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Republic of Latvia

Cabinet

Order No. 213

Adopted 17 April 2008

Regarding Strategy for the Development of the Labour Protection Field 2008-2013

1. The Strategy for the Development of the Labour Protection Field 2008-2013 (hereinafter – Strategy) shall be supported.
2. The Ministry of Welfare shall be determined as the authority responsible for the implementation of the Strategy.
3. The implementation of the Strategy in 2008 shall be ensured within the limits of the funds allocated from the State budget. The issue regarding the granting of additional funds from the State budget in 2009 and in the subsequent years shall be examined in the Cabinet concurrently with applications of the medium-term budgetary priorities of all ministries and other State central institutions, in preparing and examining a draft of the State budget for the current year. The issue regarding establishment of additional staff positions in 2009 and in the subsequent years shall be examined in the Cabinet, in evaluating and examining the applications of the new policy initiatives for the current year.
4. The Ministry of Welfare:
 - 4.1. shall submit a programme for implementation of the Strategy 2008-2010 to the Cabinet by 1 June 2008;
 - 4.2. shall submit a programme for implementation of the Strategy 2011-2013 to the Cabinet by 1 April 2011;
 - 4.3. shall submit an informative report on the implementation process of the Strategy to the Cabinet by 1 July 2011; and
 - 4.4. shall submit a general report on the implementation of the Strategy to the Cabinet by 1 July 2014.

Prime Minister

I. Godmanis

(Cabinet Order No. 213
17 April
2007)

**STRATEGY FOR THE DEVELOPMENT OF THE LABOUR PROTECTION FIELD
2008-2013
(INFORMATIVE PART)**

**Riga,
2008**

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Abbreviations Used in the Document

LATCS – Labour Affairs Tripartite Co-operation Sub-council
IOSEH – Institute of Occupational Safety and Environmental Health
EU – European Union
ESF – European Social Fund
ERDF – European Regional Development Fund
IS – information system
IIS – integrated information system
MoES – Ministry of Education and Science
LAVC – Latvian Administrative Violations Code
FTUCL – Free Trade Union Confederation of Latvia
LEC – Latvian Employers' Confederation
LUA – Latvia University of Agriculture
MoW – Ministry of Welfare
UoL – University of Latvia
Cabinet – Cabinet of Ministers
NDP – National Development Plan
NTCC – National Trilateral Co-operation Council
MHE – mandatory health examinations
RSU – Riga Stradiņš University
RSU IOEH – Institute of Occupational and Environmental Health of Riga Stradiņš University
RTU – Riga Technical University
RSLI – Regional State Labour Inspectorate
ILO – International Labour Organisation
SLI – State Labour Inspectorate
SSIA – State Social Insurance Agency

INTRODUCTION

Work gives meaning to the life of a person, provides an opportunity to have economic independence, has a positive effect on mental and physical health, and promotes social welfare. An adult spends one third of his or her life at work, creating public economic and material values. On the other hand, there is a much higher load and many more factors having adverse effects on human health in the workplace than in any other environment, thus the way of ensuring safety and health protection at work is particularly important.

Substantial reforms related to Latvia joining the EU have taken place in the labour protection field in Latvia. Regulatory enactments regulating labour protection have completely changed, the EU requirements have been transposed therein, a new roof law – the Labour Protection Law – and the necessary supplementary regulatory enactments regulating labour protection have been adopted. Thus the regulatory enactments of Latvia provide employed persons with equal rights to safe and healthy working conditions as it is provided for in other EU Member States, however, the situation with labour protection in practice testifies that additional measures are necessary in order to ensure the implementation of these rights and introduction of the regulatory enactments.

The quality of working life is a part of the quality of life of a person, improvement of which has been named as one of the sub-objectives of the balanced and sustainable State development and improvement of competitiveness; it is intended to achieve the sub-objective in implementing the NDP 2007 –2013. In improving the quality of working life, the welfare of people and competitiveness of undertakings is also promoted because the work efficiency and quality of employed persons increases in an orderly, safe and healthy work environment.

In addition to the NDP 2007-2013, one more policy planning document has been developed for the promotion of State growth and employment in Latvia – the National Lisbon Programme of Latvia 2005-2008, which determines the main action directions and measures for solving of problems related to State growth and employment.

Both referred to policy planning documents, as well as the Government Declaration accepted in 2006 clearly outline the necessity to improve the quality of working life and to establish a safe and healthy work environment, however, in order to determine specific directions for the development of the labour protection field, a policy planning document developed for this particular field is necessary.

The previous policy document regarding labour protection was approved in 2001 when the Cabinet noted and supported the proposals drawn up by the MoW regarding the necessary measures in the field of work safety and health protection (labour protection) (Protocol No. 22, Paragraph 30 of the meeting of 8 May 2001). The measures necessary in the field of labour protection from 2001 till 2006 were specified in the proposals.

In evaluating the application of the measures and previous achievements, it should be noted that on the whole the measures have been applied successfully and the directions selected have been correct. The regulatory basis of labour protection has been successfully arranged, implementing a transition from the previous legal system of the Soviet era to the legal system based on the EU requirements. Concurrently with the development of regulatory enactments, the capacity of the main State monitoring and control institution in this field – the SLI – has been strengthened mainly with the aid of several international projects by conducting training of the SLI employees regarding the requirements of EU regulatory enactments, methods of inspection and other issues related to labour protection. Also a reform in the system of labour protection training has been performed, increasing the knowledge and qualification of labour protection specialists of undertakings. From 1 January 2006 a system of labour protection services began to operate providing an employee with an opportunity to receive high-quality labour protection services and consultations on improvement of the work

environment of undertaking from specialists and institutions that have been recruited on a contractual basis. Finally, important work has been done in public information and education regarding labour protection matters.

Regardless of the measures already applied in the labour protection field, at present it is necessary to specify the development directions of the field for the subsequent programming period 2008-2013 in order to solve the problems which have not been solved during the preceding period, as well as the problems which have been identified in the result of different international projects and audits.

The **objective** of the Strategy is to specify the development measures of the labour protection system of Latvia and the measures to be applied in order to ensure the successful introduction of regulatory enactments regulating labour protection in practice and to approach the objective regarding the provision of a safe and healthy work environment to all employees. Four main lines of action have been set forward in the Strategy for achievement of this objective: improvement of the planning of the labour protection policy in ensuring the necessary scientific and informative support, a feedback and timely response to changes in the work environment; strengthening of and making efficient the State monitoring and control mechanism; education and information of the public, particularly employers and employees regarding labour protection matters, promoting the introduction in practice of a “preventive culture” in the public and at all levels of the educational system; and finally – improvement of working conditions with legislative and other initiatives in promoting social dialogue, reducing the administrative requirements to undertakings and motivating employers and employees to observe the requirements of regulatory enactments.

The Strategy were developed by a working group established by the MoW, in which experts from the MoW, SLI, LEC, FTUCL and RSU IOEH participated.

During development of the Strategy a research commissioned by the MoW “Working Conditions and Risks in Latvia” was implemented within the framework of the project “Researches of the Ministry of Welfare” of the National Programme “Researches of the Labour Market”, and results of the research were used in the Strategy for the description of the situation in the State in the labour protection field, as well as served as an excellent material for identification of existing problems.

In specifying the action directions of the Strategy, the new EU labour protection strategy 2007-2012 “Improvement of the Quality and Productivity at Work” and the priorities included therein was also taken into account, thus ensuring the conformity of the strategic directions of Latvia with the strategic directions planned by the EU. The EU strategy sets forward an objective to reduce the total number of accidents at work in the EU by 2012 by 25%, Latvia intends to reduce the number of lethal accidents by 30% with these Strategy, thus proving its investment in the achievement of the common EU objective. The difference in programming periods of the Strategy of Latvia and the EU strategy in intending the Strategy for a time period of six years (2008-2013) may be explained with the fact that the end of the operation period of the Strategy is harmonised both with the NDP 2007-2013 and the planning periods of the EU financing.

1. SITUATION PARTICULARS

1.1. Planning, Development and Monitoring of the Labour Protection Policy

The MoW has been specified as the institution responsible for the development and implementation of the State policy in the labour protection field, and it implements the State administration in the labour protection field in the task of Cabinet of Ministers.

Main tasks of the MoW in the field of labour protection are:

- 1) the development of the State policy in the labour protection field and co-ordination of implementation thereof;
- 2) the co-ordination of the activities of State administrative institutions in labour protection matters;
- 3) the supervision of operation of the SLI;
- 4) the development and harmonisation of the national programme of the NTCC in the labour protection field;
- 5) the development and harmonisation of the regulatory enactments regarding labour protection at the NTCC;
- 6) the co-ordination of the inclusion of labour protection matters in international contracts; and
- 7) the determination of the State statistical registration and statistical reporting system in the labour protection field after co-ordination with the Central Statistical Bureau.

Other State administrative institutions shall, in accordance with their field of activities, draw up draft regulatory enactments regarding labour protection to be issued by the Cabinet.

1.1.1. Planning and Development of the Labour Protection Policy

The former planning and development of the labour protection policy was largely determined and influenced by the integration process of Latvia in the EU when it was necessary to adopt and introduce the EU *acquis communautaire* (a body of regulatory enactments) or almost 30 directives regarding different labour protection issues in the regulatory enactments of Latvia regarding labour protection in a relatively short period of time.

Taking into account that integration in the EU was one of the priorities of the government, the limited human resources of the MoW were completely devoted to the adoption of the EU labour protection directives in the national regulatory enactments and actually the plan for adoption of the requirements of EU directives, which was implemented using annual working plans and action plans of the MoW for execution of the government declaration, formed all the planning of the labour protection field.

The previous policy planning documents in the labour protection field were the State Policy Strategy in the Field of Work Safety and Health Protection developed by the MoW and proposals regarding the necessary measures in the labour protection field from 2001 till 2006 (adopted by the Cabinet on 8 May 2001, minutes of the meeting No. 22, Paragraph 30).

However, the referred to government priority – integration of Latvia in the EU – largely determined the main directions of both the Strategy and the developed proposal regarding the necessary measures in the labour protection field, namely, they were based on the preparation of Latvia for integration in the EU, emphasising the arrangement of the regulatory basis regarding labour protection.

Proposals approved by the government regarding the necessary measures in the labour protection field specified six main directions of measures:

1. Arrangement of the regulatory basis ;
2. Establishment of institutions operating in the system of work safety and health protection (labour protection), re-organisation and improvement of activities, specification of functions and responsibility;
3. Organising of the training system of employees, their trusted representatives, labour protection specialists and employers;
4. Informing of the public, particularly employees and employers, regarding activities in the field of work safety and health protection, their objectives, tasks and preventive measures;
5. Expansion of bilateral and trilateral dialogue at the level of undertaking, sector of the field, regional and national level; and
6. Maintenance and distribution of information regarding work safety and health protection.

In evaluating the application of the measures and previous achievements, it should be noted that on the whole the measures have been applied successfully and the directions selected have been correct. The regulatory basis of labour protection has been successfully arranged, implementing a transition from the regulatory enactments of the Soviet era to regulatory enactments based on the EU requirements, principles of the labour protection system have been specified by accepting the Labour Protection Law of 20 June 2001 and Cabinet Regulation No. 379 of 23 August 2001, *Procedures for Internal Supervision of the Work Environment*, that came into force on 1 January 2002.

Concurrently with the development of regulatory enactments the capacity of the main State monitoring and control institution in this field – the SLI – has been strengthened. Several international projects have been implemented, the objective of which was to strengthen the knowledge of the SLI inspectors regarding the requirements of the EU regulatory enactments, methods of inspection and other issues related to labour protection. At the same time these projects cannot strengthen the capacity of the SLI human resources in such issues as the remuneration of inspectors and the number of inspectors. Moreover, taking into account the high turnover of the staff at the SLI, it may be said that the SLI has lost a large part of the training and knowledge received because a large number of competent and trained inspectors have left work at the SLI due to the very uncompetitive remuneration.

Similarly reform in the training system of labour protection has been performed, a system of labour protection services has been established and several measures of informing and educating the public and particularly employers and employees (seminars, conferences, exhibitions, etc.) have been performed.

A more detailed case study regarding the development and introduction of the regulatory enactments regarding labour protection (Sub-chapter 1.2.1), State monitoring and control mechanism – SLI (Sub-chapter 1.2.2), the system of labour protection services (Sub-chapter 1.2.3), the social dialogue (Sub-chapter 1.2.4) and public information (Sub-chapter 1.4.1) and labour protection training system (Sub-chapter 1.4.2) is provided in the subsequent chapters of the Strategy.

Taking into account that, unlike in other EU Member States, there is no National Institute of Work Environment in Latvia which would provide scientific research support in the planning and development of the policy, it was possible to use only the officially available statistics regarding accidents at work and occupational diseases in the case research and study. The RSU IOEH (now, according to the RSU Senate decision of 19 June 2007 – the RSU Agency “Institute of Labour Safety and Environmental Health”) subordinate to the Ministry of Health sometimes helps the MoW with consultations in the development of the labour protection

policy, but it mainly takes place in the result of informal and private contacts, not in the form of co-operation regulated by regulatory enactments.

It should be noted that, according to the opinion of international experts (including representatives of the ILO) and experts of the research “Working Conditions and Risks in Latvia”, statistical data regarding accidents at work and occupational diseases in Latvia differ significantly from the actual situation, which is confirmed by the total proportion of registered accidents compared to lethal accidents at work, which is up to 10 times different in Latvia from the data of other EU States, as well as the results of polls of employers and employees implemented within the framework of the research “Working Conditions and Risks in Latvia”. According to the opinion of experts only 10-20% of the total number of accidents at work are being officially registered in Latvia. Thus it is understandable that it was not possible to respond to actual problems in any field or to problems related to any specific risk factors because of the lack of this analytical information.

1.1.2. Monitoring of the Labour Protection Policy

One of the basic elements for the establishment of a successful labour protection policy is monitoring, which ensures the regular assessment of working conditions, as well as the requirements of the regulatory enactments in force and efficiency thereof, thus allowing to respond efficiently to the requirements, which function badly or in an unwieldy manner, or also responding to a situation in any particular sector or to any particular labour protection issue by making the necessary amendments to regulatory enactments, developing new legislation or performing measures of another type. In order to implement monitoring, detailed information regarding the situation of labour protection at undertakings, regarding risks of the work environment, as well as regarding conformity to the requirements of the regulatory enactments regarding labour protection is necessary.

At present the only information and statistical data regarding labour protection matters may be obtained from the SLI. Information regarding the activities of the SLI, detected violations of regulatory enactments at undertakings, registered accidents at work and occupational diseases is being compiled in annual reports of the SLI, however, the referred to information is insufficient for the monitoring of the labour protection policy and actually only allows to conduct a very limited analysis on the situation of working conditions in State as a whole. Moreover, taking into account the number of hidden accidents which, according to the opinion of international experts, is as high as 80-90% in Latvia, and insufficient studying of occupational diseases, these data create an incomplete view regarding the success and deficiencies of the introduction of the labour protection policy.

Actually until the present time monitoring of the labour protection policy in Latvia has not taken place and comprehensive researches on the risks and conditions of the work environment, as well as observation of the regulatory enactments regarding labour protection in practice have not been conducted. Researches are necessary in order to identify the problems existing in the labour protection field from the point of view of different interest groups (employees, employers, labour protection specialists), as well as in the sections of different fields of the national economy and risk factors of the work environment and to develop a successful action policy for the prevention of the detected problems.

The lack of researches was the reason why the MoW commenced the implementation of the National Programme “Researches of the Labour Market” in 2004, within the framework of which the project “Researches of the Ministry of Welfare” regarding 13 different research themes is being implemented. The theme “Working Conditions and Risks in Latvia” was also selected as one of the research themes, and it was actually the first research of such level and scale in the labour protection field in Latvia. Results of the research were used as the

reference point for the Strategy in relation to the description of the situation in the State in the labour protection field.

1.1.3. Establishment Capacity of the Labour Protection Policy

As mentioned earlier, planning and development of the labour protection policy was ensured by the MoW, specifically – by the Division of Labour Protection Policy of the Labour Department consisting of five employees. The number of employees of the division has actually remained the same since establishment thereof in 1992, regardless of the fact that the range of issues to be solved by employees of the division has constantly increased, just as the number of EU labour protection directives and national regulatory enactments has increased. Upon the increase of the number of regulatory enactments, the load of the division also increases because in order to ensure efficient operation of the regulatory enactments they must be examined and improved.

Taking into account the wide range of labour protection issues (issues of occupational health, hygiene at work, ergonomics, psychosocial risk factors, safety technology, chemical, biological, physical risk factors, etc.), each employee must have a good knowledge of a range of several specific, voluminous and different labour protection issues. Already at present the capacity of the division for planning, development and monitoring of the policy is insufficient for the performance of everyday work and duties related to the development of the regulatory enactments regarding labour protection, not to mention the case study of the labour protection field and the monitoring of the policy.

The strategy of operation of the MoW for 2007-2009 intends the improvement of the working abilities of the MoW by increasing the number of employees of the MoW by 19 positions, including 9 positions necessary for reorganisation of the Labour Department (also for the more efficient solving of labour protection matters).

1.2. Introduction, Supervision and Control of the Regulatory Enactments Regarding Labour Protection

1.2.1. Development and Putting of the Regulatory Enactments Regarding Labour Protection into Practice

At present the legal basis of labour protection has been established and the Labour Protection Law of 20 June 2001 (came into force 1 January 2002) serves as the basis thereof. More than 30 Cabinet Regulations have been issued on the basis of the Law. Almost all the EU directives in the labour protection field have been adopted in the regulatory enactments of Latvia, and adopting of individual EU directives takes place pursuant to the terms for implementation of directives specified by the EU. Thus it may be concluded that the regulatory enactments of Latvia in the labour protection field are harmonised with the requirements and principles of the EU and provide the employed persons of Latvia with equal rights to safe and healthy working conditions as it is in the other EU Member States.

Arrangement and co-ordination of the regulatory basis of labour protection with the EU requirements is an important and significant step, however, the issue regarding introduction of and conformity with the regulatory enactments regarding labour protection in practice is more important and a much larger challenge than the first one.

Until 2007 data of the SLI regarding results of activities thereof – violations detected in undertakings, orders issued by the SLI, the number of complaints of employees regarding labour protection matters, the number of violations prevented in undertakings in relation to

the violations detected by the SLI and to be prevented (%) – served as the only source of information in relation to the situation in undertakings in the labour protection field.

Thus the SLI inspected 10 588 undertakings in 2006, issuing 3430 orders in total, in which 25 147 violations were detected (on average 7.3 violations in one order), and 98.3% of violations from the detected violations were prevented on the basis of a written notification of employers regarding prevention of violations listed in the order. Unfortunately subsequent analysis of the referred to statistics in order to ascertain the actual situation at undertakings is impossible due to the limited functioning of the SLI data base and the present methods of work inspection of the SLI.

At present an employer notifies the SLI about the prevention of violations in writing, however, re-visiting of undertakings from the part of the SLI in order to make sure regarding the eliminated violations actually does not take place (the SLI trusts the information of the employer that the violation has been eliminated), and as well as due to insufficient human resources. However, if during repeated inspection of an undertaking it is detected that the requirements indicated in the order issued by the official of the SLI have not been fulfilled, administrative fine is applied and the fulfilment of the order is indicated again.

The results of a poll of employers organised within the framework of the research “Working Conditions and Risks in Latvia” implemented in 2006 by the ESF testify that in practice a little bit more than 80% of the indicated violations are being eliminated after the visit of the SLI, at the same time there are regions where this number is only 40%.

In total in 2006 the SLI examined 228 written submissions regarding the regulatory enactments regarding labour protection, and it is 20 submissions or 9.6% more than in 2005. Unfortunately subsequent analysis of these data is also impossible. In 2006 answers to 22 087 questions regarding the issues of labour rights and labour protection were provided by phone, however, according to the evaluation of Lattelecom LLC the consultations of the SLI provided by phone form only 10-15% from the number of the persons who wanted to call the SLI.

In 2006 the SLI imposed only 258 fines for non-conformity with the regulatory enactments regarding labour protection (23.3% from the total number of fines), and 149 from these fines were fines for non-conformity with the Labour Protection Law. In total only 2.44% of the undertakings inspected by the SLI were imposed a fine for non-conformity with the regulatory enactments regarding labour protection and judging from this information it might be concluded that the regulatory enactments regarding labour protection are very well observed in undertakings.

In accordance with the results of the research “Working Conditions and Risks in Latvia” self-evaluation of employers in relation to the conformity with the regulatory enactments was quite high – in evaluating the conformity of one’s undertaking to the requirements of the regulatory enactments regarding labour protection in a scale of 10 points where 10 means completely and 1 – does not conform at all, the average mark, with which employers evaluate themselves, is 8.1 (86.2% of respondents provided an evaluation from 7 to 10 points). However, a deeper analysis shows that the actual situation in undertakings in relation to the conformity with the regulatory enactments regarding labour protection is much worse. For example, 49.7% of employers who responded that the work environment of the undertaking conforms to the Labour Protection Law (9 and 10 points in a scale of 10 points), have recognised that evaluation of the risk of the work environment at the undertaking has not been performed, and 44% of these employers have recognised that MHEs, which are also a requirement of the Labour Protection Law, have not been performed at the undertaking. It indicates that employers are not informed about the requirements of the Labour Protection Law, but are certain that everything is all right in the undertaking.

In evaluating all the results of the poll of employers it must be concluded that the risk assessment of the work environment does not take place in more than a half (54.8%) of the undertakings of Latvia, and in 75% of undertakings the risk assessment of the work environment has not been performed at all or has been partially performed. From those employers who have completely or partially performed the risk assessment of the work environment (44% of all employers), approximately one half had not drawn up a plan of preventive measures for the prevention or reduction of risks, which testifies regarding formal approval to the development of the documents for the assessment of risks. Taking into account that the risk assessment of the work environment is the main tool for preventive prevention of accidents, such statistics testify regarding serious problems in undertakings of Latvia in relation to compliance with the regulatory enactments regarding labour protection.

Non-conformity with the regulatory enactments regarding labour protection is also demonstrated by the statistics of accidents at work and occupational diseases (see Sub-chapter 1.3), but assuming that approximately 20% or even only 10% of all accidents, which have actually taken place at work, are shown in the statistics of officially registered accidents and only half or even only 30% of the actual number of persons suffering from occupational diseases is being registered in relation to occupational diseases (it arises from the conclusions of researchers and experts of the research “Working Conditions and Risks in Latvia” and the comparison of the situation of Latvia with other EU Member States), the situation with the conformity of the regulatory enactments regarding labour protection in practice is far from the desirable situation.

1.2.2. State monitoring and Control in the Labour Protection Field

State monitoring and control in the labour protection field is implemented by the SLI, which operates under supervision of the MoW.

In 2006, altogether 211 staff positions were provided for the fulfilment of tasks, which were within the competence of the SLI, and 156 of these positions were inspectors, though actually on average 148 inspectors worked in the reference period. At the end of 2006 in all 43 staff positions (or 20.4%) of the SLI were vacant. In 2006 in total 38 officials and 10 employees began to work at the SLI, and 11 officials and 3 employees quit work. The main reason for the large and rapid turnover of the staff, as well as for the problems with filling staff positions, is the large amount of work duties, the high level of the necessary knowledge and skills, psycho-emotional load, as well as inadequately low remuneration.

Every year the SLI is forced to spend more than 10% of the fund of the annual working time thereof for training and improvement of qualification of inspectors. The turnover index of employees of the Riga RSLI varies from 14-18%, which may be explained by the fact that there are many more job opportunities in Riga and the Riga District than in other regions of Latvia and thus also much easier for trained inspectors to find a better paid workplace. Mainly highly qualified State labour inspectors with extensive experience of inspection and advisory work terminated working relationship with the SLI. The high turnover of the staff accordingly increases the load of an inspector because there is more work to be done during the absence of colleagues. Concurrently distribution of inspectors in individual regions is imbalanced with the number of employees and undertakings, for example, in 2006 there were on average 0.12 inspectors per 1000 employees in the Riga RSLI, however, this indicator was 0.32 in the Southern RSLI and 0.27 – in the Eastern Vidzeme RSLI. During the last years the work load of the SLI and inspectors has significantly increased, which may be explained both with the increasing number of regulatory enactments subject to the monitoring and control of the SLI and with the new additional functions and the priorities specified by the State (for example, reduction of illegal employment), which on the whole reduces the capacity of the SLI, particularly in relation to the supervision and efficiency of control of the labour protection

field. Similarly, the number of undertakings subject to the monitoring and control of the SLI has also increased, thus reaching 135 027 undertakings or 866 undertakings per inspector (but according to the actual number of inspectors working – 912 undertakings per inspector) in 2006. The number of undertakings inspected by the SLI in the time period from 2003-2005 gradually reduced (in 2003 – 11 001 undertakings inspected, in 2005 – 8111), but in 2006 the number of undertakings inspected increased due to the changes in the inspection method of the SLI (10 588 undertakings inspected), however, the efficiency of the control and monitoring mechanism is still insufficient because the SLI does not have enough resources and capacity in order to pay preventive visits and inspect so many undertakings during a year as would be necessary in the existing situation of the labour protection system, which is very dangerous and threatens with even greater worsening of the situation.

Under the impact of the increase of the work load to be performed the time dedicated for preventive work has reduced during the preceding years, and it is indicated not only by the reduction of the number of inspected undertakings, but also by the reduction of the number of orders issued. The number of orders issued during the time period from 2001 to 2006 has reduced by 38.25%.

According to the present model of operation of the SLI and the number of inspectors therein, the SLI could actually dedicate only 24% from all working time thereof for preventive work. But in the Riga RSLI, which has to supervise the largest number of undertakings, the time dedicated for preventive work was more than critical – 3.09%. In total 28.8% of the fund of the working time was dedicated to external activities (investigation of accidents, examination of submissions, drawing up of hygienic descriptions). At the same time external activities in the Riga RSLI formed 52.11% from the working time. The number of accidents investigated by the SLI has increased by 24.3% during the last three years (in 2004, altogether 346 accidents were investigated, but in 2006 – there were 430 accidents investigated by the SLI). According to the present data of the SLI, it may be concluded that the most serious situation in solving labour protection issues is at the Riga RSLI where the working time dedicated to external activities is 17 times greater than the time dedicated to preventive work.

It is necessary to note that a trilateral ILO audit of the SLI system of Latvia was performed in 2005, however the project “Future Development of Occupational Health and Work Safety System” of the EU programme “Transitional Funds for Strengthening of Administrative Capability” (hereinafter – Transitional Programme) was implemented in 2006, the objective of which was to evaluate the training system of the SLI and to improve it according to the most efficient operation model of the SLI, which could be achieved by implementing the specialisation of the SLI provided for in the project. In performing evaluation of the operation of the SLI, the main conclusions of the audit and project experts were as follows:

- 1) the number of SLI inspectors is insufficient and should be increased;
- 2) wages of the SLI staff should be increased, the minimum requirement is to double the present starting wage and the wage level for experienced inspectors should be increased accordingly;
- 3) it is necessary to improve the mobility of the SLI inspectors in order to perform efficient monitoring and control throughout the State territory;
- 4) the infrastructure of the SLI (work premises, technical support, etc.) should be arranged so that it would not hinder the performance of State monitoring and control functions;
- 5) adequate evaluation of the protective clothing and personal protective equipment necessary to inspectors should be performed and suitable clothing and protective equipment should be ensured to each inspector individually;

- 6) specialised training of the SLI officials is necessary and the specificity of the SLI should be introduced in regions on the basis of the sectoral specificity;
- 7) the SLI should concentrate on the basic functions thereof;
- 8) efficient control of work should be ensured, in examining only the most important issues; and
- 9) illegal employment is a field where the SLI should not assume the leading role, but the SLI could perform a support function by concentrating on the issues related to legal employment relationship and labour protection.

1.2.3. System of Labour Protection Services

The system of labour protection services means the services provided by third parties – natural and legal persons – to undertakings in the labour protection field, for example, different consultations, development of work safety instructions, the risk assessment of the work environment, performance of MHEs of employees, drawing up of a plan of work safety measures, etc. The Labour Protection Law, in which the requirements of the EU “roof” directive in the labour protection field (Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work) have been introduced, provides for an opportunity for undertakings to turn for help to external specialists and institutions in relation to different labour protection issues.

However, taking into account the significance of labour protection services and impact thereof on the safety and health of employees at work, it was necessary to ensure that the services provided are as qualitative as possible and they are provided by experts who are competent in the labour protection field. Due to this reason specific definite requirements for the providers of services were developed, which were specified in Cabinet Regulation No. 101 of 8 February 2005, *Regulations regarding the Requirements for Competent Authorities and Competent Specialists in Labour protection issues and the Procedures for Competence Evaluation*, came into force on 1 January 2006 (hereinafter – Cabinet Regulation No. 101).

Cabinet Regulation No. 101 determines the specific level of competence both to the competent specialists and competent authorities, which will also ensure an adequate level of the quality of services for undertakings. These Regulations also determine the necessity to insure the provided services in order to protect undertakings from the risk created by services of poor quality.

In addition to the Cabinet Regulation No. 101, one more Cabinet Regulation was adopted – Regulation No. 99 of 8 February 2005, *Regulations regarding the Types of Commercial Activities in which an Employer shall Involve a Competent Authority*, came into force on 1 January 2006 (hereinafter – Cabinet Regulation No. 99), which specifies the cases when an employer must mandatorily involve a competent authority in the establishment and maintenance of a labour protection system of an undertaking. The types of commercial activities, in which an employer must involve a competent authority in the establishment and maintenance of a labour protection system, are specified in Annex 1 to Cabinet Regulation No. 99. The types of commercial activities referred to in these Regulations have been determined in analysing the situation in the State in dynamics of several years in relation to accidents at work and occupational diseases because the situation in these types of commercial activities is worse than on average in the State. Taking into account that undertakings of these sectors are not able to implement and maintain a labour protection system successfully, it was decided to delegate these undertakings with a responsibility to involve the services of a competent authority. According to data of the MoW, the number of such undertakings which should involve a competent authority is approximately 7000. Concurrently, realising that the situation at undertakings in the labour protection field may be very different even within the scope of one sector, exceptions are provided for in the

regulations when an undertaking, which has arranged the work environment and labour protection system thereof by itself and has notified the SLI about it accordingly, will be entitled not to involve a competent authority. In 2006 the SLI received reports on the establishment of a labour protection system at an undertaking from only 248 undertakings, thus only 3.54% of the undertakings, which should involve a competent authority.

Similarly small undertakings, in which not more than five employees are employed, need not involve a competent authority, thus at present the largest part of farming and fishing undertakings will be allowed not to use the services of competent authorities and to arrange the work environment by themselves.

Although involving a competent authority would have a practical result, which would improve the situation at an undertaking, Cabinet Regulation No. 99 also specifies the minimum range of services, which the competent authority should ensure in the undertaking:

- 1) the risk assessment of the work environment;
- 2) determination of the compliance of the undertaking with the regulatory enactments regarding labour protection, as well as the requirements of the regulatory enactments concerning labour protection (for example, fire safety, safety of chemical substances and chemical products, safety of hazardous equipment); and
- 3) drawing up of a plan of work protection measures in order to eliminate the detected work environment risks or reduce them to a permissible level, as well as shall ensure the compliance of the undertaking with the requirements of the regulatory enactments regarding labour protection.

Taking into account that the situation in sectors may change in the course of time, Annex 1 to Cabinet Regulation No. 99 should be revised after a definite time period in order to delete from it sectors, in which the situation has significantly improved, as well as, where appropriate, to supplement the list with new sectors, in which the situation, on the contrary, has deteriorated.

The system of labour protection services is different in each of the EU Member States and also the requirements to both the undertakings and the competent specialists and authorities themselves are different. Naturally, initially the requirements cannot be as high as in other states where such system has already been operating for several years and even decades, so, in specifying the requirements to competent authorities and competent specialists, as well as undertakings, which should mandatorily involve competent authorities, the system has been developed to be as flexible as possible in relation to undertakings, but the minimum requirements in relation to the competent authorities and competent specialists have been specified, thus guaranteeing a definite quality of the services provided.

At present 33 competent authorities in the labour protection field and 372 competent specialists (senior specialists of labour protection) operate in Latvia in accordance with the requirements of Cabinet Regulation No. 101. In evaluating the experience of the other states, the number of competent authorities in Latvia is sufficient at present in order to provide the necessary range of labour protection services to undertakings.

Naturally, the quality of labour protection services does not depend on the quantity of the providers of services, and the results of a poll of labour protection specialists and employers conducted within the framework of the ESF research “Working Conditions and Risks in Latvia” testify that 18% of all labour protection specialists have a negative opinion regarding the competence of the specialists of competent authorities, however only 1% of the employers have the same opinion.

1.2.4. Social Dialogue Regarding Labour protection issues and the Role of Employers' Organisations and Trade Unions

The social dialogue regarding labour protection matters is being successfully solved at the national level within the framework of the NTCC and from 2000 also within the framework of the sub-unit of the NTCC – the LATCS, in which both employment legal and labour protection issues are examined. The LATCS has representatives from the MoW, the Ministry of Finance, the Ministry of Justice, the SLI, the FTUCL, and the LEC. Tripartite cooperation is successful both during the development of the regulatory enactments and harmonisation thereof. Similarly representatives of social partners participate in the development and harmonisation of national regulatory enactments, national positions regarding EU regulatory enactments, as well as documents of planning of labour protection policy.

Employers' organisations and trade unions have a significant role in information and the education of employers and employees regarding labour protection issues, promoting conformity with the requirements of the regulatory enactments and creating a healthy work environment.

The project "Promotion of Bilateral Social Dialogue in Latvia" was implemented within the scope of the EU PHARE programme for the promotion of social dialogue from 2003 to 2004, and it resulted in extensive informative and educational work, publishing of several informative explanatory materials and handbooks for employers, employees and reconcilers, as well as the awareness of the whole public, employers and employees regarding social dialogue has increased in the result of the project, however, it should be noted that unfortunately the social dialogue very rarely takes place at the level of undertakings.

According to data of the research "Working Conditions and Risks in Latvia" conducted within the framework of an ESF project, only 8% of undertakings engage a trusted representative or representative of employees and an employee who has a detailed knowledge of the particular workplace in the risk assessment of the work environment, and it is a very low indicator and indicates the unwillingness of employers to consult with employees, as well as the fact that employers in a very small number of undertakings organise such risk assessment of the work environment, which conforms to the requirements of the regulatory enactments.

Data of the research testify that employed persons also have not taken an active part in organised solving of labour protection matters because only 9.1% of the inspected employed persons of undertakings have named trusted representatives from among them. In relation to the initiative of employed persons themselves to express proposals regarding improvement of labour protection matters, results of the research testify that more than 70% of employees have never expressed such proposals, which testifies regarding the quite low activity of employed persons.

There is actually no social dialogue at the regional level in Latvia because organisations of social partners are not popular in the regions. It should also be noted in relation to sectoral social dialogue that there are only a few sectors, which could be mentioned as a good example of the social dialogue in a sector (for example, in health care). It may be explained with the non-existence of employer's organisations and trade unions in individual sectors or unwillingness to involve in social dialogue, as well as a very different representation of social partners in sectors because if one party is strongly represented in any sector it is a very rare case that the other party also has a strong representation, which, of course, does not ensure an efficient basis for social dialogue.

The number of members of the employer's organisation LEC continues to increase constantly, and at present the LEC represents approximately 3200 undertakings, which employ more than 30% of all employed persons. The opposite situation is in case of the

representation of trade unions, the number of members of which continuously reduces and at present forms approximately 18% of all employed persons.

Employed persons surveyed within the framework of the ESF research “Working Conditions and Risks in Latvia” have a quite sceptical evaluation of trade unions, only 29.2% of employed persons would be ready to join a trade union, and 30% of employed persons think that there is no benefit to being a member of a trade union.

Employed persons are not very active in representing their interests because the model of trusted representatives provided for this purpose in undertakings, in which there are no trade unions, is comparatively unpopular. According to information at the disposal of the FTUCL, there are approximately 3000 trusted representatives operating in Latvia at present, which is a comparatively small number, taking into account the number of employed persons.

According to a poll of employed persons conducted within the framework of the ESF research “Working Conditions and Risks in Latvia”, only 8-10% of persons employed in undertakings have appointed an authorised representative, a representative of trade union or a trusted representative for representation of their interests. The bigger the undertaking, the more frequently any of the referred to persons is present in the undertaking (for example, trusted representatives are in only 4.6% of undertakings with 1 to 9 employees, 18.8% – in undertakings with 10 to 49 employees, 31.9% – in undertakings with 50 to 249 employees). It should be noted that results of the ESF research testify: the younger the undertaking, the less it is thought about representation of employed persons therein, for example, there are trusted representatives only in 7.3% of undertakings founded after 2001 and 22.9% – in undertakings founded before 1990.

1.2.5. Penalty System

In Latvia both administrative and criminal liability is provided for violations of the regulatory enactments regulating labour protection.

The SLI applies administrative fines for violations of the regulatory enactments regarding labour protection to employers according to the LAVC.

The SLI conveys a warning or imposes a fine of up to LVL 1000 (to a legal person) to an employer according to Section 41 (Paragraphs three to six) of the LAVC regarding initial violations of the regulatory enactments regarding labour protection.

The amount of the administrative fine for initial violations in Latvia is the lowest in comparison with the other EU Member States and the Baltic States. For example, the maximum amount of an administrative fine in Estonia is almost twice as large – LVL 1800 (EEK 40 000), but in Finland to a natural person (employer) – LVL 14 000 (EUR 20 000), but to legal person – almost LVL 200 000 (EUR 280 000).

The regulatory enactments of Estonia also provide for an opportunity to impose a fine on employed persons for very serious violations of work safety regulations – up to LVL 800 (EEK 18 000). However, in Latvia, similarly as in other EU Member States, it is deemed that an employed person is already sufficiently punished for his or her violation by suffering an accident at work and needs not be imposed an additional administrative fine.

From 22 December 2005 Section 41 (Paragraphs 9-11) of the LAVC provides for more severe punishment for repeated violations, which have been committed during one year, specifying fines to the employer: to a natural person – up to LVL 500, to a legal person – up to LVL 10 000.

Regardless of the fact that at present the maximum amounts of fines specified by the LAVC are comparatively low, they are never applied in practice and the average amount of a fine, which the SLI has imposed on an employer for violations of regulatory enactments regarding labour protection, is LVL 97.55 (data of the Report on activities of the SLI for 2006). The SLI has been very liberal also in imposing fines, thus imposing 258 administrative

finances for violations of the regulatory enactments regarding labour protection in 2006, although 3 430 orders, in which 25 147 violations were detected, were issued to 10 588 undertakings inspected. Hitherto the SLI has been very tolerant to violations of the regulatory enactments regarding labour protection and has frequently only warned the employer. Taking into account the short period of operation of the Labour Protection Law (it came into force on 1 January 2002) and the other regulatory enactments regarding labour protection, such an accommodating attitude was understandable, however, the situation in relation to accidents at work and the low level of conformity with the requirements of the regulatory enactments regarding labour protection signifies that a change of attitude is necessary because unfortunately the liberal application of fines has not ensured a high level of conformity with the regulatory enactments regarding labour protection. It should be noted that the first changes in operation of the SLI in relation to more frequent application of fines was observed in 2006 and such policy will be observed also in the subsequent years in order to ensure the successful introduction of the regulatory enactments in such undertakings where other means have not worked.

In addition to administrative liability Section 146 of the CL determines criminal liability for violation of the requirements of the regulatory enactments regulating labour protection or technical safety. Section 146, Paragraph one of the CL provides for the penalty of deprivation of liberty for a time period up to two years or arrest, or forced labour, or a fine up to forty minimum monthly wages, withdrawing rights to a certain occupation for a time period up to five years or without it if it has been committed by the manager of an undertaking (company), institution or organisation or another person who is responsible for the compliance with these Regulations and if this offence has caused bodily injuries with a health disorder or ongoing loss of ability to work.

In accordance with Section 146, Paragraph two of the CL the same offence if it has caused the death of a person or serious bodily injuries to several persons is punishable with deprivation of liberty for a time period up to eight years, withdrawing rights to a certain occupation for a time period up to five years or without it.

However, during the preceding five years there have been no cases when an employer has been sentenced with deprivation of liberty for violations of labour protection provisions regardless of the fact that during these years 267 employees have lost their life and 1242 employees have suffered severe traumas at workplaces in Latvia (data of the SLI).

1.3. Working Conditions at Undertakings

One of the indicators, which characterises the situation of labour protection in the State, as well as working conditions in undertakings, is the statistics regarding accidents at work and occupational diseases, however, it should be noted that it reflects the effects of the work environment risk factors on health and safety, however, it does not always provide completely credible information regarding the actual situation in the work environment (in relation to deficiencies or peculiarities in the procedures for registration of accidents and occupational diseases) or also provides this information with a time delay (in relation to the effects of risk factors on health).

The general situation in the work environment in Latvia is still assessed as being not too positive. It is also confirmed by the results of polls obtained by the ESF research "Working Conditions and Risks in Latvia", confirming the poor awareness of employers regarding the work environment and conditions. Also information available in the ESF research regarding the objective situation in the work environment testifies that the actual situation (according to the data of measurements performed) should be assessed as unsatisfactory (for example, noise has exceeded the limit value in 41.9% of cases from 739

workplaces where noise measurements were performed in the time period from 2003 to 2005).

1.3.1. Accidents at Work

The statistics of accidents at work in Latvia is more than satisfactory because, according to the figures, Latvia would be the leading state in the EU in terms of work safety – in no other EU Member State the number of accidents in calculating per 100 000 employed persons (see Figure 1.1) is so small. It also should be noted that the accidents at work, which cause a loss of ability to work for at least three working days (in Latvia – one), are registered in the EU, and it means that the difference in the number of accidents in Latvia could be even larger. Unfortunately statistical data regarding the total number of accidents at work in Latvia does not show the real situation because, in comparing the data with other EU Member States, as well as with the neighbouring states Estonia and Lithuania where the number of accidents is many times higher, it should be concluded that there is a high number of hidden accidents at work in Latvia.

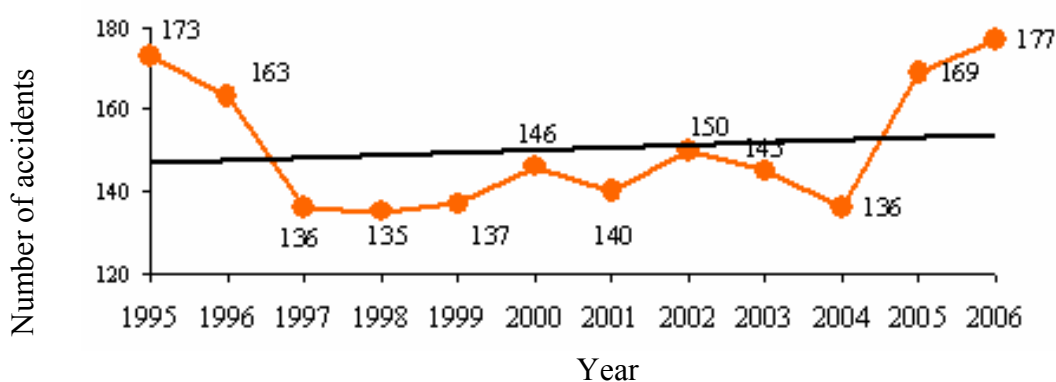


Figure 1.1. **Number of Accidents at Work and Lethal Accidents in Latvia per 100 000 employed persons (1995-2006)**, data source: SLI

The increase in the number of accidents in 2005 and 2006 may be explained with the changes in regulatory enactments, which promote the detection of hidden accidents, and the activities of the SLI in this field, and it should definitely not be associated with a deterioration of the situation. Probably a survey of the actual situation and acquisition of data regarding accidents in Latvia may be slightly shocking, but it is definitely better to know the full scale of the problem and to look for adequate solutions accordingly than just see the tip of the “iceberg” and not comprehend the seriousness of the situation. Unfortunately, in order to find out more about the actual situation in relation to the accidents at work and to attain that employers and employed persons notify about them, it is possible that several years, more efficient and active work of the SLI in this field and changes in the regulatory enactments regulating investigation and registration of accidents will be necessary.

Several researches and conducted polls allow to judge the actual situation in undertakings in labour protection issues, and they testify that the working conditions at undertakings of Latvia are unsatisfactory. Thus in 2005 the Commission of Strategic Analysis, which was founded by the State President Vaira Vīķe-Freiberga, implemented a project “Quality of Life in Latvia” in order to detect the real reasons for the emigration of residents of Latvia to Ireland. The research showed that work remuneration is the main reason for the high emigration of residents of Latvia to other states, but it is not the only reason in spite of the opinion of the largest part of the public. Most frequently a decision to work

outside Latvia is related to a combination of several factors: a low income, bad working conditions, lack of opportunities, complications in private or professional life, poor support networks at a national level, level of local governments, family and friends, as well as the fact that residents of Latvia are not being offered a comprehensive vision of the development of the State, thus there is insufficient conviction that the quality of life in Latvia will improve.

According to the results of the poll of employees conducted within the framework of the ESF research “Working conditions and Risks in Latvia” almost 60% of employees in undertakings where an accident at work has taken place during the time period of the preceding three years acknowledged that the accident was not investigated in the undertaking and the SLI was not notified about it. According to the opinion of international experts, the number of hidden accidents in Latvia could constitute up to 90% of accidents at work in Latvia if the experience of the other states and the proportion between lethal accidents and the total number of accidents is taken as the basis.

According to the statistics regarding accidents at work it may be concluded that the most important problems involving accidents and working conditions exist in such sectors as construction, wood processing, health and social care and the transport sector, however, the information obtained regarding accidents and occupational diseases is insufficient in order to identify all the problems in the sector and the work environment risk factors caused by these problems.

Taking into account the statistical data and analysing accidents as regards gender, it should be concluded that men (1140) have suffered in accidents approximately twice as much as women (576), moreover, men more frequently suffer in severe and lethal accidents – in all, 50 men and 3 women have died in accidents at work in 2006. Such data may be explained with the comparatively larger proportion of men being employed in the dangerous sectors, for example, in construction and wood processing where the safety and health of employees is affected by different dangerous work environment risk factors.

In analysing lethal accidents at work in Latvia (see Figure 1.2), statistical data of which, according to the opinion of experts, are much closer to the actual situation in practice than the data regarding mild and severe accidents, it should be concluded that the situation in Latvia is one of the worst in all the EU where on average twice as few persons per 100 000 employed persons have died at a workplace.

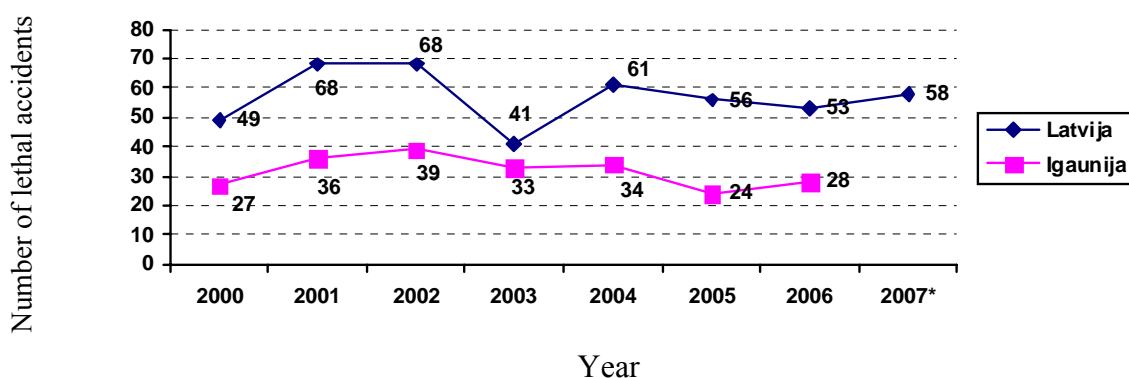


Figure 1.2. **Number of Lethal Accidents in Latvia and Estonia (2000-2007)**,
data source: SLI

* – operational data of the SLI of 2007 regarding 2007.

1.3.2. Occupational Diseases

The statistics of occupational diseases does not characterise the situation in the particular reference period, but outlines the situation 10-20 years ago which is usually the latent period of occupational disease. Although health disorders of the largest part of persons suffering from occupational diseases have already developed during work in the Soviet times, data of the last three years already partially demonstrate the situation in the work environment after restoration of the independence of Latvia and testifies regarding the consequences of the bad working conditions of that time.

Naturally, at present, with the development of technologies, several work processes have become safer, smaller amounts of harmful substances are used, more information regarding the ways to protect one's health are available, and also the choice of personal protective equipment available in Latvia has become much wider than 10 years ago, and during the preceding years stabilisation and even a slight tendency of reduction has been observed in the number of persons suffering from occupational diseases (see Figure 1.3). However, experts interpret the standstill in the rapid increase of the number of persons suffering from occupational diseases with the capacity of the Occupational and Radiation Medicine Centre and the Doctor's Council of Occupational Diseases, which allows to service (receive) only a specific number of patients within a year, as well as with the changes in the procedures for examination and registration of occupational diseases.

In a way the situation of Latvia is unique because unlike the "old" EU Member States where very increased attention is paid to psycho-social work environment risk factors and diseases caused thereby, which are also classified as occupational diseases, there is still a large number of problems caused by the "old" work environment risks in Latvia: classic pulmonary occupational diseases, for example, pneumoconiosis, diseases caused by vibration (for example, in working on outdated agricultural machinery), diseases of the musculoskeletal system and poisoning with heavy metals and chemical substances. The new occupational diseases which exist throughout the EU – allergic diseases, diseases of the musculoskeletal system – are also characteristic to Latvia.

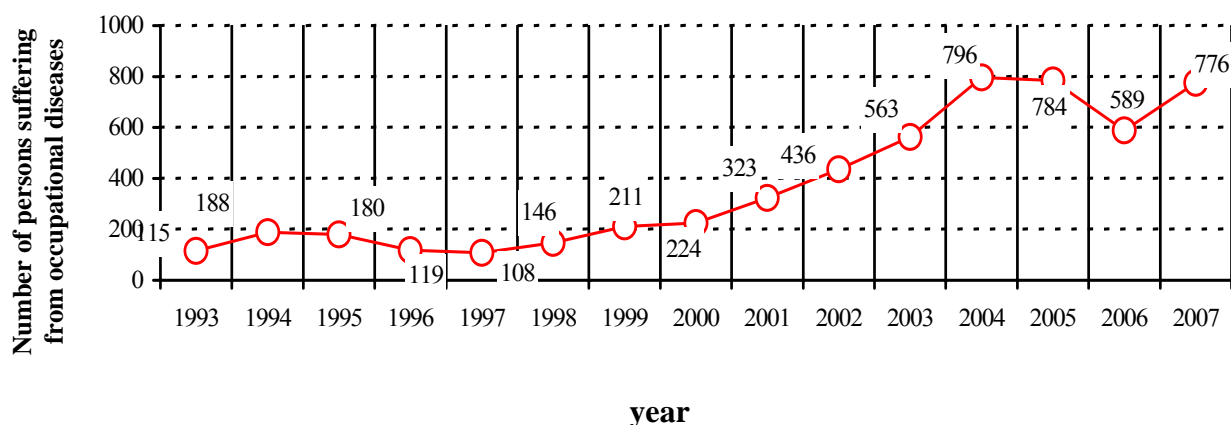


Figure 1.3. **Number of initially detected persons suffering from occupational diseases in Latvia (1993-2006)**, data source: SLI

* - Data regarding 2007 is the operational information at the disposal of the SLI.

Similarly as in the case with the statistics regarding accidents at work the number of registered persons suffering from occupational diseases is also not high in Latvia because, in comparing the statistics of Latvia regarding persons suffering from occupational diseases with the data of other EU states, the situation in Latvia is theoretically better than it is on average in the EU Member States. Thus, in calculating cases of occupational diseases per 100 000 employed persons, this indicator in Latvia is 181.4 cases, but, for example, in Sweden – 572 cases per 100 000 employed persons (data source: *Work and health country profiles of twenty two European countries*, 2002). However, in comparison with the EU data the differences in the statistical data of Latvia regarding the number of persons suffering from occupational diseases per 100 000 employed persons are not as significant as the differences in relation to accidents at work, however, they exist and testify that the actual situation in Latvia in the field of occupational diseases is not yet completely surveyed and the number of persons suffering from occupational diseases might increase in the future.

Taking into account that the “new” system of regulatory enactments regarding labour protection, which is based on the EU principles, actually began functioning only in 2002 when the Labour Protection Law came into force, at present it is still too early to analyse the effects thereof on the working conditions in undertakings and on the safety and health of employees.

1.4. Level of Awareness and Knowledge of the Public, Employers and Employed Persons Regarding Labour protection issues

1.4.1. Public Awareness Regarding Labour protection issues

The level of awareness and knowledge of the public and particularly employers, employed persons and labour protection specialists regarding labour protection issues is very important. It decides the way of introduction in practice the requirements of the regulatory enactments regarding labour protection, ensuring a safe and harmless work environment and reduction of accidents at work and occupational diseases.

From 2002 several measures for raising of the awareness and education of the public and particularly employers and employed persons have been performed by developing and distributing free of charge informative materials (books, guidelines, brochures, posters and videos) regarding labour protection issues and by organising thematic exhibitions (“*Drošam darbam*” [For safe work]) and conferences and seminars dedicated to the labour protection issues, and also by opening an Internet home page, which is available to everyone and which contains very comprehensive information regarding labour protection issues, including regulatory enactments, materials, statistics, examples of good practice, etc. (Internet home page of the Latvian Focal Point of the European Agency for Safety and Health at Work – www.osha.lv).

From 2003, annual European Weeks regarding work safety issues, which include a string of informative measures, for example, thematic seminars and conferences, and also competitions for young people and children, as well as the competition of the Good Practice Award for undertakings are organised and labour protection issues are popularised in the public in Latvia, similarly as in all the other EU Member States.

In 2006, State financing for performance of the functions of the Focal Point formed LVL 9283 in the budget of the SLI, including LVL 905 for activities of the European Week.

It should be noted that each year it is intended to grant funding for preventive measures from the State special budget for insurance against accidents at work and occupational diseases. At present utilisation of these resources is administrated by the SSIA upon consulting with the SLI. The amount of the sum, which should be transferred for

preventive measures from insurance contributions, has not been specified in the Law On Insurance Against Accidents at Work and Occupational Diseases, thus this sum is usually the sum that remains after the disbursement of compensations. During preceding years this sum has been approximately LVL 30 000 which is a very small sum for the implementation of preventive measures on a national scale, including the development and publication of informative materials.

Significant contribution in informing of the public is also provided by employer's organisations and trade unions in organising seminars, training, developing and distributing informative materials to employers and employed persons.

Results of the poll of employers performed within the framework of the ESF research "Working Conditions and Risks in Latvia" testify that on average awareness of employers regarding work environment risk factors is quite low because almost half of respondents (43%) are not well acquainted with these issues and assume that none of the persons employed at their undertaking is subject to risk factors, although actually there is no work, which would not involve risk factors. A greater lack of understanding regarding labour protection matters and work environment risks may be observed among employers of small undertakings (1 to 9 employees), from which 49.3% respondents assume that the persons employed at work are not subject to work environment risk factors. Results of the research testify that employers at larger undertakings are much more knowing and aware of labour protection issues, it may also be partially explained with the activities of the LEC, which unite mainly medium and large undertakings of Latvia and take an active part in the examination of labour protection issues and informing of their associates.

Results of the poll of residents of Latvia conducted within the framework of the research testify that only 27% of respondents feel well informed regarding the work environment risks and labour protection issues, 28% have not been informed, and the remaining 45% of respondents have responded that they have heard something about the issues, which are related to the risk assessment of the work environment at workplace.

One of the worst informed groups of residents is made up of young people from 15 to 24 years of age among whom there is the smallest number of respondents who have recognised themselves as well informed (only 17.7%). It may be explained with the fact that large part of respondents belonging to this group are pupils or students who have not come into contact with the work environment, as well as have not received sufficient training regarding labour protection issues. It is also confirmed by the answers of respondents, taking into account their occupation – pupils and students are almost as badly informed regarding the risk assessment of the work environment as retired persons and housewives (pupils, students – 33.1%). In addition it should be noted that on the one hand the number of young people who engage in paid employment during summer is increasing and during this period they may be subject to the effects of work environment risk factors, on the other hand a large number of persons who have suffered in accidents at work and whose length of service is up to 1 year is observed in Latvia (both in 2005 and 2006 with 33% of persons who suffered in accidents according to the report of the SLI of 2006).

Also persons from 65 to 74 years of age (17.7%) are as badly informed regarding the risk assessment of the work environment as the young people, and it may be related to the fact that retired persons who stopped working already prior to 2002 when the new Labour Protection Law and the requirement for employers to ensure the performance of the risk assessment of the work environment came into force belong to this group of respondents. The best informed persons are the paid staff (80.5% are informed), residents who are on parental leave (77.7%) and employers (77%).

Results of the poll of employed persons conducted within the framework of the ESF research regarding their awareness in relation to labour protection matters testify that 85% of

respondents have received instruction regarding work safety and have signed for it, however, only 61% of employed persons noted that they have been introduced with the work environment risk factors at their workplace, which means that in many undertakings instruction is performed formally and employed persons are not adequately prepared for their work.

1.4.2. Labour Protection Training System and Level of Knowledge

Significant reforms have been performed in the field of labour protection training, which began with Cabinet Regulation No. 323 of 17 June 2003, *Regulations Regarding Training in Labour Protection Issues* that came into force on 21 June 2003 (hereinafter – Cabinet Regulation No. 323), specifying a new two-level training in labour protection: a basic level (160-hour courses) and the highest level (vocational higher education of one or two years).

Training of the basic level in the labour protection field is conducted by educational institutions (firms), which have obtained a corresponding licence from the Centre of Professional Education and the developed study programmes of which conform to the sample of the programme developed by the MoES. The volume of educational programme of basic level knowledge of labour protection is 160 hours, from which 50 hours are the theoretical part of the programme and the remaining hours – practical work.

According to Cabinet Regulation No. 323 the following persons must acquire the basic level knowledge in labour protection:

- a labour protection specialist assigned by the employer;
- an employer, if the undertaking has no more than ten employees and if the employer performs the duties of the labour protection specialist himself or herself in compliance with the Labour Protection Law; and
- trusted representatives elected by employees (but only the theoretical part of this programme in the amount of 50 hours).

The persons who have acquired labour protection basic knowledge are entitled to perform internal supervision of the work environment, including the risk assessment of the work environment, provided that the undertaking has not more than 50 employees and the undertaking is not subject to the lists approved by the Cabinet regarding the types of commercial activities (according to Annex 1 to Cabinet Regulation No. 99), in which the engagement of a competent authority is mandatory for an employer.

In undertakings, which have more than 50 employees, and in undertakings subject to the lists approved by the Cabinet regarding the types of commercial activities, in which the engagement of a competent authority is mandatory, the persons who have acquired the labour protection basic knowledge are entitled to perform internal supervision of the work environment and other duties specified for them in the field of labour protection, except the risk assessment of the work environment.

Knowledge of the highest level (vocational higher education) is acquired in first or second level vocational higher educational programmes in conformity with the Professional Standard PS 0094 “Labour Protection Specialist” and PS 0100 “Senior Labour Protection Specialist”. From 2003 it is possible to acquire knowledge of the highest level in labour protection at the University of Latvia (UoL) where, moreover, 30 budget places are ensured from 2004, the Riga Technical University (RTU) also provides an opportunity to acquire knowledge of the highest level in labour protection from 2004, and the Latvia University of Agriculture (LUA) – from the beginning of the study season of 2006.

At present 372 specialists have acquired knowledge of the highest level in labour protection and the qualification of the senior labour protection specialist. Persons who have acquired labour protection higher vocational education are entitled to perform all the duties of

a labour protection specialist, including the internal supervision of the work environment and the risk assessment of the work environment regardless of the number of persons employed at the undertaking or from the field of activities of the undertaking.

Taking into account that a certain time is necessary for preparation of a sufficient number of new labour protection specialists after increasing of the requirements for their qualification, a sufficiently long period of transition is provided for in Cabinet Regulation No. 323, which allows those specialists who have a higher education in the fields of natural sciences, engineering, health protection or legal sciences, working experience of at least five years in the respective profession and have acquired the vocational in-service programme of the basic level to continue working as labour protection specialists until 2009.

1.4.3. Integration of Labour Protection Matters in the Educational System

In order to ensure conformity with the requirements of labour protection, awareness regarding the significance of labour protection issues should already be formed from childhood so that when a young person begins work for the first time he or she would already have an understanding regarding a safe work environment and the necessity to protect his or her safety and health at work.

At present the teaching of safety issues in elementary schools is non-systematic and actually is left to the discretion of the school and teacher. In some schools work safety is taught both within the framework of lessons of the class teacher and also in the following subject lessons: in younger forms – in natural sciences and housekeeping, in senior forms – in biology, geography, physics, chemistry and domestic science. During the lessons of class teachers pupils basically acquire general safety issues, for example, the significance of safety requirements, safe behaviour in everyday situations, action in case of accidents, as well as traffic safety. During lessons of study subjects pupils acquire specific issues, which are related to the particular subject. Comparatively most part of attention is paid to the traffic safety and household accidents, work safety issues are mainly examined if it is necessary to work with specific devices or substances (for example, in domestic science, chemistry) during the study process. Labour protection is not examined as an individual theme either in lessons of the class teacher, or in subject lessons in general educational institutions. Also labour protection matters are not examined in depth in many vocational educational institutions, although graduates of these very schools will be most directly subjected to the different specific work environment risk factors in their work.

The quality of labour protection training depends very much on the preparedness of teachers and educators. It has been detected in the research implemented by UNICEF and the Centre for Curriculum Development and Examinations that teachers do not have sufficient knowledge regarding particular matters, including electrical safety and the safe use of gas. Most frequently teachers do not have a sufficient amount of study materials for provision of the study process, and it indicates that it is necessary to develop exhibition materials and Strategy for teachers regarding different safety issues.

Pilot projects conducted in separate schools of Latvia for training of children and young people regarding labour protection issues proved that, regardless of their age, children and young people expressed great interest regarding work safety and health protection. Training and education of children, young persons and students regarding labour protection issues already within the framework of their studies would help them to better adapt to the work environment and to significantly reduce the opportunity to suffer injury or in an accident, which frequently takes place due to the unawareness, ignorance or carelessness of young persons.

2. FORMULATION OF PROBLEMS

One of the most significant problems in Latvia in the field of labour protection is the high number of employed persons who died at their workplaces, and it is one of the highest in all the EU (in calculating per 100 000 employed persons). Non-conformity with the regulatory enactments regarding labour protection and disrespect for safety norms both from the part of employers and employed persons is the most frequent cause of accidents. Moreover, the official statistical data regarding the total number of accidents at work and occupational diseases do not reflect completely the existing situation in the field of labour protection, which upon critical assessment is quite unsatisfactory. It is comprehensible that the problem of accidents and occupational diseases has several aspects, which are viewed in sub-chapters of this chapter.

2.1. Lack of Information, Data, Scientific Support and Capacity for Planning, Development and Monitoring of the Labour Protection Policy

In getting acquainted with the institutional scheme of other states and surveying the existing problems in the labour protection system of Latvia, it should be noted that in Latvia there is no institution, which would ensure the MoW and the SLI with the necessary scientific research support and information for better planning, development and monitoring of the labour protection policy. Both the European experts and the experts of the ILO, in performing the evaluation and audit of the institutional system of labour protection of Latvia, have pointed to the referred to lack of a national work environment institute as a significant problem.

In Latvia, there is a lack of analytical and statistically justified information regarding labour protection issues and the information at the disposal and aggregated by the SLI regarding accidents at work and occupational diseases, as well as violations of regulatory enactments does not allow for an impartial assessment of the situation in the labour protection field and adequate planning and establishment of the labour protection policy and co-ordination thereof, including detection and successful solving of the problems existing in the work environment.

The referred to lack of information and data does not allow to perform the monitoring of the policy and to assess the deficiencies of the regulatory enactments in force in order to prevent them efficiently and timely and to promote the improvement of the work environment. But even in case if only some substantial problem (for example, occupational diseases in a specific field increase) is detected from the available statistics, the MoW does not have the necessary scientific and technical support for research of this issue.

The capacity of the MoW for planning, development and monitoring of the labour protection policy is insufficient (five employees) in order to ensure the necessary specialisation and detailed solving of labour protection matters. Taking into account the comprehensive range of labour protection issues, it is possible to ensure only a superficial analysis of labour protection issues with the existing capacity of the MoW, and it does not allow precise and efficient solving of the problems related to specific labour protection issues.

Information regarding the work environment is also necessary to employers, employer's organisations and organisations of trade unions in order to plan and implement measures for improvement of the work environment.

Unfortunately the LATCS of the NTCC does not sufficiently involve in the planning and development of the labour protection policy, which is mainly related to the very small capacity and work organisation of the LATCS secretariat (the secretary of the Labour

Department of the MoW performs the functions of the LATCS secretariat as an additional duty). The work of the LATCS is more of a formality, it does not actually assess the situation and plan purposeful measures supported and co-ordinated by all three parties in solving of problematic issues.

2.2. The Low Level of Conformity with the Regulatory Enactments Regarding Labour Protection in Practice

The results of the poll of employers regarding conformity with the requirements of the regulatory enactments regarding labour protection in undertakings performed in 2006 within the framework of the ESF research “Working Conditions and Risks in Latvia” testify that the requirement of the Labour Protection Law to perform the risk assessment of the work environment is not completely observed in more than half (54.8%) of undertakings of Latvia and in three fourths of undertakings the risk assessment of the work environment is not performed at all or is performed partially. Approximately one half of those employers at whose undertakings the risk assessment was performed completely or partially (44% of all employers) had not drawn up a plan of preventive measures for the prevention or reduction of risks, and it testifies regarding the formal approach to the development of risk assessment documents. Thus at present only approximately one fourth of employers conform to the basic requirements of the regulatory enactments regarding labour protection, and it cannot be regarded as satisfactory level.

Naturally, the low level of conformity to the regulatory enactments regarding labour protection has several aspects, including the poor capacity of the monitoring and control mechanism, lack of support, consultations, information and financial motivation.

2.2.1. Lack of Capacity and Low Operational Efficiency of the Monitoring and Control Mechanism

The SLI, which ensures State monitoring and control in the field of labour protection, most directly influences the issue regarding the conformity with the regulatory enactments regarding labour protection in practice. Unfortunately the capacity of the SLI and the technical resources at the disposal thereof (equipment, vehicles, computer hardware and office equipment, data bases, infrastructure, etc.) are not capable of ensuring efficient State monitoring and control, which could help to prevent accidents and occupational diseases.

Taking into account the present number of inspectors, the wide range of the SLI tasks does not allow to perform a sufficient number of preventive visits to undertakings and in separate regions, for example, in the Riga RSLI, it is critically low (3,09%), which testifies regarding an insufficient number of inspectors, deficiencies in work organisation and probably too many tasks delegated to the SLI.

The increasing number of regulatory enactments to be controlled by the SLI, as well as the many tasks to be performed by the SLI reduces the capacity of the SLI and efficiency of monitoring and control of the labour protection field.

The SLI data base and information system is technically and morally out-of-date and does not allow to obtain information regarding the history of previous inspections of an undertaking (violations, previous visits, consultations, etc.). Inspectors have to do a large amount of the work involving documents manually because data bases, in which the necessary information regarding the previous activities of the SLI could be found, are not available. The problems of data bases and information system existing in the SLI do not allow complete introduction of classification systems of undertakings (according to danger of the risk), which would allow the SLI to plan the activities thereof more efficiently (to visit

undertakings with a high risk degree more frequently and undertakings with small risk degree – less often).

It is important to achieve that the SLI information system would conform to the requirements of the regulatory enactments of Latvia and EU standards and would be suitable for the drawing up and circulation of electronic documents. It conforms to the main tasks of the Programme for the Development of Electronic Government 2005-2009 (approved with Cabinet Order No. 623 of 29 September 2005), including improvement of State administration services and creating new e-services with the aid of information technologies, improvement of the existing and establishment of new State information systems, and integration of State registers.

The limited number of inspectors is one of the main reasons why the SLI pays an undertaking a repeated visit only in exceptional cases in order to ascertain whether the deficiencies detected during the previous visit have been eliminated in practice. A repeated visit in order to ascertain regarding elimination of the detected deficiencies is a normal practice in the other EU Member States, however, in Latvia the repeated inspection is substituted with a written notification of the employer regarding eliminated deficiencies due to the limited capacity.

One of the biggest problems of the SLI is the high turnover of the staff, which is related to the low and uncompetitive remuneration in relation to the private sector. The frequent turnover of employees requires significant resources of the SLI (10% of all the annual fund of the SLI working time) for training new labour inspectors, which has a negative impact on the already poor capacity and work efficiency of the SLI.

Due to the low remuneration the SLI is having more difficulties in finding employees with technical education and education in engineering, which has a large significance within the meaning of practical issues in controlling undertakings. It should be noted that the level of knowledge of new inspectors regarding labour protection issues is insufficient in order to perform qualitative and competent inspection of undertakings, so the training of new inspectors requires from 9 to 12 months. The SLI does not have specialists and sometimes also knowledge in order to ensure the training of inspectors according to the level, which an inspector should be acquainted with when visiting undertakings.

The infrastructure and material and technical basis of the SLI requires immediate improvements because it is one of the main obstacles for an increase of work efficiency of the Inspectorate. The outdated and insufficient computer hardware (not every inspector has his or her own computer, there is poor-quality Internet connection) hinders both the preparation of documents (orders, reports) and the processing of information. Inspectors are still forced to use their own vehicles for visiting undertakings in regional inspections. Inspectors are also not provided with the necessary protective equipment (personal protective equipment) in order to ensure protection of their safety and health during visiting of undertakings.

The SLI also does not have the necessary technical equipment (measuring equipment) at the disposal thereof in order to perform indicative measuring of the work environment in cases if doubts occur or the risk in the work environment of the undertaking is close to or exceeds the permissible limit values. The SLI has the right to request that an undertaking performs the laboratory measuring of the work environment, but it may create significant costs to the employer. If it was possible to perform indicative assessment of the work environment risk factors, the SLI could avoid the requesting of laboratory measurements in places where according to indicative measurements it is not necessary

Due to technical limitations, the free consultation telephone of the SLI is able to service only 10-15% of the total number of people wanting to reach the SLI by telephone, and it denies people the opportunity to receive the consultation they need, stimulates distrust and negative attitude towards the SLI, as well as increases the load of the SLI because only a part

of the interested persons who are not able to reach the SLI by telephone submit written submissions to the Inspectorate.

2.2.2. Lack of Economic Stimuli and Support for Improvement of Working Conditions at Undertakings

One of the most important factors for better introduction of regulatory enactments is economic motivation of employers to arrange the work environment. In developed undertakings there is no need to convince employers regarding the necessity of investments for the arrangement of labour protection issues in undertakings because several researches and calculations have already proven a long time ago that an investment in the work environment pays off and provides benefits, but accidents at work and occupational diseases which occur due to weak labour protection issues bring considerable losses to the undertaking.

In the regulatory enactments of Latvia there are practically no economic stimuli for undertakings to invest in the improvement of working conditions, thus the undertakings, which do not understand the significance of labour protection issues in the successful operation of an undertaking and calculate everything only in the form of expenditure, are neither interested in the arrangement and improvement of the work environment at present, nor are they stimulated by the small administrative fines imposed by the SLI.

Regardless of the fact that the labour protection system has been established and commenced operation thereof on 1 January 2006 (with the coming into force of Cabinet Regulation No. 101), thus providing an employer with an opportunity to arrange the labour protection issues and to involve competent authorities or a competent specialist in the prevention of non-conformity with the regulatory enactments regarding labour protection, the greater part of employers have not used this opportunity.

In the greater part of these undertakings there are also no own labour protection specialists, and, taking into account the possibilities of the SLI to make preventive visits, it may be assumed that unfortunately arrangement of labour protection matters in these undertakings will begin only after an incident or accident at work.

Involvement of the competent authority is stated as mandatory for undertakings working in dangerous sectors (in total approximately 7000), however, only 248 undertakings (3.54%) have notified the SLI that they have established such labour protection system, which does not require the involvement of the competent authority. This draws a conclusion that the risks of the work environment most likely are not assessed and preventive measures are not performed by the greater part of the undertakings working in dangerous sectors.

The range of aids available at present to employers and labour protection specialists who want to perform the risk assessment of the work environment themselves without involving competent authorities or competent specialists from outside is quite limited and there is a lack of specific materials regarding the risk assessment of undertakings of the particular field.

2.2.3. The Low Level of Social Dialogue and Co-operation in Undertakings

A well organised social dialogue in an undertaking may successfully substitute for the State monitoring and control because both parties (employer and employed person) try to improve the working conditions and the working culture in the undertaking by joint efforts.

Unfortunately in Latvia the social dialogue regarding labour protection issues more or less successfully operates at the national level, while it is very poorly developed in the regional, sectoral level and at the level of undertakings.

The lack of participation of employed persons, as well as non-involvement thereof and non-consultation with them regarding the labour protection issues may result in tension and

conflict situations, which hinders the operation of the undertaking and affects the health and welfare of employed persons at work.

It should be noted that the number of employed persons who are represented in trade unions (only 18% of all employed persons) is reducing, however the results of the ESF research “Working Conditions and Risks in Latvia” demonstrate that in undertakings where employed persons are members of trade unions they are much better informed regarding labour protection issues and observe the work safety provisions much better.

2.2.4. Inadequate Penalty System and Application of Penalties

An administrative fine for violation of the regulatory enactments regarding labour protection in Latvia is one of the lowest in the whole EU. Inadequately low fines frequently do not achieve a preventive effect because persons violating the law feel that non-conformity with the regulatory enactments in labour protection requires less costs than conformity with them if crucial changes in the improvement of the work environment should be made.

Application of fines from the part of the SLI is also very mild and tolerant towards undertakings (in 2006 the SLI imposed 258 fines, the average amount of one administrative fine was LVL 97.55). Unfortunately, in cases when an employer wants to appeal the fine imposed by the SLI, the court frequently reduces the already small fine of the SLI to a light small fine, creating an impression regarding the insignificance of the labour protection issues in the opinion of State institutions. As the field of labour protection and the field of labour rights is very comprehensive, labour courts have been established in many states in order to ensure paying of the necessary attention to the violations of labour protection norms and labour rights in court, as well as quicker examination of disputable questions related to the field of labour protection and labour rights. It improves the understanding of judges regarding the importance of labour protection issues, as well as judges are better educated and have a deeper knowledge of the issues related to the labour protection and labour rights and concurrently the legal proceeding is facilitated and expedited. The introduction of labour courts would also be necessary in Latvia in order to promote a faster and adequate examination of disputable labour protection issues.

A single mechanism (internal regulatory enactment), which would provide for the application of equivalent fines depending on the scale and concomitant of the violation (for example, size of the undertaking), has also not been developed in the SLI, and it means that large differences in the fine amounts for similar violations are possible among the RSLI. Similarly the LAVC provides for a quite wide variation of the amount of a fine, for example, the amount of the fine applicable to an employer (legal person) for repeated violation of the regulatory enactments regulating labour protection within a year, which causes serious threats to the safety and health of the employed person, may be from LVL 1 to LVL 10 000.

Thus at present the norms of the LAVC and the CL do not provide actual help for the reduction of violations of the regulatory enactments regarding labour protection and thus also the number of accidents at work.

2.2.5. Failure to Investigate and Notify Regarding Accidents at Work

The high number of unregistered accidents at work in Latvia (according to the calculations of experts 80-90%) not only restricts the development of the national labour protection policy because it does not provide an objective assessment of the situation, but it also denies the employees their rights to the compensation and rehabilitation pertaining to them according to the law.

Very often employers hide accidents at work by paying the employee a one-time compensation or, in the worst case, – threaten with dismissal and do not even pay the compensation. Results of the ESF research “Working Conditions and Risks in Latvia” testify

that only 28% of the inspected employers in whose undertaking an accident at work had taken place during the three previous years investigated accidents at work and notified the SLI according to the requirements of the Cabinet regulations regarding investigation of accidents at work, moreover, approximately 60% of employers admitted that they have paid compensation to employees. Results of the poll of employees also testify that approximately 60% of employed persons admitted that an accident at work in their undertaking was not investigated and the SLI was not notified about it.

If an accident at work is not registered and is not reported, an employed person does not have an opportunity to apply for rehabilitation measures in case if any health complications should begin. Usually rehabilitation expenditures are significant, and the employed person is not able to cover them either from his or her wage, or using the compensation paid out by the employer.

The main reasons why employers wish to hide accidents at work are the fear that other violations will also be discovered, the fear of penalties, and the complicated procedure of investigation and notification regarding accidents at work, which is very time-consuming and bureaucratic, also has a certain role.

2.2.6. Inefficiency of the Health Monitoring System of Employed Persons

Health monitoring of employed persons is implemented in performing MHE of employed persons, the objective of which is to detect the possible health disorders occurring upon contact with the work environment risk factors at the workplaces as early as possible and to ensure a preventive solution of such health disorders in order not to allow the development thereof into occupational diseases, which may be incurable and would reduce the ability of the employed persons to work, as well as from the point of view of budget positions would bring losses to the State both in the form of compensation to be disbursed and income not earned.

Unfortunately it should be admitted that the health monitoring of employed persons in Latvia does not function pursuant to the objective thereof and frequently does not fulfil the primary task thereof. According to the results of the ESF research “Working Conditions and Risks in Latvia” 70.4% of persons suffering from occupational diseases have gone to the MHE within the time period of three years prior to the detection of occupational diseases, but only in 10.1% of cases an occupational disease was detected, in 27% – no health disorders were detected and in 26.2% – insignificant health disorders were detected.

2.2.7. Legal Void in Individual Sectors and Forms of Operation

At present separate issues related to the labour protection, for example, electrical safety, are not completely arranged due to the interinstitutional nature thereof and cause problems to the maintenance of safety at workplace because there is no clear legal regulation.

A similar problem of lack of legal regulation of labour protection should be mentioned in relation to separate groups of employed persons, for example, self-employed persons. In accordance with EU regulatory enactments and the Labour Protection Law self-employed persons should themselves assume responsibility for their safety and health at work, as well as for the safety and health of the persons who may be affected by the work of the self-employed person. However, pursuant to the results of the ESF research self-employed persons are subject to harmful working conditions more frequently than employed persons and in case where a self-employed person suffers in an accident at work or contracts an occupational disease, neither he or she, nor his or her family members can apply for compensation because self-employed persons are not insured against accidents at work and occupational diseases. Similarly according to the results of the research self-employed persons observe and follow their safety and health protection at work much worse than employed persons, self-employed

persons have noted the fact that during the previous year they have not made any improvements related to the working conditions three times more often than employed persons (29% self-employed persons, 10% employed persons).

Lately the problem is made more urgent by tendencies to change the status of an employed person to a self-employed person so that employers could reduce tax payments, however, concurrently these employed persons become much less protected both in the sense of work safety and in the social sense because the employer does not have to take care of the safety and health of self-employed persons at work (they need not be provided with personal protective equipment, etc.).

In Latvia, unlike many other EU Member States, the so called soft law system has not been developed where regulatory enactments are supplemented by a document approved by a recognised authoritative expert institution, which is not binding but which explains at a practical level and in more detail, for example, the requirements of Cabinet regulations and defines such indefinite legal concepts as *acceptable*, *sufficient*, *corresponding*, etc.

2.3. Unawareness of the Public, Lack of Knowledge and Preventive Attitude Thereof in Relation to Labour Protection Issues

2.3.1. Lack of Information in the Public Domain Regarding Labour Protection Issues

Awareness of employers and employed persons regarding labour protection issues is insufficient, and it is one of the reasons for non-conformity with the labour protection provisions both from the part of employers and employed persons and for accidents at work.

Employers are poorly informed about the requirements for the work environment, as well they do not have sufficient knowledge regarding the work environment risks and how to meet the requirements of the regulatory enactments regarding the safety and health protection of employed persons at work. Almost one half of employers (43%) has a poor knowledge of labour protection issues or no knowledge at all. Employers of small undertakings (1-9 employees) have the poorest knowledge of labour protection issues.

But employed persons have not received sufficient training (instruction) and information regarding the labour protection issues and the work environment risks, to which they are subjected, thus they do not know how to perform the entrusted work duties safely and without endangering their health. According to the results of the ESF research almost 40% of employed persons admit that they are not informed regarding the work environment risks, to which they are subjected, and it testifies to the formal approach of employers to instruction of employed persons. A telling example for the ignorance and unawareness of employed persons regarding labour protection issues is the fact that 25% of persons working in construction think that the work environment risks do not apply to them.

The level of knowledge of the public at large regarding labour protection issues is also low, regardless of the fact that issues regarding labour safety and health protection concern each employed person. Lately particular attention has been paid to informing of the public and particularly employers and employees, however, the amount of information is still insufficient because results of the poll of residents of Latvia testify that only 27% of respondents feel well informed regarding the labour protection risks and the labour protection issues, 28% of respondents do not feel informed, the remaining 45% of respondents have replied that they have heard something about these issues. Young people from 15 to 24 years of age should be mentioned among one of the most poorly informed groups of residents. Unfortunately the low level of awareness and knowledge of this particular group is also most directly demonstrated in the statistics of accidents: employed persons with a length of service of up to one year make up 33% of all persons who have suffered in accidents. The high number of accidents

among employed persons with little experience is also linked to the formally conducted instructions of work safety, in the result of which the new employees suffer traumas because they make mistakes due to their ignorance.

Operation of one of the main resources of labour protection information – the Latvian Focal Point of the European Agency for Safety and Health at Work – is significantly hampered by the scanty and insufficient capacity thereof because at present the functions of the SLI Focal Point are ensured by one employee, a translator who ensures translation of separate materials into Latvian, and an IT specialist for the maintenance of the home page.

Although the Focal Point offers voluminous information regarding labour protection, it is mainly in electronic form, but in order to clarify some simpler question or to receive a consultation the interested persons are forced to call several institutions, including the MoW, the SLI, the IOSEH and organisations of social partners because there is no unified information centre regarding labour protection issues.

In Latvia, in none of the institutions involved in the labour protection system has a library with materials regarding labour protection been established where each interested person would have an opportunity to get acquainted with the labour protection issues because not all undertakings and their specialists have access to the Internet, similarly as not all of the published materials regarding labour protection are available electronically.

It should be noted that the amount of State funding granted for information of the public is also very small and insufficient. In 2006 State financing for performance of the functions of the Focal Point in the SLI budget was LVL 9283 (including LVL 905 for activities of the European Week), but the annual resources allocated from the State special budget for insurance against accidents at work and occupational diseases for informing of the public form approximately LVL 30 000 and are not able to provide sufficient preventive investment. Unfortunately the amount of the sum which should be transferred for preventive measures from insurance contributions has not been specified in the Law On Compulsory Social Insurance in Respect of Accidents at Work and Occupational Diseases, thus this sum is usually the sum that remains after the disbursements of compensation. Although in financial terms the sums have slightly increased from 1997, they have increased by more than 8 times, in performing a calculation of the percentage from the income from social contributions: in 1997 it was 4.5% of income, but in 2006 – 0.51%, which are dedicated to preventive measures.

The mechanism for administration of resources is also not efficient because at present the usage of these resources is administered by the SSIA, but the development of informative materials is entrusted to applicants with the aid of competitions, using the “principle of the lowest price”.

It should also be emphasised that although the SSIA is very honest in performing administration work and consults with the SLI, there are no specialists in the SSIA who would have a good knowledge of the labour protection issues and who would know what informative materials are necessary and what preventive measures of national scale should be performed, thus the SSIA performs only the role of an administrator.

2.3.2. Lack of Knowledge and Preventive Attitude in the Public in Relation to Labour Protection Issues

A more dangerous tendency has been observed apart from the lack of information, namely, when a person ignores the work safety issues or treats them thoughtlessly. It is applicable both to employers who perceive work safety only as an unnecessary expenditure and see an opportunity to save money in not conforming with it and to employed persons who perceive work safety as a nuisance (usage of the means of protection). This is an issue of the work culture and attitude, and it is much more difficult to change than a simple unawareness.

A correct attitude towards work safety issues should be taught at as early an age as possible. Unfortunately at present labour protection issues have been allocated a mediated role in schools and educational programmes of Latvia, leaving it mostly upon the initiative of teachers. "Labour protection" is not viewed as a separate subject in general educational institutions, to say nothing of basic schools. Also, labour protection issues are examined very minimally in many vocational educational institutions, although graduates of these very schools will be most directly subjected to the different specific work environment risk factors in their work.

Teachers lack knowledge and aids (study materials) regarding work safety issues in order to teach them to students in a simple and comprehensible manner.

Training regarding labour protection is also absent from the study programmes of institutions of higher education where the future employers, staff managers and other important specialists of undertakings are prepared and frequently employers, in commencing commercial activity, do not have the slightest idea about their duties in relation to the labour protection provisions in undertakings.

2.3.3. Lack of Qualified Specialists and Teachers in the Field of Labour Protection

Despite the reforms performed in the field of labour protection training, there still is a lack of qualified labour protection specialists in undertakings. Naturally, not all undertakings need to employ labour protection specialists with a higher education in labour protection, however, the specialists who have acquired the knowledge of basic level have a very different level of competence and it is related to the quality of study centres and the training provided by teachers. Unfortunately there are still cases when specialists obtain a certificate for the completion of a 160-hour course after training of two or three days. Actually the quality control of the training provided by study centres and teachers thereof is not performed, which is also a reason for the low level of training of some training centres.

The knowledge of labour protection specialists of undertakings is not regularly tested, so if a specialist is not active and does not follow the changes in regulatory enactments himself or herself and improve his or her qualification in seminars and courses, the quality of his or her work and thus also the working conditions at the undertaking suffer and the risk for non-conformity with the regulatory enactments increases.

Training of the basic level of labour protection specialists ensures a general training regarding labour protection issues, leaving the sectoral specificity to practical lessons, however, sometimes it may suffice in order to prepare a specialist in all the specific issues related to the field.

There is also no mechanism for the control and improvement of qualification of teachers of institutions of higher education, and 28% of senior labour protection specialists who have acquired knowledge of the highest level in an institution of higher education mention the unsatisfactory qualification of teachers of institutions of higher education as a problem. Only 43% of these specialists agree that the knowledge acquired is practically applicable in their work, and 64% think that the content of the study programmes of institutions of higher education does not conform to the profession standard.

Although undertakings have been given a sufficiently long period of transition for training of their existing specialists (until 2009), several labour protection specialists of undertakings do not have a higher education, which has been specified as a criterion for application to the labour protection studies of the highest level at an institution of higher education. But colleges, which might offer the first level higher education in labour protection, have not reached an agreement regarding offering of such training. It means that a part of the undertakings, which do commercial activity that is dangerous from the point of

view of work safety, will have to involve a competent authority after the end of the transition period because they will not have a specialist having an adequate qualification.

At present, the requirements for the qualification of competent authorities and competent specialists are adequate for the short term, which competent authorities and competent specialists work in Latvia, however, in order to improve the quality of services provided by them it is also necessary to improve their qualification.

3. BASIC PRINCIPLES OF THE POLICY

Basic principles of the labour protection policy are specified in the Labour Protection Law. In accordance with the Law (Section 23) the State policy in the field of labour protection is based on:

- 1) the priority of the safety and health protection of employed persons;
- 2) the co-operation of the State, local governments, employer organisations and employee trade unions on labour protection issues;
- 3) the co-ordination of labour protection issues with other economic and social issues;
- 4) the results of the scientific research in the field of labour protection;
- 5) State participation in the financing of labour protection measures;
- 6) safe technological processes and work equipment, and the stimulation of the design, production and purchase of collective and personal protection equipment;
- 7) training in educational institutions in the field of labour protection;
- 8) State monitoring and control in the field of labour protection;
- 9) the social protection of employed persons in relation to accidents at work and occupational diseases;
- 10) the requirements of the EU and the ILO; and
- 11) international co-operation in the field of labour protection.

Regardless of the fact that the basic principles of the policy referred to in the Law were specified six years ago (in 2001) and some of the principles have remained from the previous Law On Labour Protection (1993), they are still up-to-date. However, it should be noted that the implementation of separate principles in practice (for example, utilisation of the results of scientific researches in the field of labour protection, participation of the State in the financing of labour protection measures or training in educational institutions in the field of labour protection) has not been very successful and would require reinforced attention for complete introduction thereof during the next programming period (2008– 2013).

However, during this period significant changes have taken place in the field of labour protection both in regulatory enactments and in practice: new participants, new opportunities and also approach to the solving of labour protection issues have occurred, similarly a significant practice from the processes that have taken place in Latvia and in the other EU Member States and the documents developed by the European Commission and international organisations (ILO) for further development of the labour protection field has been obtained.

In order to respond to the changes in the field of labour protection and to continue successful development thereof in the future, in addition to the already existing basic principles the labour protection policy should be based on the following principles:

- 1) making legislation more efficient and simplification of administrative procedures;
- 2) more efficient introduction of existing regulatory enactments;
- 3) ensuring of economic stimuli and State support to employers for improvement of the work environment and working conditions in undertakings;
- 4) integration of labour protection issues in all levels of education and training;
- 5) integration of labour protection issues in the issues of other sectors (public health, traffic safety, environmental protection, science, etc.);
- 6) determination of measurable objectives of the policy and regular monitoring of the policy;
- 7) availability of information, consultations and services regarding labour protection issues; and
- 8) promotion of a preventive culture in the State level and the level of undertakings.

4. OBJECTIVES OF THE POLICY

The basic objective of the labour protection policy is a safe and healthy work environment, which would promote job retention, the improvement of the economic condition of the State and undertakings and the increase of the welfare level of the whole public.

In order to achieve it, the following objectives are set forward for the labour protection policy in 2008-2013:

1. Improvement of the planning of the labour protection policy, involving the National Institute of Work Environment in the State institutional system of the labour protection for the development and introduction of a scientifically justified labour protection policy, which is oriented towards practical problems.

2. Enhancement of the capacity and efficiency of the State monitoring and control mechanism.

3. Introduction in practice of the “preventive culture” in the public and undertakings, increasing the knowledge and the level of awareness of the public, particularly employers and employed persons, regarding labour protection issues.

4. Ensuring of economic stimuli and the State support to employers in helping and motivating the improvement of the work environment and working conditions in undertakings.

5. RESULTS OF THE POLICY, RESULTS OF THE ACTIVITY AND RESULT-BASED INDICATORS FOR THE ACHIEVEMENT THEREOF

Table 1

1. Result of the policy: working conditions have improved in undertakings of Latvia and the number of persons who have died in accidents at work has decreased (per 100 000 employed persons) by 30%.	
2. Results of the activity:	
2.1. Efficient planning and development of the labour protection policy ensured.	2.1.1. The National Institute of Work Environment involved in the institutional system of labour protection
	2.1.2. Capacity of the Labour Department of the MoW in labour protection issues increased
2.2. Preventive and efficient State monitoring and control ensured in the field of labour protection	3.1. Delegation contract entered into with the RSU IOEH for the provision of support to the MoW and the SLI for the development and introduction of the labour protection policy
	3.2. Staff of the MoW increased by 3 employees who would work with the labour protection issues and 3 additional employees allocated for the provision of functions of the LATCS secretariat and solving of the social dialogue issues
	3.3. In addition 69 employees, including 67 inspectors, hired at the SLI
2.3. Conformity with regulatory enactments regarding labour protection improved at undertakings	3.4. Preventive inspections of 50% of undertakings of dangerous sectors performed during the year (in 2006 – 10%)
	3.5. 10 inspection and information campaigns at undertakings are performed during a year (in 2006 – 1 campaign)
	3.6. Complete risk assessment of good quality performed (including a plan of preventive measures developed) in 70% of undertakings of dangerous sectors and in 55% of all undertakings in total (in 2006 – in 24% of all undertakings)
	3.7. 80% of employed persons are practically informed and instructed regarding the risk factors existing in the work environment and safe methods for performing the work (in 2006 – 61%)

2.4. Quality and availability of labour protection services has improved	3.8. Positive evaluation of service recipients in relation to the quality of labour protection services has increased by 20% (in 2006 65% of service recipients were satisfied with the quality of services provided by competent specialists and 57% – with competent authorities accordingly)
2.5. Awareness of the public regarding the labour protection issues has improved	3.9. 80% of the public are informed regarding the labour protection issues, including 50% are well informed (in 2006 – 72% and 27% accordingly)
2.6. Increased quality of labour protection training and competence of labour protection specialists	3.10. 70% of the senior labour protection specialists who have graduated from an institution of higher education after 2009 are satisfied with the quality of labour protection and practical application of the knowledge acquired (43% in 2006)
2.7. Children and young people are educated about work safety issues	3.11. 80% of the young people are informed regarding labour protection issues, including 40% who are well informed (in 2006 – 67% and 17.7% accordingly)

6. ACTION DIRECTIONS FOR THE ACHIEVEMENT OF OBJECTIVES OF THE POLICY AND RESULTS

6.1. Improvement of Planning and Development of the Labour Protection Policy

6.1.1. Provision of Credible Data, Information and Scientific Support

In order to develop an efficient and problem-oriented policy, credible data, information and scientific support is necessary, which would reflect the present situation and allow to specify the policy priorities and to perform the necessary measures for solving of the detected problems.

It is necessary to improve the acquisition of data regarding accidents at work and occupational diseases and to expand the official statistical data regarding the labour protection issues.

Regular research on the risks of the work environment and the working conditions should be conducted for the provision of the policy monitoring, measurements of the work environment factors should be performed where appropriate.

In order to provide the policy makers (MoW) and supervisors thereof (SLI) with the information mentioned above and the scientific support, it is necessary to establish the National Institute of Work Environment as it is already provided for by the National Lisbon Programme of Latvia 2005-2012 approved by the Cabinet. The role of the National Institute of Work Environment should be trusted to the RSU IOEH because it is the only institution, in which 18 experts who are competent in the different issues related to the work environment and have participated in the development of the labour protection policy already work at present. Moreover, for the improvement of technical capacity of the IOSEH more than LVL 180 000 (EUR 261 989.44) have already been invested from the EU and State co-financing for the purchase of laboratory equipment, and from 2006 approximately LVL 330 000 (EUR 470 119.38, including EUR 155 631.85 for the development of data bases) have been invested in the improvement of technical capacity of the IOSEH (for the purchase of laboratory, office and computer equipment) within the framework of the Twinning contract "Further Development of Labour Protection System" of the EU project of the Transition Programme "Further Development of Occupational Health and Work Safety System".

Amendments to the Labour Protection Law (20 June 2001) should be made for wholesome involvement of the IOSEH in the institutional system of labour protection in order to ensure the necessary support to the MoW and the SLI in the development and introduction of the labour protection policy, specifying the role of the IOSEH in the institutional system of labour protection and in specifying the following main functions for the institute:

- 1) conducting of research and case study regarding safety and health matters of employed persons;
- 2) provision of consultations and training to employees of the MoW and the SLI regarding labour protection issues;
- 3) performance of measurements of the work environment risk factors, including laboratory measurements upon the request of the SLI; and
- 4) informing of the public regarding labour protection issues, including ensuring of the operation of the Latvian Focal Point of the European Agency for Safety and Health at Work in Latvia and implementation of the preventive measures from the special budget for accidents.

The IOSEH should enter into a delegation contract for the performance of the referred to functions, specifying the specific tasks and indicators to be achieved.

Taking into account the planned role of the IOSEH in the institutional system of labour protection and particularly in the preparation and distribution of labour protection information, as well as the fact that one of the main target audiences of this information will be employers and employees, a similar mechanism of information council will be provided for in the operation model of the IOSEH as it is at present in the case of the information council of the Latvian Focal Point of the European Agency for Safety and Health at Work organised by the State Labour Inspectorate. In addition to representatives of State institutions (MoW and SLI) representatives of the LEC and the FTUCL should also be included in the information council in order to jointly specify the priorities of the necessary information. This information council could be expanded once a quarter by inviting representatives of the UoL, RTU and LUA in order to discuss current issues of labour protection research.

It should be indicated that the IOSEH may assume additional functions and become the Institute of the Work Environment only if additional premises are assigned and financing for renovation thereof is granted because at present the RSU does not have free premises.

Similarly it is necessary to transform the data bases and information system of the SLI regarding labour protection issues so that information at the disposal of the SLI regarding results of inspections of undertakings would allow the policy makers to conduct an adequate analysis of the introduction of the regulatory enactments regarding labour protection in undertakings from different points of view, as well as to perform the monitoring of the policy.

The MoW shall organise a State procurement for implementation of research in the field of labour protection for the acquisition of scientifically justified information, which is necessary for efficient and preventive planning, development and introduction of the labour protection policy, within the framework of the financing granted thereto.

6.1.2. Increasing of the Policy Planning Capacity

In order to develop a policy and legal regulation that would correspond to the specific and comprehensive issues of labour protection, it is necessary to strengthen and increase the capacity of the MoW in relation to labour protection issues in attracting an additional three employees and ensuring their training regarding specific labour protection issues.

It is also necessary to strengthen the capacity of the NTCC LATCS secretariat in order to ensure wholesome involvement of social partners in the planning of the labour protection policy and solving of the problem issues. Initially 3 employees who could work in the MoW would be necessary for ensuring of the functions of the secretariat.

6.2. Enhancement of Capacity and Efficiency of the State Monitoring and Control Mechanism

In order to ensure efficient and preventive State monitoring and control in the field of labour protection by preventing potential accidents and health disorders of employed persons, it is necessary to significantly strengthen the capacity of the SLI, as well as to change the operation methods thereof.

6.2.1. Enhancement of the Capacity of the SLI

It is necessary to increase the administrative capacity of the SLI, including also increasing of the number of inspectors, for the performance of adequate preventive work (preventive inspection visits at undertakings), which would reduce the number of violations of the regulatory enactments regarding labour protection and reduce the risk of accidents and health disorders at work. In total the SLI needs 69 additional employees, including 67 inspectors, for performance of this task.

It is also necessary to introduce an inspector training system, which would ensure systematic and balanced preparation of the new inspectors for the performance of the new work duties, specialised training of inspectors pursuant to the specificity of the sectoral and work environment risks, as well as regular, annual courses for the improvement of qualification of inspectors.

For the prevention of high turnover of the staff at the SLI, involvement of qualified specialists, as well as the retention and motivation of the present specialists it is necessary to significantly increase the remuneration of the SLI employees by developing a motivating system of remuneration within the framework of the unified work remuneration system in the State administration, as well as it is necessary to improve the infrastructure and working conditions of the SLI.

The infrastructure and material and technical basis of the SLI requires substantial improvements because it is one of the main obstacles for the increase of work efficiency of the Inspectorate. For qualitative and efficient performance of work it is necessary to substantially renew the office equipment of the SLI (computers, servers, data bases, printers, etc.), as well as to provide all inspectors with adequately arranged workplaces. For improvement of the mobility of inspectors and inspection of undertakings it is necessary to ensure the SLI with additional vehicles and communication means (mobile telephones).

Inspectors should be provided with the technical equipment necessary for work (for the performance of indicative measurements of work environment factors) and protective equipment (personal protective equipment) in order to guarantee their safety and health protection during visits to undertakings.

The IOSEH could ensure the performance of laboratory measurements in undertakings for the needs of the SLI, concurrently also evaluating the necessity of performance of measurements. Such professional consultation and support to the SLI would also reduce the costs to employers who at present have to perform the measurements of the work environment if it is requested by the SLI.

It is necessary to improve the technical resources of the free consultation telephone of the SLI so that the SLI could service at least 90% of the total number of people wanting to reach the SLI, it would increase the trust of the public to the SLI and also reduce the number of written submissions and the consumption of the SLI human resources, which is necessary for examination of these submissions and preparation of answers to them. Part of the load from the consultation telephone of the SLI could be removed by the IOSEH, which would take charge of informing the public regarding labour protection issues, including establishing an informative centre. Both the telephone of the SLI and the Institute would be connectable so that in case if a person is interested in issues related to both labour rights and labour protection, the answers could be provided within the scope of one telephone call. At present specialists of the SLI who service the consultative telephone are mainly specialised only in the issues of employment legal relationship.

6.2.2. Making Efficient Operation of the SLI

In order to ensure more efficient work of the SLI, to reduce the time, which inspectors spend for preparation of different documents, it is necessary to transform the data base and information system of the SLI, ensuring a detailed description of inspection visits, which would allow successful and efficient planning of inspection work and ensure succession of the work. The referred to system should also ensure an opportunity to perform the accounting of the working time of the SLI employees, which would help to improve the work efficiency of inspectors.

In the inspection work itself the number of campaign inspection visits should be increased on the basis of the priorities of the particular year and the most dangerous fields, as

well as a system for classification of undertakings should be introduced, which would optimise the SLI resources, paying more frequent visits to undertakings of the more dangerous sectors and less frequent visits – to less dangerous undertakings.

For improvement of the quality of inspection visits it is necessary to introduce regional specialisation of the SLI according to the specificity of fields existing in the particular region. So that inspectors could pay more attention to their direct work – inspection of undertakings, it is necessary to ensure support both in the administration and in the regional SLI, which would provide inspectors with legal and technical support.

In order to ensure the elimination of violations detected during inspection visits at undertakings, it is necessary to perform repeated inspections of undertakings in case of at least the most dangerous violations. The SLI should develop unified procedures for co-ordinated application of administrative fines, specifying a more precise application of fines for particular violations.

It is also necessary to revise the functions to be performed by the SLI, which are imposed to the SLI not only by the SLI Law, but also by other laws and regulations, relieving the SLI from the performance of the functions, which are not characteristic to it (for example, annual performance of inspections of educational institutions), as well as evaluating a possibility to reduce the role of the SLI in the performance of particular functions, for example, maintenance and fulfilment of the functions of the Focal Point of the European Agency for Safety and Health at Work, as well as informing of the public regarding labour protection issues, which would be useful to delegate to the National Institute of Work Environment for the purposes of efficiency.

6.3. Putting into Practice of the “Preventive Culture” in the Public and Undertakings

6.3.1. Informing of the Public, Particularly Employers and Employees Regarding Labour Protection Issues

Taking into account the low level of awareness of the public regarding the labour protection issues, it is necessary to significantly increase the informative activities in this field, as well as to improve the quality and availability of the information provided.

It is necessary to establish a unified information centre regarding labour protection needs where any interested person could receive information or an answer regarding his or her question of interest in the field of labour protection. Such information centre should provide an opportunity to receive information regarding labour protection matters in electronic form (using Internet home page or with the help of e-mail), in oral form (by telephone) and also in the form of printed materials (library). Similarly a small independent institution regarding labour protection should be established within the framework of the information centre as it is for, example, in Finland or Germany where it would be possible to get acquainted with different ways of prevention and reduction of the work environment risk factors. Such an institution would be particularly useful for education of school youth regarding the labour protection issues, and such an institution could serve as the target of class excursions. Functions of such an information centre should be delegated to the IOSEH.

Similarly the IOSEH should be delegated the performance of the functions of the Focal Point of the European Agency for Safety and Health at Work; at present it is the responsibility of the SLI, which plays the leading role in the sense of informing of the public, but it is not able to perform this function in the necessary amount because of the limited resources and capacity.

In order to improve the knowledge and the level of awareness of employers, employed persons and labour protection specialists regarding the labour protection issues, it is also

necessary to increase the State financing for the development of informative and explanatory materials regarding labour protection issues. Thus it would be necessary to make amendments to the Law On the Compulsory Social Insurance in Respect of Accidents at Work and Occupational Diseases, specifying, for example, a 5% share, which is transferred from the contributions acquired to preventive measures. However, the development of preventive measures and informative materials themselves, as well as for an increase in efficiency the administration of preventive measures should be assigned to the IOSEH in co-operation with the SLI, the MoW and organisations of social partners.

6.3.2. Integration of Labour Protection Matters in the Study Programmes of All Educational Levels

Training and education regarding labour protection issues should be performed at as early an age as possible, and after continuation of training and improvement of the level of knowledge the “preventive attitude” would become an integral value of life of an individual and the public as a whole.

According to the successful example of the other EU Member States, labour protection issues should be integrated in the education system and study programmes of Latvia, including kindergartens, basic schools, secondary schools, vocational educational institutions (technical schools, colleges), institutions of higher education of all levels and study programmes thereof.

Taking into account that labour protection issues are important to representatives of any profession, adequate training regarding general work safety and health protection issues at the level of all educational institutions and also additional training for pupils of vocational educational institutions regarding such risks of the work environment and labour protection issues, which are characteristic to the particular profession, should be ensured.

Together with the integration of labour protection issues in the education system it is necessary to develop appropriate study materials, as well as materials regarding these issues for the preparation of teachers, ensuring additional training of teachers where appropriate.

6.3.3. Promotion of the “Preventive Culture” and Performance of Practical Labour Protection Training and Instruction at Undertakings

An employer and direct work superintendents should assume a definite role in the preparation of new employees because the procedures and the working culture existing in the undertaking have the most direct effect on the attitude of new employees towards labour protection issues. The management of undertakings and employers should pay serious attention to the promotion of a preventive and safe working culture at their undertakings by observing the behaviour of employees and strictly requesting to conform to the internal procedure regulations and safe work methods.

The SLI in co-operation with the MoW and the IOSEH, as well as organisations of social partners should promote the “preventive culture” in undertakings by performing informative and inspection activities, as well as organising seminars and distributing examples of good practice in this field.

Preparation and training of employed persons regarding correct and safe performance of work has an important role in the reduction of the risk of accidents at work and traumas, thus both the State and undertakings must change their attitude and approach towards the training and instruction regarding labour protection at undertakings by breaking the stereotypes and the formal approach to instructions when the collection of signatures of employed persons in instruction logbooks becomes the main objective and existence of such logbooks at undertakings – from the point of view of control. It is necessary to perform appropriate informative and education measures (courses, seminars, information campaigns)

for achievement of the referred to objective, as well as in case of inspecting undertakings to pay attention not to documents, but to the actual knowledge of employed persons regarding safe working methods.

In order to help employers to get a better understanding of the significance and impact of labour protection issues on the operation of their undertakings, as well as to give advice for the necessary solutions of problems, it would be necessary to evaluate an opportunity to ensure employers with a one-time training regarding the basic issues of labour protection (for example, short course or seminar). Such seminars or courses should be offered free of charge as much as possible and could serve as one of the potential alternatives for an administrative fine in case of violations of the regulatory enactments regarding labour protection.

6.3.4. Improvement of the Competence and Qualification of Labour Protection Specialists and Teachers

It is necessary to make amendments to Cabinet Regulation No. 323 for improvement of the competence and qualification of labour protection specialists, providing for the regular examination of knowledge of the specialists and repeated training of specialists if they are not able to confirm their competence according to the requested level.

In co-operation with sectoral specialists and representing organisations it is also necessary to evaluate an opportunity to supplement the basic level training of labour protection specialists with training specific to the sector (additional study module), thus guaranteeing the competence of the specialist in the particular specific sectoral matters.

Forming of associations of labour protection specialists and other specialists related to the field of labour protection should also be promoted and the role of these associations in the organisation of further raising of qualifications of the referred to specialists (seminars, courses, certification, etc.) should be sustained.

The Administration of Vocational Education which is subordinate to the MoES and which issues licences to educational institutions for organisation of training in labour protection matters and accredits programmes thereof should significantly amplify the control over study centres, which perform the basic level training in labour protection (after 160-hour programme), controlling whether the study centres, in performing training, do not violate the standards approved by the MoES in this field.

It is also necessary to develop a mechanism for regular examination and raising of qualification of teachers themselves for improvement of the training level of labour protection specialists. It applies to both the teachers of study centres and the teachers of institutions of higher education (including universities).

In addition to the preparation of labour protection specialists it is also necessary to develop study programmes and profession standards for such important specialists in the field of labour protection as ergonomists, occupational hygienists, toxicologists, occupational health sisters, etc. and to commence the preparation of these specialists because, at present, such specialists are not being prepared in Latvia unlike in many other EU Member States.

Undertakings must also promote the raising of qualification of competent authorities and competent specialists in order to improve the quality of services provided by developing a corresponding mechanism for further education and raising of qualification and increasing the requirements for their competence, which have been specified in Cabinet Regulation No. 101.

6.4. Improvement of Working Conditions with Legislative and Other Initiatives

6.4.1. Reduction of Administrative Requirements and Improvement of Regulatory Enactments

For better introduction of the regulatory enactments regarding labour protection it is necessary to reduce the administrative requirements to employers as much as possible by

simplifying the requirements of the regulatory enactments, reducing the necessary amount of documentation, but not reducing the level of safety and health protection of employed persons.

In context with the reduction of administrative requirements (documentation) it is also necessary to change the principles of the SLI inspection, putting the main emphasis on the situation in practice.

According to recommendation of EU experts it would be necessary to introduce the so called *soft law* system in Latvia (see Chapter 2.2). The NTCC LATCS could assume responsibility for the development and approval of documents supplementing the regulatory enactment (standard of practice) and the IOSEH – the development, which would attract the specialists of the respective sectors, including representatives of the UoL, RTU and LUA.

Thus all parties of the social dialogue – State representatives (the MoW and the SLI), representatives of employers (the LEC) and representatives of trade unions (the FTUCL) would reach an agreement regarding the content of the standard of practice of regulatory enactments, which would serve as a wonderful aid to employers and labour protection specialists for the introduction of regulatory enactments. This standard of practice would not be legally binding, but concurrently if an employer had complied with the requirements of this standard of practice, he or she would also have complied with the requirements of the regulatory enactment (similarly as in the case of the National Standard of Latvia with the difference that this standard of practice would be freely available to employers free of charge). The sectoral principle could be followed in the development of standards of practice when an undertaking of one sector, using a standard of practice of the sector thereof, would be indicated what regulatory enactments should be complied with and what activities should be performed in order to assess the risks of the work environment.

6.4.2. Introduction of Economic Stimuli

In order to motivate employers to conform with the requirements for labour protection, it is necessary to offer obvious and immediate motivating factors for arrangement of labour protection issues. A differentiated system of social insurance rates serves as such in many EU Member States where undertakings in the more dangerous sectors (with a higher risk of accidents at work) pay more than those who operate in a less dangerous sector. This system becomes a particularly motivating factor if not only sectors, but also indicators of the particular undertaking are taken into account and the less accidents take place in the undertaking, the smaller the compulsory insurance rate against accidents at work and occupational diseases the undertaking has to pay. The system existing at present when all undertakings pay a unified rate of social insurance contributions – 24.09%, including 0.25% for insurance against accidents at work and occupational diseases – does not in any way motivate them to invest resources in labour protection.

Latvia should also evaluate a possibility to introduce the differentiated system of social insurance rates, which then could also be related to specific services available to an employer, which he or she is entitled to receive for the contributions made (for example, a risk assessment performed by a competent authority, MHE of employed persons, etc.).

6.4.3. Support to Employers for Better Introduction of Regulatory Enactments

In order to help undertakings of dangerous sectors to perform the risk assessment of the work environment and inform them regarding the necessary labour protection measures for the prevention of accidents at work, it is necessary to provide for the financing for the provision of labour protection services from the resources of Structural Funds for the subsequent period, firstly, for the undertakings of dangerous sectors where the risk of accidents is higher.

In order to help labour protection specialists of undertakings to fulfil their duties qualitatively, access to free of charge materials and aids (computerised programmes) for the risk assessment of the work environment and planning of preventive measures should be ensured.

Taking into account the low level of awareness of employers regarding labour protection issues and the fact that employers of new undertakings are even less informed and do not know their duties in this field, it would be necessary to develop a minimum package of information with the main duties of the employer in the field of labour protection. It would be preferable to develop such information packages from the point of view of sectors and to issue them to the employer free of charge upon registration of the undertaking in the Commercial Register, thus the new employer would receive without delay information regarding his or her duties, practical recommendations and advice, as well as directions where to seek help.

6.4.4. Promotion of Social Dialogue at the Level of Sectors and Undertakings

Taking into account the successful experience of other EU Member States, it would be necessary to promote the development and introduction of sectoral collective agreements.

From the part of the SLI it would be necessary to pay more attention to the correct procedure for the risk assessment of the work environment, which also provides for the involvement of employed persons in the risk assessment.

It would also be necessary to revise the regulatory enactments in relation to organisation of labour protection issues in undertakings and regarding the representative office of employed persons because at present the model for election of trusted representatives is not functioning well due to the low level of awareness and activity of employed persons.

The SLI in co-operation with the organisations of social partners should regularly organise seminars (courses) regarding social dialogue in undertakings on the basis of the study programme developed within the framework of the contract “Further Development of the Labour Protection System” of the project “Further Development of Occupational Health and Work Safety System” of the EU Transition Programme Twinning.

6.4.5. Introduction of an Adequate and Efficient Penalty System and Application of Penalties

It is necessary to revise the existing system of administrative fines and the application of fines providing for that the penalty for serious violations of the regulatory enactments regarding labour protection is unavoidable and adequate.

The SLI has to develop an internal uniform catalogue of application of penalties so that similar penalties would be applied for similar violations in the regions, it would also be necessary to conduct regular training of the SLI inspectors regarding the application of administrative fines.

In order to ensure the adequate and efficient application of penalties in cases where an employer appeals a decision of the SLI regarding the imposition of fine to the court, it is necessary to introduce training of judges regarding labour protection issues and regulatory enactments because the present situation testifies that judges do not have an awareness regarding the seriousness and significance of the possible consequences if the requirements for labour protection are not complied with.

It would be necessary to introduce Labour Courts for quicker solution of disputable issues related to labour rights and labour protection as it is, for example, in Germany.

6.4.6. Improvement of the Quality of Health Monitoring of Employees

It is necessary to revise the regulation of the existing regulatory enactments for the procedures of performance of MHEs of employed persons in order to ensure as early a

diagnosing of health problems as possible and not to allow the development of occupational diseases.

It is also necessary to improve the qualification of doctors of occupational diseases and family doctors and to perform regular examinations of doctors and raising of qualification thereof.

6.4.7. Improvement of the Regulatory Enactments Regarding Labour Protection

It is necessary to improve several regulatory enactments regarding labour protection by making amendments thereto in order to ensure a better level of safety and health protection of employed persons. It is also necessary to develop legal regulation regarding such issues, which have not been completely regulated by now or have not been regulated at all (for example, electrical safety, optical radiation, etc.).

Legal regulation in relation to non-traditional work forms should also be revised, for example, for self-employed persons who at present are responsible for their own safety and health protection at work, as well as are socially unprotected against accidents at work and occupational diseases.

7. ASSESSMENT OF IMPACT ON THE STATE BUDGET AND LOCAL GOVERNMENT BUDGETS

Almost LVL 16 million are necessary from the State budget for implementation of the Strategy. However, according to the calculations of foreign experts, the losses caused to Latvia by accidents at work and occupational diseases (according to the data of 2005) per year constitute approximately LVL 29 million.

Thus upon reaching the objective specified in the Strategy – to reduce the number of persons who die at workplace by 30% (by 2013) – approximately LVL 25 million would be saved in the State budget, which would be lost (compensation to the relatives of deceased persons, unobtained income provided by one employee on average (taxes, value produced, etc.)) if the existing level of lethal accidents would remain during implementation period of the Strategy.

The achievement of the objectives specified in the Strategy will be ensured, using the resources of the EU Structural Funds and State budget. A description of the financing necessary for implementation of the Strategy is demonstrated in Table 2 and a detailed description is provided in the Annex to the Strategy.

Description of the Financing Necessary for Implementation of the Strategy

Table 2

III. What may be the impact of the Strategy on the State budget and local government budgets					
thousand LVL					
Indicators	Current year (2008)	Subsequent three years (2009-2011)			On average in the time period of five years after the current year
1. Changes in the budget revenue	-	-	-	-	-
2. Changes in the budget expenditure	1679.97	<u>3413.14</u>	<u>2808.7</u>	<u>2606.62</u>	<u>2832.9</u>
3. Financial impact	-1679.97	-<u>3413.14</u>	-<u>2808.7</u>	-<u>2606.62</u>	-<u>2832.9</u>
4. Anticipated compensating measures for financing of additional expenditure	-	-	-	-	-
5. Detailed calculation of financial justification:	1679.97	<u>3413.14</u>	<u>2808.7</u>	<u>2606.62</u>	<u>2832.9</u>
5.1. Improvement of the planning of the labour protection policy	-	968.55	<u>356.01</u>	<u>308.82</u>	<u>442.96</u>
5.1.1. Provision of credible data, information and scientific support	-	862.69	259.88	212.69	344.89
5.1.2. Enhancement of the capacity of the MoW in the field of planning and monitoring of the labour protection policy	-	105.86	<u>96.13</u>	<u>96.13</u>	<u>98.08</u>

5.2. Strengthening of the capacity and making operation of the SLI more efficient altogether, including financing of the State budget and EU financing:	1163.54	<u>1747.79</u>	<u>1655.47</u>	<u>1651.08</u>	<u>1714.15</u>
5.2.1. Financing of the State budget:	-	<u>540.18</u>	<u>1029.14</u>	<u>1171.97</u>	<u>1056.04</u>
5.2.2. EU financing in total:	1163.54	1207.61	626.33	479.11	658.11
5.3. Putting into practice of the “preventive culture” in the public and undertakings:	187.27	<u>354.72</u>	<u>374.14</u>	<u>354.14</u>	<u>347.21</u>
5.3.1. Public information regarding labour protection issues	30	<u>154.79</u>	174.21	154.21	<u>158.33</u>
5.3.2. Integration of labour protection issues in study programmes	21	34.23	34.23	34.23	23.18
5.3.3. Promotion of the “preventive culture” in undertakings	136.27	141.87	141.87	141.87	141.87
5.3.4. Raising of the competence and qualification of labour protection specialists	-	23.83	23.83	23.83	23.83
5.4. Improvement of working conditions with legislative and other initiatives	329.16	<u>342.08</u>	<u>423.08</u>	<u>292.58</u>	<u>328.58</u>
5.4.1. Development of the standards of practice of labour protection	23.83	35.75	35.75	35.75	35.75
5.4.2. Support to employers for better introduction of regulatory enactments	280.33	255.83	374.83	255.83	279.63
5.4.3. Promotion of social dialogue at the level of sectors and undertakings	25	50.5	12.5	1	13.2
6. Other information:	-	-	-	-	-

8. PLANNING OF FURTHER ACTION

For the achievement of the objectives specified and the prevention of the problems identified in the Strategy, the MoW will develop two programmes for the development of the labour protection field for the time periods from 2008 to 2010 and from 2011 to 2013, determining specific measures, the performance deadlines of measures and the responsible institutions. The programme for 2008-2010 will be developed and submitted to the Cabinet by 1 May 2008 and the programme for 2011-2013 – by 1 April 2011.

9. PROCEDURES FOR THE PROVISION AND EVALUATION OF REPORTS

In order to evaluate the progress of implementation of the Strategy, a comprehensive research on working conditions and risks in Latvia will be conducted in the middle (in 2010) and at the end (in 2013) of the period of operation of the Strategy. On the basis of the results of the research the MoW will prepare an informative report which will be submitted to the Cabinet by 1 July 2011, and an evaluation report on implementation on the Strategy accordingly by 1 July 2014.

10. LINK OF THE STRATEGY WITH THE PRIORITIES SPECIFIED IN DEVELOPMENT PROGRAMMES AND STRATEGIES OF PLANNING REGIONS

The action directions included in the Strategy will have positive effects also on the objectives specified in the planning documents of mid-term development of the regions (Regional Development Programme of Riga 2005-2011, Development Plan of Latgale, Strategy for the Development of the Zemgale Planning Region 2003-2010, Programme for the Development of the Vidzeme Planning Region 2002-2010, Draft strategy for the Development of the Kurzeme Region) in the field of improvement of the quality of work and life, as well as promote the increase of competitiveness of undertakings and regional development.

(Cabinet Order No. 213
17 April
2008)

**Summary of the Strategy for the Development of the Labour Protection Field 2008-
2013**

Strategy for the Development of the Labour Protection Field 2008-2013 (hereinafter – strategy) is a medium-term policy planning document, in which the existing situation is presented, the problems are identified, the main directions of development and the objectives and indicators to be achieved in the field of labour protection are specified.

The Strategy have been developed by a working group established by the Ministry of Welfare, in which experts from the Ministry of Welfare, the State Labour Inspectorate, the Latvian Employer's Confederation, the Free Trade Union Confederation of Latvia and the Institute of Occupational and Environmental Health of Riga Stradiņš University have participated.

The following main problems have been identified in the field of labour protection:

1) lack of information, data, scientific support and capacity for the planning, development and monitoring of the labour protection policy;

2) the low level of conformity with the regulatory enactments regarding labour protection in practice, which is directly related to the low capacity of the State monitoring and control mechanism (the State Labour Inspectorate), as well as the lack of economic stimuli and support to employers in order to improve working conditions in undertakings; and

3) unawareness of the public, lack of knowledge and preventive attitude thereof regarding labour protection issues.

Four main action directions have been brought forward in the Strategy for the prevention of the deficiencies and problems detected in the field of labour protection:

1) improvement of the labour protection policy planning, ensuring the necessary scientific and informative support, feedback and adequate reaction to the changes in the work environment;

2) enhancement of the capacity and efficiency of the State monitoring and control mechanism;

3) introduction in practice of the preventive culture in the public and undertakings, increasing the knowledge and awareness of the public, particularly employers and employees, regarding labour protection issues; and

4) improvement of working conditions by legislative and other initiatives by promoting social dialogue, reducing administrative requirements for undertakings and providing the employers and employees with motivation to conform to the requirements of regulatory enactments.

Almost LVL 16 million (15 844 470) are necessary from the State budget for implementation of the Strategy, including:

in 2008 (the current year) – LVL 1 679 970;

in 2009 – LVL 3 413 140;

in 2010 – LVL 2 808 700;

in 2011 – LVL 2 606 620;

in 2012 – LVL 2 666 160; and

in 2013 – LVL 2 669 880.

However, according to the calculations of foreign experts, the losses caused to Latvia by accidents at work and occupational diseases (according to the data of 2005) per year are approximately LVL 29 million.

Thus upon reaching the objective specified in the Strategy – to reduce the number of persons who die at workplaces by 30 % (by 2013) – approximately LVL 25 million would be saved in the State budget, which would be lost if the existing level of lethal accidents would remain during the implementation period of the Strategy (compensations to the relatives of

deceased persons, lost income provided by one employee on average (taxes, value produced, etc.)).

The achievement of the objectives specified in the Strategy will be ensured, using the European Union Structural Funds, as well as the resources of the State budget.

The Ministry of Welfare will develop two programmes for the development of the labour protection field for the achievement of the objectives specified and the problems identified in the Strategy – by 1 June 2008 (for the time period from 2008 to 2010) and by 1 April 2011 (for the time period from 2011 to 2013), determining specific measures, the performance deadlines of measures and the responsible institutions.

In order to evaluate the progress of implementation of the Strategy, a comprehensive research on working conditions and risks in Latvia will be conducted in the middle (in 2010) and at the end (in 2013) of the period of operation of the Strategy. On the basis of the results of the research the Ministry of Welfare shall prepare an informative report to be submitted to the Cabinet by 1 July 2011, and an evaluation report on implementation of the Strategy to be submitted by 1 July 2014.

Minister for Welfare

I. Purne