



E-Handbook on Cross-border Enforcement

OSH for Mobile Workers

ESTONIA

Republic of Estonia

Committee of Senior Labour Inspectors (SLIC)

Last version adopted at the 83rd SLIC Plenary in Stockholm, 10 May 2023

TABLE OF CONTENTS

FOREWORD	4
DIRECTORY	5
NATIONAL REPORT: ESTONIA	10
1. THE LABOUR INSPECTORATE	10
1.1. ORGANISATION OF THE LABOUR INSPECTORATE.....	10
1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION	12
1.3. COMPETENCES OF LABOUR INSPECTORS	12
1.3.1. Occupational Safety and Health (OSH)	12
1.3.2. OSH or Labour Law Matters	13
1.3.3. Labour Law	14
1.3.4. Social Security	14
1.4. INSPECTORS' POWERS	14
1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES	15
2. POSTING OF WORKERS	16
2.1. NATIONAL LEGISLATION	16
2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES	16
2.2.1. Deadline to submit the declaration.....	17
2.2.2. Content of the declaration of posting.....	17
2.3. SOCIAL SECURITY PROCEDURES.....	18
2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS	18
2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS.....	19
3. COOPERATION AND MUTUAL ASSISTANCE	20
3.1. LEGISLATION ON MUTUAL ASSISTANCE.....	20
3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION ..	20
3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES	21
3.4. TOOLS FOR EXCHANGING INFORMATION	21
3.4.1. IMI (Internal Market Information System) for Posting of workers...21	
3.4.2. KSS (Knowledge Sharing System)	21
3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE	22
ANNEX E-HANDBOOK (UPDATING 2023)	24
1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road	

transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012	24
1.1. Transposition to National Legislation	24
1.2. Competences of the SLIC Member on road transport	24
2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation	25
2.1. Transposition to National Legislation	25
2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation	25
3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals	25
3.1. Transposition in National Legislation	25
3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive	25
4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS	26
4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?	26
5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS	26
5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)	26
6. COOPERATION WITH ELA	26
6.1. Do you regularly collaborate with the national liaison officer?	26
6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?	26

FOREWORD

The first version of the E-Handbook on Cross-border Enforcement was published in 2016 and updated in 2019. The last version was published in 2021 in the [Library of the SLIC public site](#) on the EU collaborative platform CIRCABC.

This last version had a format that enhances a better public disclosure of the organisation of the bodies and entities dealing with the inspection of occupational safety and health in EU Member States, as well as in Norway and Switzerland. The purpose of that E-Handbook was to provide labour inspectorates with informative tools to facilitate cooperation and mutual assistance with competent bodies from other countries.

The new working group on Mobile Workers on OSH matters, which replaced the previous working group dedicated to cross-border enforcement, was mandated to update the content of the E-Handbook for several reasons.

First, it was necessary to add new regulations such as the new Directive (EU) 2020/1057 laying down specific rules for posting of drivers in the road transport, a sector which moreover includes aspects related to the enforcement of working time under Directive 2006/22/EC, a matter that is considered a part of OSH legislation in many Member States.

Secondly, it was necessary to enlarge the content of that handbook following the new scope of the working group dedicated to mobile workers. A mobile worker is someone who works in more than one Member State or travels to other Member States as part of his job (posted workers, cross-border workers, seasonal workers, temporary workers, migrant workers...).

Therefore, the handbook should include information on the competence of SLIC Members on legislation about Third Country National workers. This includes Directive 2014/36 on seasonal workers in aspects related to the health and safety conditions such as workers' accommodation and Directive 2009/52 on sanctions. These directives have been explicitly mentioned in the current EU strategic framework on health and safety at work 2021-2027 in a changing world of work.

Moreover, it was necessary to complement some aspects related to the practice of concerted and joint inspections on OSH matters regarding the legal possibility to carry them out in each Member State.

Lastly, the SLIC working group considered that the easiest way to update the existing E-Handbook was to maintain its structure, with the updated information provided by Member States, and to complete it with new items gathered in a specific annex.

Finally, the handbook needed a new title reflecting its purpose and also support to gain more visibility among labour inspectors on the field.

We hope that this document will be a useful tool for national labour inspectorates and beyond, for all organisations involved in OSH matters for mobile workers.

This new updated version was announced to SLIC members at the 82nd Plenary session of 12 October 2022, held under the Czech Presidency.

DIRECTORY

Austria	<p>ARBEITSINSPEKTION</p> <p>Favoritenstraße 7 A-1040 Wien</p> <p>https://www.arbeitsinspektion.gv.at/inspektorat</p>
Belgium	<p>SURVEILLANCE ON WELL-BEING AT WORK and SURVEILLANCE ON SOCIAL LAW</p> <p>Blerotstraat/rue Blerot 1 B-1070 Brussels</p> <p>http://www.employment.belgium.be In Dutch: www.werk.belgie.be In French: www.emploi.belgique.be</p>
Bulgaria	<p>GLI EA (General Labour Inspectorate Executive Agency)</p> <p>http://www.gli.government.bg/en</p>
Croatia	<p>STATE INSPECTORATE</p> <p>Šubićeva 29, 10 000 Zagreb</p> <p>https://dirh.gov.hr/</p>
Cyprus	<p>DEPARTMENT OF LABOUR INSPECTION (DLI) http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR (DL) https://www.mlsi.gov.cy/mlsi/dl/dl.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR RELATIONS (DLR) https://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/home_en/home_en?openform</p>
Czech Republic	<p>STATE LABOUR INSPECTION OFFICE OF THE CZECH REPUBLIC</p> <p>Kolářská 13 746 01 Opava</p> <p>Email: opava@suip.cz https://www.suip.cz/web/en</p>
Denmark	<p>ARBEJDSTILSYNET</p> <p>Landskronagade 33 2100 København Ø</p> <p>Email: at@at.dk http://engelsk.arbejdstilsynet.dk/en/</p>

Estonia	<p>TÖÖINSPEKTSIOON</p> <p>Mäealuse 2/3, 12618 Tallinn Estonia</p> <p>Email: ti@ti.ee www.ti.ee</p>
Finland	<p>TYÖSUOJELUHALLINTO</p> <p>Email: tyosuojelu.viestinta@avi.fi https://www.tyosuojelu.fi/web/en</p>
France	<p>DIRECTION GÉNÉRALE DU TRAVAIL</p> <p>39-43 quai André Citroën 75902 Paris Cedex 15</p> <p>Email: dgt.dir@travail.gouv.fr https://travail-emploi.gouv.fr/ministere/organisation/article/dgt-direction-generale-du-travail</p>
Germany	<p>LASI Länderausschuss für Arbeitsschutz und Sicherheitstechnik (Gremium der Länder) LASI Vorsitz (bis 2024): Ministerium für Wirtschaft, Arbeit und Tourismus Baden-Württemberg;</p> <p>Theodor-Heuss-Straße 4, 70174 Stuttgart</p> <p>https://lasi-info.com</p>
Greece	<p>LABOUR INSPECTORATE</p> <p>8, Dragatsaniou str, 10110 Athens,</p> <p>Email: dpseaye@hli.gov.gr https://www.hli.gov.gr/</p>
Hungary	<p>MINISTRY OF ECONOMIC DEVELOPMENT, STATE SECRETARY OF EMPLOYMENT POLICY</p> <p>Kálmán Imre utca 2. Budapest, 1054-Hungary</p> <p>Email: munkavedelmi-foo@gfm.gov.hu http://www.mvff.munka.hu</p>
Ireland	<p>HEALTH AND SAFETY AUTHORITY</p> <p>The Metropolitan Building James Joyce Street Dublin 1</p> <p>Email: contactus@hsa.ie https://www.hsa.ie/eng</p>

Italy	<p>ISPETTORATO NAZIONALE DEL LAVORO</p> <p>Piazza della Repubblica, 59 00185 Roma</p> <p>https://www.ispettorato.gov.it</p>
Latvia	<p>VALSTS DARBA INSPEKCIJA (VDI)</p> <p>38 k-1, Kr.Valdemara Street Riga LV –1010</p> <p>Email: vdi@vdi.gov.lv https://www.vdi.gov.lv</p>
Lithuania	<p>STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LITHUANIA (SLI)</p> <p>19 Algirdo str. LT-03607 Vilnius Lithuania</p> <p>Email: info@vdi.lt https://www.vdi.lt</p>
Luxembourg	<p>INSPECTION DU TRAVAIL ET DES MINES</p> <p>3 Rue des Primeurs, 2361 Strassen, Luxembourg</p> <p>www.itm.public.lu</p>
Malta	<p>OCCUPATIONAL HEALTH AND SAFETY AUTHORITY</p> <p>17, Triq Edgar Ferro, Pietà PTA 1533 Malta</p> <p>Email: ohsa@ohsa.mt http://www.ohsa.mt/</p>
Norway	<p>ARBEIDSTILSYNET</p> <p>Arbeidstilsynet Postboks 4720 Torgarden 7468 Trondheim</p> <p>Email: post@arbeidstilsynet.no https://www.arbeidstilsynet.no/en/</p>
Poland	<p>PAŃSTWOWA INSPEKCJA PRACY (PIP)</p> <p>28/30, Barska St., 02-315 Warsaw</p> <p>Email: kancelaria@gip.pip.gov.pl https://www.pip.gov.pl/en</p>

Portugal	<p>AUTORIDADES PARA AS CONDIÇÕES DE TRABALHO</p> <p>Praça de Alvalade, 1 1749-073 Lisboa</p> <p>Email: dir.mail@act.gov.pt http://www.act.gov.pt</p>
Romania	<p>INSPECTIA MUNCII</p> <p>Str. Matei Voievod, Nr. 14 Sector 2, București</p> <p>Email: comunicare@inspectiamuncii.ro www.inspectiamuncii.ro</p>
Slovakia	<p>NÁRODNÝ INŠPEKTORÁT PRÁCE</p> <p>Masarykova 10 040 01, Košice</p> <p>Email: nip@ip.gov.sk https://www.ip.gov.sk/home/</p>
Slovenia	<p>LABOUR INSPECTORATE OF THE REPUBLIC OF SLOVENIA (LIRS)</p> <p>Štukljeva cesta 44 SI-1000 Ljubljana</p> <p>http://www.id.gov.si/en/</p>
Spain	<p>ORGANISMO ESTATAL INSPECCION DE TRABAJO Y SEGURIDAD SOCIAL (OEITSS)</p> <p>Paseo de la Castellana 63 28046 Madrid</p> <p>https://www.mites.gob.es/itss/web/index.html</p>
Sweden	<p>THE SWEDISH WORK ENVIRONMENT AUTHORITY</p> <p>Svetsarvägen 12 SE 171 41 Solna</p> <p>Email: arbetsmiljoverket@av.se https://www.av.se/en/</p>
Switzerland	<p>STATE SECRETARIAT FOR ECONOMIC AFFAIRS (SECO) WORKING CONDITIONS – FEDERAL LABOUR INSPECTION</p> <p>Holzikofenweg 36 CH-3003 Bern</p> <p>Email: abea@seco.admin.ch www.seco.admin.ch/seco/de/home/Arbeit/Arbeitsbedingungen/Arbeitnehmerschutz.html</p>
The Netherlands	<p>NETHERLANDS LABOUR AUTHORITY</p> <p>PO Box 90801 2509 LV Den Haag</p>

	https://www.nl labour authority.nl/
--	---

NATIONAL REPORT: ESTONIA

LABOUR INSPECTORATE	TÖÖINSPEKTSIOON
OTHER COMPETENT AUTHORITIES	<ul style="list-style-type: none">• MINISTRY OF SOCIAL AFFAIRS (until 30.06.2023)• SOTSIAALMINISTEERIUM• MINISTRY OF ECONOMIC AFFAIRS AND INFORMATION TECHNOLOGY (from 01.07.2023)• MAJANDUS- JA INFOTEHNOLOOGIAMINISTEERIUM

1. THE LABOUR INSPECTORATE

1.1. ORGANISATION OF THE LABOUR INSPECTORATE

The Labour Inspectorate is a government agency operating within the area of government of the Ministry of Social Affairs (from 01.07.2023 Ministry of Economic Affairs and Information Technology), which performs state supervision and applies enforcement by the state on the bases and to the extent prescribed by law.

The main functions of the Labour Inspectorate are implementation of the work environment policy, state supervision in the work environment over compliance with the requirements of legislation regulating occupational health and safety and labour relations, informing general public, workers and employers of the dangers in the work environment and resolving of individual labour disputes in extra-judicial labour dispute resolution body.

For the performance of its main functions, the Labour Inspectorate shall:

- 1) Plan, coordinate and exercise state supervision in the work environment over the compliance with legal acts regulating occupational health and safety and labour relations and apply enforcement by the state on the bases and to the extent prescribed by law;
- 2) Carry out preventive work with the aim to make work environment safer and increase the quality of work life, involving pertinent institutions and organizations;
- 3) Submit proposals to the Ministry for drawing up work environment policy and prepare the strategy for performance of its duties in implementing work environment policy; Submit proposals to the Ministry for drawing up legal acts regulating occupational safety, occupational health and labour relations and for amending them and deliver opinions on draft legal acts;
- 4) plans, coordinates and supervises the fulfillment of the economic activity requirements of enterprises providing employment services and temporary labour and applies special measures of state supervision on the basis and to the extent prescribed by law;

- 5) Investigate fatal accidents at work, serious health damage accidents at work, in which criminal proceedings were initiated due to the violation of occupational health and safety requirements, and, if necessary, other occupational accidents and occupational disease cases; exercise supervision over investigation of accidents at work and occupational diseases and over the implementation of measures for the prevention of accidents at work and occupational diseases;
- 6) Assess, if necessary, the characteristics of the legal relationship between the person working and the person enabling the work in the course of supervision, investigation of an accident at work or occupational disease and determine whether it is an employment relationship or not;
- 7) Collect statistics on accidents at work and cases of occupational diseases and make analysis thereof; Maintain a database including data on accidents at work, cases of occupational diseases and work-related diseases and other necessary data for inspection activity; exchange data with relevant institutions; analyse work environment situation;
- 8) Check in case of need the conformity of conditions of work in new and reconstructed buildings with established requirements;
- 9) Take decisions in the cases provided by law on granting or withholding approval or consent;
- 10) Resolve individual labour disputes pursuant to the procedure prescribed by law;
- 11) Issue within the limits of its competence administrative acts and resolve challenges;
- 12) Carry out extra-judicial proceeding of misdemeanour, pursuant to the procedure and in the cases prescribed by law;
- 13) Represent the State in court actions within the limits of its competence;
- 14) Collaborate with authorities of executive power, local government authorities, employers` and workers` representative organizations and international organizations;
- 15) Coordinate and arrange information of general public, workers and employers on the implementation of legal acts regulating occupational safety and health and labour relations and inspection results;
- 16) Respond to memoranda, requests for explanations, requests for information, arrange disclosure of information; administrate its website
- 17) Develop personnel policy and strategy for the implementation of the policy; develop training strategy for personnel, coordinate training to be carried out within the frames of external and international cooperation, arrange training pertaining to work and in-service training;
- 18) Prepare budget estimate, check the implementation of the budget and draw up the report on implementation of the budget;
- 19) Hold, make use of and dispose state assets in its possession in conditions stipulated by legal acts and in the prescribed manner;
- 20) Perform other duties assigned by legal acts.

In the Estonian Labour Inspectorate, surveillance department consists of:

- Head of surveillance department – 1 person
- Labour inspector – 20 person
- Labour inspector-lawyer – 7 person

- Labour inspector of drivers of motor vehicles – 4 persons
- Investigation Division – 7 persons

1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION

Estonian Labour Inspectorate is performing work following legislation regulating occupational health and safety and labour relations

Figure N° 1: International Conventions on Labour Inspection ratified

CONVENTION	RATIFIED	NOT RATIFIED
ILO Convention 81 on Labour Inspection in Industry and Commerce	X	
ILO Convention 129 on Labour Inspection in Agriculture	X	
Maritime Labour Convention 2006	X	
ILO Convention 187 on Promotional Framework for Occupational Safety and Health		X

1.3. COMPETENCES OF LABOUR INSPECTORS

1.3.1. Occupational Safety and Health (OSH)

The main functions of the Labour Inspectorate are implementation of the work environment policy, state supervision in the work environment over compliance with the requirements of legislation regulating occupational health and safety and labour relations.

The Labour Inspectorate is the competent body on occupational safety and health with the exceptions listed below:

Figure N° 2: Map of competence on Occupational Safety and Health

MATTERS	COMPETENCE OF THE LABOUR INSPECTORATE	OTHER PUBLIC BODIES WITH COMPETENCE
OSH, in general terms	Yes	
Occupational Safety, in general terms	Yes	
Occupational Health, in general terms	Yes	Health Board

Work-related accidents	Yes	Technical Surveillance Authority, Rescue Board, Police
Trade of Machines and Equipments	No	Technical Surveillance Authority
Radiations	Yes	Environmental Board (Radiation Safety Department)
Explosives	Yes	Technical Surveillance Authority
Mines	Yes	Technical Surveillance Authority
Vessels	Yes	Technical Surveillance Authority
Retail sector	Yes	Consumer Protection Board
Horecca	Yes	Hotels – Consumer Protection Board
Agriculture	Yes	Restaurants, caterings – Veterinary and Food Board
Construction industry	Yes	Agricultural Office
Aviation	Yes	Estonian Aviation Authority
Railway	Yes	Technical Surveillance Authority
Road Transport	Yes	Technical Surveillance Authority
REACH	Yes	Road Administration
Self Employed	Yes	Estonian Health Board
Police	Yes	
Civil Servants	Yes	with exceptions
Military personnel and premises	Yes	with exceptions
Penitentiaries	Yes	with exceptions
Customs	Yes	with exceptions

1.3.2. OSH or Labour Law Matters

Figure N° 3: Map of competences in matters which could be considered within OSH or Labour Law

MATTERS	Yes	No
Working hours	X	
Bullying and harassment	X	
Third Party Violence	X	

1.3.3. Labour Law

Figure N° 4: Map of competences on Labour Law matters

MATTERS	Yes	No	COMMENTS
Salaries	X		
Equal Treatment	X		
Labour rights	X		
Foreign workers	X		That would be then posted workers and also 3-rd country nationals labour conditions
Others, specify	Temporary work agencies and private employment agencies surveillance (that they are registered)		

1.3.4. Social Security

Figure N° 5 Map of competences on Social Security Matters

MATTERS	Yes	No	COMMENTS
Affiliation of workers (REGISTER)		X	
Contributions to Social Security System		X	
Social Security benefits		X	
Private pension funds		X	
Others, specify			

1.4. INSPECTORS' POWERS

Figure N° 6: Map of Inspectors' powers

POWERS	Yes	No	COMMENTS
Visit workplaces	X		
Request for documents	X		
Summon employers to the Inspection Office	X		

Recommendations / Assistance	X		
Injunction / Improvement notice	X		
Initiate an administrative punishment procedure	X		
Initiate a judicial punishment procedures		X	
Imposing fines	X		
Stoppage / Prohibition Notice	X		
Notify offences to the Public Prosecutor or the Judge	X		
Others			

1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES

Figure N° 7: Cooperation mechanisms with other national public bodies

BODIES	Yes	No	COMMENTS
Tax Authorities	X		
Social Security bodies	X		
Police	X		
Public Prosecutor		X	
Others			

2. POSTING OF WORKERS

2.1. NATIONAL LEGISLATION

Directive 96/71 and 2014/67 were implemented by:

- Working Conditions of Employees Posted to Estonia Act: <https://www.riigiteataja.ee/en/eli/517102022003/consolide>
- Income Tax Act: <https://www.riigiteataja.ee/en/eli/530082022007/consolide>
- Social Tax Act: <https://www.riigiteataja.ee/en/eli/530082022004/consolide>

Figure N° 8: EU Directives on posting of workers implemented

DIRECTIVE	Yes	No	DATE
Directive 96/71	X		
Directive 2014/67	X		2016
Directive 2018/957	X		2020

2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES

The employer is obligated to register its workers posted to Estonia in the Labour Inspectorate of Estonia electronically by sending the e-mail to the address: posting@ti.ee with the needed data.

The data needs to be presented to the Labour Inspectorate electronically by e-mail prior to the employee actually starting work in Estonia.

If so demanded by the Labour Inspectorate, the employer of the posted worker is required to submit to the Labour Inspectorate promptly documents needed for state or administrative supervision. Such a document may be: contract of employment, working time schedule, statement on payment of wages or any other document on which basis it can be demonstrated that the working conditions applicable to the posted worker have been complied with. The Labour Inspectorate may request documents up to seven years after the end of the employee's posting period (§ 12 (1) of the Accounting Act).

Under the Working Conditions of Employees Posted to Estonia Act, a foreign state may submit a request to the Republic of Estonia for imposition on an employer of a financial administrative measure for the failure to comply with the requirements applicable to the posting of employees. When such an administrative measure has been imposed, the Labour Inspectorate is the implementing authority for the cross-border notification and submission for enforcement who is required to notify the person of a decision to impose a financial administrative measure and of documents pertaining to the decision as well as of the possibility of contesting the decision in the country where it was made at the first opportunity but no later than within one month as of the receipt of the request.

2.2.1. Deadline to submit the declaration

The employer of a posted employee shall provide the Labour Inspectorate with the data specified in declaration form via e-mail prior to the employee actually starting work in Estonia. Working Conditions of Employees Posted to Estonia Act § 51 section 2

(<https://www.riigiteataja.ee/en/eli/517102022003/consolide>).

2.2.2. Content of the declaration of posting

Figure N° 9: Content of the posting declaration

COMPANY DATA		
	YES	NO
Identity of Service Provider	X	
Representative of the company in your country	X	
A person designated for acting as a representative into collective bargaining within the host Member State		X
Activity	X	
Authorization in the sending MS		X
If it is a Temporary Work Agency or not		X
Identity Tax Number		X

WORKERS DATA		
	YES	NO
Number of workers	X	
Name of workers	X	
Nationality		X
Age		X
Role	X	

POSTING DATA		
	YES	NO
Envisaged beginning	X	

End date of the posting	X	
Anticipated Duration	X	
Address(es) of the workplace	X	
Nature of the services justifying the posting	X	
Contractor	X	

LABOUR CONDITIONS		
	YES	NO
Working hours		X
Salaries		X
Collective accommodation		X
Use of dangerous agents		X
Prevention services		X

2.3. SOCIAL SECURITY PROCEDURES

A1 forms and information on the relevant social security legislation is delivered by the Social Insurance Board: <http://www.sotsiaalkindlustusamet.ee/en>

Figure N° 10: Position of the Labour Inspectorate with regard to A1 forms

	Yes	No
Access to A1 forms delivered by national authorities		X
The Labour Inspectorate is consulted about the approval of A1 forms by competent institutions		X
Access to A1 forms delivered by other Member States		X

2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS

In the Republic of Estonia, the Labour Inspectorate receives immediately and effectively notifications of work related accidents suffered by posted workers.

According to the Occupational Health and Safety Act § 22 section 3-4, a doctor shall promptly report a fatal occupational accident and an occupational accident as a result of which an employee was declared to be temporarily incapacitated for work to the Labour Inspectorate in writing or in a form reproducible in writing.

The Labour Inspectorate promptly notifies the employer of the receipt of a notice specified in subsection 3 of this section through the working environment database or

in a form reproducible in writing. An employer must promptly report an occupational accident that has caused a life-threatening condition or a fatal occupational accident to the Labour Inspectorate and a fatal accident also to the police.

2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS

Figure N° 11: Authorities involved in posting of workers

	Yes	No
Labour authorities	X	
OSH authorities	X	
Customs authorities	X	
Tax authorities	X	
Others		

3. COOPERATION AND MUTUAL ASSISTANCE

3.1. LEGISLATION ON MUTUAL ASSISTANCE

Figure N° 12: Legislation and International Conventions signed and ratified

	RATIFIED / IMPLEMENTED	APPLICABLE TO L.I.	COMMENTS
Legislation on Mutual Assistance implementing Dir. 96/71 and Dir. 2014/67	Yes	Yes	Working Conditions of Employees Posted to Estonia Act (Implementation of Directive 96/71)
European Convention in Criminal Matters	Yes	Yes	
Convention 094 Council of Europe	Yes	Yes	
Others			

3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION

All Estonian Labour Inspectorate international agreements can be found: <https://www.ti.ee/en/government-agency-news-and-contacts/about-us/inter-agency-treaties>

Figure N° 13: Bilateral Agreements signed

COUNTRIES	DATE
Finland	4. December 2014
Russia	1. October 2012
Poland	11. April 2017
Norway	05. May 2018

- Agreement on Cooperation between the Labour Inspectorate of Estonia and the Division of Occupational Health and Safety of the Regional State Administrative Agency for Southern Finland
- Memorandum on Cooperation between the Labour Inspectorate of Estonia and the Labour Board of Russian Federation
- Agreement on bilateral cooperation and exchange of information between the Labour Inspectorates of the Republic of Estonia and the Republic of Poland
- Agreement between the Labour Inspectorate of Estonia and the Labour Inspection Authority of the Kingdom of Norway

Multilateral Agreements:

- Agreement on cooperation between Baltic Inspections

Renewal of the agreement – 08. May 2018 - The agreement on cooperation between Baltic Inspections (<https://www.ti.ee/en/government-agency-news-and-contacts/about-us/inter-agency-treaties>)

3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES

Figure N° 14: Exchange of information from other Labour Inspectorates

MATTERS	YES	YES But subjected to previous Protection Data Authorities supervision or approval	NO	COMMENTS
Does current regulation in your country allow providing information directly to other Labour Inspectorates?	X			
Does current regulation in your country allow receiving information directly from other Labour Inspectorates?	X			

3.4. TOOLS FOR EXCHANGING INFORMATION

3.4.1. IMI (Internal Market Information System) for Posting of workers

Figure N° 15: Liaison office of the Labour Inspectorate in IMI

	Yes	No
Use of IMI by the Labour Inspectorate	X	
In affirmative case, specify the liaison offices	Central Authority	

The contact person of IMI is Chelly Siniväli (postingworkersest@ti.ee).

3.4.2. KSS (Knowledge Sharing System)

The Estonian Labour Inspectorate usually participates in KSS System.

The contact persons of KSS are Kaja Tamm and Piret Kaljula (kss.coordinator@ti.ee)

3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE

Figure N° 16: Nature of fines

	Yes	No
Penal or criminal fines	X	
Administrative fines	X	
Others		

Figure N° 17: Execution time of fines

	Yes	No
After the first judgement of the courts		X
After the final judgement of the courts		X
After the first administrative decision	X	
After the binding administrative decision		X
Others		

Figure N° 18: Nature of Courts where fines can be appealed

	Yes	No
Penal/Criminal courts	X	
Labour/Civil courts		X
Courts for administrative affairs		X
Others		

Figure N° 19: Authorities with competence to collect fines

	Yes	No	Comments
Labour Inspection Authorities	X		
Labour/Government Authorities		X	

Tax/Customs Authorities		X	
Courts		X	
Others	The Bailiff		

Figure N° 20: Legal framework to collect fines imposed by authorities from other Member States

	YES	IF YES, is it applicable to Labour Inspectorate proceedings?	NO Authorities supervision or approval	COMMENTS
Framework Decision 2005/214	X	Yes		Implemented Entry into force of legislation: 28 July 2008
Directive 2014/67 on administrative fines	X	Yes		Social tax Act Estonian Income Tax Act (hereinafter ITA) Working Conditions of Employees Posted to Estonia Act
International or Bilateral Conventions			X	
Other National Rules				

ANNEX E-HANDBOOK (UPDATING 2023)

SLIC MEMBER: Mrs Silja SOON / alternate: Mrs Mariko VAHULA

MEMBER STATE: ESTONIA

- 1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012**

1.1. Transposition to National Legislation

Transposition		National Law or Regulations	Date
Yes		Working Conditions of Employees Posted to Estonia Act	In force from: 01.05.2004

1.2. Competences of the SLIC Member on road transport

LEGISLATION	COMPETENCE		COMMENTS
Regulations 1071/09, 1072/09 and 1073/09 on road transport activity	<u>Yes</u>		Partially yes, for 1072/09 and 1073/09
Regulation 561/06 on driving time	<u>Yes</u>		
Directive 2006/22 on social legislation in road transport	<u>Yes</u>		
Article 1 of Directive 2020/1057 on posting of workers on road transport	<u>Yes</u>		

2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation

2.1. Transposition to National Legislation

Transposition	National Regulations Collective Agreements	Law, or	Date
Yes		Aliens Act	In to force: 01.10.2010

2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation

COMPETENCE	COMMENTS
Yes	On the basis of the Aliens Act, the Police and Border Guard Board and the Health Board supervise the accommodation conditions of seasonal workers. Aliens Act: https://www.riigiteataja.ee/en/eli/ee/505072018004/consolide/current

3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

3.1. Transposition in National Legislation

Transposition	National Regulations	Law or	Date
Yes		Aliens Act	In to force: 01.10.2010

3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive

COMPETENCE	COMMENTS
Yes	The Police and Border Guard Board has the competence over these sanctions and measures.

4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS

4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?

Any kind of joint or concerted inspections are done by bilateral agreements or agreements between internal authorities.

Yes, by legal rules	
Yes, by bilateral agreements	x

5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS

5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)

Road traffic act:

<https://www.riigiteataja.ee/en/eli/ee/517032022006/consolide/current>

Websites:

<https://www.ti.ee/en/foreign-worker/posted-workers-and-rental-work/posted-workers-and-rental-workers> ;

<https://www.ti.ee/en/foreign-worker/posted-workers-and-rental-work/specific-rules-posting-drivers>

Working Conditions of Employees Posted to Estonia Act:

<https://www.riigiteataja.ee/en/eli/517102022003/consolide>

6. COOPERATION WITH ELA

6.1. Do you regularly collaborate with the national liaison officer?

Yes.

6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?

Participated as observer in road side checks organised by European Labour Authority (ELA) in June near Zagreb, Croatia and in October near Namur, Belgium.