibration)	-	-	-
Directive 2003/10/EC (noise)	-	-	-
Directive 2004/40/EC (electromagnetic fields)	-	-	-

⁸⁵ See National Implementation Report 2013, Part A, Section I, (EN) p.25.

	Exemptions	Lighter regime	Incentives
	-	-	-
Directive 2006/25/EC (artificial optical radiation)			
	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)			
	-	-	-
Directive 2009/148/EC (asbestos)			
	-	-	-
Directive 2000/54/EC (biological agents)			
	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)			
	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)			
	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)			
	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)			
	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)			
	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)			
	-	-	-
Council Directive 91/383/EEC (temporary workers)			
	-	-	-
Council Directive 94/33/EC (young people at work)			
	-	-	-
Council Directive 98/24/EC (chemical agents)			
	-	-	-

Table 7- 2 Description of measures targeting SMEs and micro-enterprises

	Exemptions	Lighter regime	Incentives
Directive 89/391/EEC (FW)			
	-	-	SMEs with less than 45 workers can apply for financial support to carry out the risk assessment envisaged by the TTOS and to provide health surveillance to the workers on the basis of the outcomes of the risk assessment. The support is given by the Foundation InnoVe and financed from the EU structural funds. ⁸⁶
Directive 89/654/EEC (workplace)			
	-	-	-
Directive 2009/104/EC (work equipment)			
	-	-	-
Council Directive 89/656/EEC (PPE)			
	-	-	-
Council Directive 92/58/EEC (OSH signs)			
	-	-	-

⁸⁶ The legal basis of the support is SoMM No 59 of 15 Dec. 2011 “The Instruction of the Provision and the Supervision of the Use of the Financial Support in the Framework of the Programme “The Improvement of the Quality of Working Life”” (SoMM nr 59 Meetme „Tööelu kvaliteedi parandamine” perioodil 2012–2013 avatud taotlemisel toetuse andmise tingimused ja toetuse kasutamise seire eeskiri, 15.12.2011). See also the National Implementation Report.

	Exemptions	Lighter regime	Incentives
Directive 1999/92/EC (ATEX)	-	-	-
Council Directive 90/269/EEC (manual handling of loads)	-	-	-
Council Directive 90/270/EEC (display screen equipment)	-	-	-
Directive 2002/44/EC (vibration)	-	-	-
Directive 2003/10/EC (noise)	-	-	-
Directive 2004/40/EC (electromagnetic fields)	N/A	N/A	N/A
Directive 2006/25/EC (artificial optical radiation)	-	-	-
Directive 2004/37/EC (carcinogens or mutagens)	-	-	-
Directive 2009/148/EC (asbestos)	-	-	-
Directive 2000/54/EC (biological agents)	-	-	-
Council Directive 92/57/EEC (temporary or mobile construction sites)	-	-	-
Council Directive 92/104/EEC (surface and underground mineral-extracting industries)	-	-	-
Council Directive 92/91/EEC (mineral-extracting industries through drilling)	-	-	-
Council Directive 92/29/EEC (medical treatment on board vessels)	-	-	-
Council Directive 93/103/EC (work on board fishing vessels)	-	-	-
Council Directive 92/85/EEC (pregnant/breastfeeding workers)	-	-	-
Council Directive 91/383/EEC (temporary workers)	-	-	-
Council Directive 94/33/EC (young people at work)	-	-	-
Council Directive 98/24/EC (chemical agents)	-	-	-

ANNEX I- BIBLIOGRAPHY

Guidelines, Reports, Strategies, Surveys

- **Aktiivsena vananemise arengukava 2013–2020** [Active Ageing Development Plan 2013–2020], Sotsiaalministeerium [Ministry of Social Affairs], 2013. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Hoolekandestatistika/Aktiivsena_vananemise_arengukava_2013-2020/Aktiivsena_vananemise_arengukava_2013-2020.pdf.
- **Annual Report of the Labour Inspectorate. Year 2009.** The Labour Inspectorate of Estonia (in the possession of the autor).
- **Annual Report of the Labour Inspectorate. Year 2010.** The Labour Inspectorate of Estonia (in the possession of the autor).
- **Annual Report of the Labour Inspectorate. Year 2011.** The Labour Inspectorate of Estonia (in the possession of the autor).
- **Annual Report of the Labour Inspectorate. Year 2012.** The Labour Inspectorate of Estonia (in the possession of the autor).
- **Annual Report of Work Environment 2009.** The Labour Inspectorate of Estonia. April 2010. Available at <http://www.ti.ee/public/files/Annual%20report%20on%202009.pdf>.
- **Annual Report of Work Environment 2010.** The Labour Inspectorate of Estonia. April 2011. Available at http://www.ti.ee/public/files/2010_Annual%20Report_1.pdf.
- **Annual Report of Work Environment 2011.** The Labour Inspectorate of Estonia. March 2012. Available at <http://www.ti.ee/public/files/Annual%20Report%20on%202011%281%29.pdf>.
- **Annual Report of Work Environment 2012.** The Labour Inspectorate of Estonia. March 2013. Available at http://www.ti.ee/public/files/TKY_2012%20%28ing%29.pdf.
- **Asbestiga seotud tööohutuse tagamine. Lõpparuanne** [Managing occupational risks related to asbestos. Final Report], 2006-2008. Available in Estonian at http://www.asbest.ee//SOELUURINGU_LOPPARUANNE_05_01_09.pdf.
- **Bioloogiline ohutegur töökeskkonnas. Abimaterjal** [Biological risk factor in the working environment. Practical guideline], Tööinspektsioon [Labour Inspectorate]. Available in Estonian at <http://ti.ee/public/files/bio%20ohutegur%20juhend%281%29.pdf>.
- **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU Strategic Framework on Health and Safety at Work 2014-2020.** COM(2014) 332 final. Brussels, 6.6.2014.
- **European survey of enterprises on new and emerging risks (ESENER) of the European Agency for Safety and Health at Work.** Available at <https://osha.europa.eu/sub/esener/en/front-page>.
- **Liikmesriigi poolt koostatava direktiivi 89/391/EMÜ, selle üksikdirektiivide ning direktiivide 2009/148/EÜ, 91/383/EMÜ, 92/29/EMÜ ja 94/33/EÜ praktilise rakendamise aruanne** [National Implementation Report of Directive 89/391/EEC, its individual Directives and Directives 2009/148/EC, 91/383/EEC, 92/29/EEC and 94/33/EC], Eesti Vabariigi Sotsiaalministeerium [Estonian Ministry of Social Affairs], 2013 (in the possession of the autor).
- **Masso, M; Rünkla, E. Töötervishoid** [Occupational Health and Safety]. M. Masso (ed.), Eesti tööelu-uuring 2009 [Estonian Work Life Survey 2009], Sotsiaalministeeriumi Toimetised [Series of the Ministry of Social Affairs] No 3, 2011.
- **Ohtlike kemikaalide kasutamine (sh kantserogeenid, mutageenid, plii ja selle ioonsed ühendid).** Tööinspektsiooni 2013. aasta sihtkontrolli kokkuvõte [The use of hazardous chemicals (incl carcinogens, mutagens, lead and its ionic compounds). The summary of target inspection of Labour Inspectorate of the year 2013]. Available in Estonian at http://www.ti.ee/public/files/Ohtlike_kemikaalide_kasutamineKokkuvote.pdf.

- **Ohtlike kemikaalide kasutamine töökohal. Analüüsiraport** [Use of Dangerous Chemicals at the Workplace. Analysis Report], AS EMOR/Ministry of Social Affairs, 2012. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Toovaldkond/uuringud/Ohtlikud_kemikaalid_analyysiraport.pdf.
- **Ohtlikud kemikaalid töökeskkonnas** [Dangerous chemicals in the working environment], Tööinspeksioon [Labour Inspectorate], 2013. Available in Estonian at http://www.tooelu.ee/UserFiles/Sisulehtede-failid/Teemad/keemilised-ohutegurid/Ohtlikud_kemikaalid_tookeskkonnas.pdf.
- **Rahvastiku tervise arengukava 2009-2020** [National Health Development Plan 2009-2020], Sotsiaalministeerium [Ministry of Social Affairs], 2008, täiendatud [amended] 2012. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Tervisevaldkond/Rahvatervis/RTA/2012_RT_A_pohitekst_ok_5.pdf.
- **Tööinspeksiooni arengukava 2009-2013** [Development Plan of the Labour Inspectorate 2009-2013], Tööinspeksioon [Labour Inspectorate], 02.02.2012. Available in Estonian at <http://ti.ee/public/files/Tooinspeksiooni%20arengukava%2002022012.pdf>.
- **Töökeskond ööklubides. Abimaterjal** [Working environment in the night clubs. Practical guideline]. Tööinspeksioon [Labour Inspectorate]. Available in Estonian at <http://ti.ee/public/files/abimaterjal-ooklubidele%281%29.pdf>.
- **Töökeskonna ülevaade 2013** [Annual Report of Work Environment 2013]. Tööinspeksioon [Labour Inspectorate], Märts [March] 2014. Available in Estonian at http://ti.ee/public/files/Tookeskonna_ulevaade_2013.pdf.
- **Töötervishoiu ja tööohutuse strateegia 2010-2013** [Occupational Health and Safety Strategy 2010-2013], Sotsiaalministeerium [Ministry of Social Affairs], 2010. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Toovaldkond/TAO/TTTO_strateegia_2010-2013.pdf; partly in English at <http://www.ti.ee/index.php?page=1261&>.
- **Töötingimused renditööl. Lõppraport** [Temporary Agency Work Conditions. Final Report]. Sotsiaalteaduslike rakendusuringute keskus RAKE, Tartu Ülikool [Centre for Applied Social Sciences (CASS), University of Tartu], 2014. Available in Estonian at http://www.sm.ee/fileadmin/meedia/Dokumendid/Toovaldkond/uuringud/Renditöö_raport.pdf (summary in English).
- **Qualitative post-test evaluation of ESENER (ESENER Post-Test)**. EU-OSHA, Luxembourg, 2013. Available at: <https://osha.europa.eu/en/publications/reports/qualitative-post-test-evaluation-of-esener-overview-report/view>.

Legal Acts

- All acts are available in Estonian at www.riigiteataja.ee

ANNEX II – INTERVIEWS

How many interviews...	... in total		... with national authorities		... with labour inspectorates		... with workers' representatives		... with employers' representatives		... with research institutes, academia, OSH professional bodies, etc.	
	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed
EE	22	11	4	4	3	3	7	1	7	2	1	1

This table details all the interviews that were completed with Estonian stakeholders, and includes as well the number of stakeholders contacted for these interviews. A further distinction is made on the basis of the category of stakeholders.

Estonia is a small country and there really are not a lot of OSH specialists. There are, for example, no academics who have specialised in the legal aspects of all issues related to OSH. It has therefore taken considerable effort to identify 22 stakeholders that could be interviewed, and the expert has contacted most of them at least twice. In the end, only 11 people were interviewed.

A common reply to the invitation for the interview was that he/she “does not have the information or knowledge about the OSH questions”. The expert has contacted all OSH stakeholders mentioned by the Commission in the Word document from 18 July. However, it should be noted that Veronika Kaidis no longer works at the Ministry of Social Affairs, and that Marek Sepp no longer works at the Estonian Employers’ Confederation.

Finally, it should be noted that the best specialists in OSH issues are working in the Labour Inspectorate and the Ministry of Social Affairs. They have been interviewed in the framework of this project. It seems that social partners do not have enough power and knowledge to deal with the problems concerning OSH – and are hence less inclined to be interviewed about this topic.