

European Conference
„Enhancement of the Harmonisation of Applicant Countries with OHS EU directives”

Aldona Sabaitiene
Senior specialist of Labour Conditions
Division
Ministry of Social Security and Labour
Lithuania

General information about Occupational health and safety system in Lithuania

Public administration of safety and health at work

The Ministry of Social Security and Labour and the Ministry of Health Care shall, within their power, implement the state policy in the area of safety and health at work in accordance with the Constitution of the Republic of Lithuania, the laws of the Republic of Lithuania, Resolutions of the Government of the Republic of Lithuania and other legal acts.

The Minister of Social Security and Labour himself or together with another minister or ministers shall approve legal acts on safety and health at work, establish the procedure for their entry into force and application, and represent interests of the Republic of Lithuania related to safety and health at work in other countries and in international organisations.

Safety and Health at Work Commission of the Republic of Lithuania

In order to co-ordinate the interests of the state, workers and employers in the sphere of safety and health at work, the Safety and Health at Work Commission of the Republic of Lithuania (hereinafter referred to as Safety and Health Commission) shall be established, on the principle of tripartite co-operation of social partners (parties). The procedure for the formation of this Commission and its functions shall be established by the Regulations of the Safety and Health at Work Commission, which shall be approved by the Government of the Republic of Lithuania.

Territorial safety and health commissions and safety and health commissions in separate sectors of economic activities

1. For the purpose of the implementation of the state policy on safety and health at work, the investigation of prevention of violations of safety and health requirements in undertakings, the County Territorial Safety and Health Commissions shall be established in counties, based on the principle of tripartite co-operation of social partners. The procedure of the establishment, formation and the competence of the Commissions shall be laid down by the Minister of Social Security and Labour and the Minister of Health Care.

2. On the initiative of national associations of employers in a relevant sector of economic activities and (or) national associations of relevant trade unions Sectorial Safety and Health Commissions may be established based on the principle of the bilateral co-operation of social partners.

Powers and rights of county governor and local authority institutions in the area of safety and health at work

1. County Governors shall, on the basis of general regulations of the Territorial Safety and Health Commissions approved by the Minister of Social Security and Labour, appoint representatives to the Territorial Safety and Health Commission.

2. Municipal Council, with the prior consent of undertakings, shall have the right to prepare and approve general programmes or measures for the improvement of safety and health at work and to allocate funds for their implementation.

Responsibility of the employer to ensure workers' safety and health at work

The responsibility of the employer is to ensure safety and health of workers at work in all aspects related to work. In carrying out this responsibility, the employer shall take measures necessary to ensure safety and health at work of workers at work. All measures of safety and health at work in undertakings shall be financed by the employer himself.

Safety and health services in undertakings

1. In order to ensure safe and sound working conditions, the employer shall establish in his or her undertaking a safety and health service, consisting of one or more specialists in safety and health at work. If there are no specialists in safety and health at work in the undertaking, the employer shall enlist an external safety and health at work service or one or more competent persons (from outside the undertaking) to perform the said functions. In any case the number of designated or enlisted specialists must be sufficient, taking into account the size of the undertaking and occupational risk of workers, for organising preventive measure related to safety and health at work. The employer has the discretion to decide as to establishment of either a common safety and health service in the undertaking or a separate safety at work service and employment medical service.

Duties of the employer in ensuring safety and health of workers at work:

1. When implementing his duties the employer shall :
 - 1) ensure the conformity of the facilities of the undertakings housing workplaces, workstations, work equipment, and the working environment with the requirements established in legal acts on safety and health at work;
 - 2) organise the evaluation of the safety and health at work situation and preparation and implementation of measures to improve it, the filling of the Safety and Health at Work Status Card in the Undertaking and as necessary, annual updating of this card;
 - 3) having evaluated the safety and health at work situation in the undertaking, decide on the choice of collective and / or personal protective equipment, provide with them the undertaking, workstations and workers, organise verification of such equipment, provide workers with safe work equipment, introduce safe work and technology processes, fit out ancillary facilities in conformity with the requirements of legal acts on safety and health at work;
 - 4) ensure that the workers receive comprehensive information concerning the organisation of safety and health at work in the undertaking, the existing or possible occupational hazards, the existing measures for elimination or prevention of hazards, as well as information on the findings of the inspections of the undertaking by the State Labour Inspectorate;
 - 5) approve safety and health at work instructions and job instructions of workers or job descriptions of civil servants, fulfil obligations undertaken under collective agreements concerning improvements in safety and health at work;
 - 6) organise training, instruction and qualification testing of workers in safe work by instructing workers on safety and health at work requirements and legal acts on safety and health at work binding on them and regulatory acts on safety and health at work in the undertaking- on recruitment, transfer to another job, change in the organisation of work, introduction of new or modernised work equipment and technologies, amendment or adoption of new legal acts on safety and health at work, and in other cases established in legal acts on safety and health at work;
 - 7) provide conditions for proper functioning of safety and health service, safety and health committee
 - 8) ensure the compliance of the organisation of working time and rest periods with the requirements of the Law on Labour Protection and other legal acts on safety and health at work, organise work on physiologically justified schedule of working time and rest periods, organise filling of records on actually worked time;
 - 9) provide conditions for workers' compulsory health surveillance, organise first aid and medical services
 - 10) transfer workers (with their consent) to another job upon the conclusions of a medical-social expert commission or health care institution which has examined the worker's health ;
 - 11) inform the State Labour Inspectorate about the commencement of operations of an undertaking or its subdivisions;
 - 12) insure the workers against accidents at work and occupational diseases in compliance with established procedures;
 - 13) in accordance with the procedure set in the Regulations on the Investigation and Registration of Accidents at Work and the Regulations on the Investigation and Registration of Occupational Diseases approved by the Government of the Republic of Lithuania, report

accidents at work and occupational diseases to relevant government bodies, provide conditions for the investigation of accidents at work and occupational diseases;

14) control how workers fulfil safety and health requirements.

2. The employer shall also be obliged to:

1) in accordance with the procedure set in the Regulations on the Investigation and Registration of Accidents at Work and the Regulations on the Investigation and Registration of Occupational Diseases, organise the registration of accidents at work and occupational diseases by compiling lists of workers who, due to accidents at work or contracted occupational disease, lost their functional capacity for not less than three days and lists of workers who, due to accidents at work and contracted occupational disease, were not capable to work for less than three days, and ensure the registration of incidents where no workers were injured;

2) on a worker's request, issue certificates on his job and employment relations in the undertaking at no cost to the worker.

Workers' obligations

1. It shall be the responsibility of each worker to comply with the requirements for safety and health at work and take care of his own safety and health and of that of other workers in accordance with his knowledge and the instructions given by his employer. To this end workers must:

1) use work equipment in accordance with safety requirements laid down in the technical documentation and in the instructions on safety and health at work;

2) use correctly the collective and / or personal protective equipment;

3) refrain from disconnecting, changing or removing arbitrarily safety equipment fitted in work equipment and in other devices, in the buildings and territory of the undertaking, to make correct use of the said equipment and inform the employer and / or head of the subdivision and a workers' representative about any failures of the said equipment;

4) immediately inform the employer, head of the subdivision, workers' representative, safety and health service and safety and health committee of any work situation in workstations, working premises or working areas which they have considerable grounds to consider likely to pose danger to the safety and health at work, and to inform the employer or head of the subdivision about any violations of safety and health at work which he may not or must not eliminate himself;

5) co-operate with the workers' representatives, members of safety and health services in the undertaking, the head of the subdivision in implementing the safety and health at work requirements and carrying out the measures;

6) within their possibilities and competence, take measures to remove risks which may cause traumas, acute poisoning or accidents and immediately inform the head of the subdivision and the employer thereof;

7) inform head of the subdivision and the employer about the traumas and other health disorders related to work;

8) undergo medical surveillance;

9) carry out lawful instructions of the employer, head of the subdivision and officers responsible for the control of safety and health at work in the undertaking.

2. Specific workers' obligations in safeguarding their own health and life and that of other workers shall be established: for workers who use work equipment - in the instructions on safety and health at work, for other workers - in job instructions.

Workers' Rights

Workers shall have the right:

1) to demand that the employer should ensure safety and health at work, install collective protective equipment, supply with personal protective equipment;

2) to receive information from the head of the subdivision, the employer about hazardous and /or dangerous factors in the working environment;

3) to have access to the conclusions of the initial and periodical health surveillance and being not satisfied with the surveillance results, to repeat health surveillance;

4) to negotiate, directly or via a workers' representative, with the employer regarding the improvements of safety and health at work;

5) to refuse to work in the event of danger to safety and health at work;

6) to require, in accordance with the procedure established by law, to be compensated for the damage to health caused by unsafe working conditions;

7) to address head of the subdivision, the employer, safety and health service, a workers' representative, the trade union, safety and health committee and the State Labour Inspectorate or other state institution on the issues of safety and health at work.

Liability of employers and workers

1. Employers whose acts or omission constitute a violation of legal acts on safety and health at work and who, therefore, fail to ensure safe and healthy working conditions shall be liable under the law.

2. After investigations of accidents and occupational diseases and establishment of circumstances and causes thereof, the employer's liability for the safety and health of workers at work may be limited or he may not be held liable altogether if the worker was injured or contracted an occupational disease due to unusual circumstances which were beyond the employer's control or due to extraordinary events the consequences whereof could not be avoided despite the exercise of all due measures.

3. The employer shall not be held liable for accidents to or from work.

4. The employer's liability for failure to ensure safety and health at work may be limited upon the evaluation of all the measures taken by the employer in the manner prescribed by Article 36 of this Law.

5. The employee who has violated the legal acts on safety and health at work or the regulatory acts on safety and health in an undertaking with which he was familiarised shall be held liable under the law.

The mission of the Ministry of Social Security and Labour is to develop and implement an effective system of social assistance, social insurance and labour, harmonised with the EU standards, in order to enhance social security of Lithuanian residents.

Social security and labour policies play an increasingly important role in a modern society based on market relations. In the Republic of Lithuania social security and labour policies are the responsibility of the Ministry of Social Security and Labour.

The Ministry of Social Security and Labour jointly with institutions subordinate to it, municipalities, social partners, NGOs and other stakeholders, implements a function that is vitally important for each individual - one's labour and social security. Activities related to labour and social security have acquired great importance under market economy conditions and in the process of the EU integration. The Ministry of Social Security and Labour plays a leading role in this area.

The Ministry of Social Security and Labour has set the following strategic objectives in order to accomplish its mission:

- Assist residents in their integration into the labour market and ensure fair employment relations and safe work conditions.
- Strive for effective social assistance and ensure social integration of socially vulnerable population groups.
- Achieve and maintain balanced social insurance system and prepare for the pensions reform by introducing pensions funds and at the same time ensuring stability of payment of current social insurance benefits.

To attain its strategic objectives the Ministry of Social Security and Labour carries out the following tasks:

- Drafts laws of the Republic of Lithuania, resolutions of the Government of the Republic of Lithuania and other legal acts within the scope of its competence;
- Implements labour market, labour market vocational training policy, health and safety at work policy and labour remuneration policy;
- Implements the State policy on social assistance and social guarantees for low income residents;
- Implements the policy on social assistance and labour of children, youth, families;
- Sets the main trends for social integration of the disabled and manages their social integration process;
- Implements the State social insurance and pensions policy;
- Analyses the policy on social security and labour, social groups policy, economic justification of policies; forecasts basic social indicators;
- Implements labour and social policy and, within the scope of its competence, policy of equal opportunities for men and women in the context of Lithuania's integration into the European Union;
- Co-ordinates implementation of the policy of equal opportunities in all areas of activities;
- Co-ordinates preparation for administration of assistance of the EU structural funds to develop human resources;
- Co-ordinates tripartite cooperation of social partners and implementation of social policy in all areas;
- Ensures functioning, regulation and improvement of the State social insurance, social support and labour system.

Safety and health at work means all preventive measures intended for the preservation of functional capacity, life and health of workers at work, which are applied or planned in all stages of an undertaking's activity in order to protect the workers from occupational risks or to minimise this risk.

Each worker must be provided appropriate, safe and healthy working conditions, which would satisfy the official requirements determined in the legal acts concerning safety and health at work.

Working conditions means working environment, nature of work, and schedules of work and rest periods, which have direct impact on the worker's condition, functional capacity, and health.

The Ministry of Health carries out the functions of state administration in the sphere of health care commissioned to it by laws and other legal acts, as well as implements the state policy in that sphere.

The main goal of the Ministry of Health is to take care of the health of the population of the Republic of Lithuania, to promote, recover and strengthen it.

The Ministry of Health, in carrying out the task assigned to it:

- shall prepare, within its competence, drafts of laws of the Republic of Lithuania, resolutions of the Government and other legal acts;
- shall analyse the needs of activity of improving health status of the population, its health status and related prognosis, the resources of health care, the accessibility, acceptability and suitability of health care and shall plan the activity of improving the health status of the population on the state level;
- shall draw up the main guidelines and priorities for the development of the national health care system in Lithuania, licence and accredit health care and pharmaceutical activities, issue permits (licences) to engage in treatment activity, hygienic and pharmaceutical activity, and in the cases provided for by laws – to also in other professional activity;
- shall formulate and carry out the policy of the Government of the Republic of Lithuania in the sphere of improving health status of the population of Lithuania;
- shall organise and co-ordinate a rational provision of the population of Lithuania with basic medicines and medical means, shall collect and analyse information about drugs, compile the balance of drug supply and demand, regulate the supply of drugs by means of legal measures, register drugs and control the conditions of pharmaceutical activity;
- shall establish prices of paid health care services that are rendered by health care institutions, as well as establish the addition of price when trading in drugs, medicinal substances, health care means and costs of the manufacture of medicines in drug-stores, exert control over drug prices and the norms of expenditure on acquiring medicine in state health care institutions;
- shall develop and co-ordinate the relations of the institutions of the health care system of Lithuania with corresponding institutions in foreign countries and international organisations, co-ordinate and control technical and material assistance provided to the health care system of Lithuania by foreign countries, carry out the activity of harmonising legal acts within its competence and other activity related to the integration into the European Union;
- shall organise the distribution of health information and health promotion through the mass media;
- in the established procedure shall investigate applications, complaints and proposals of the inhabitants that are within the province of the Ministry and take necessary measures in order to resolve the issues raised therein;
- shall carry out other functions provided for in the laws and resolutions of the Government of the Republic of Lithuania.

National Labour Inspectorate of Lithuania (further referred to as NLI) is a national control institution functioning at the Ministry of Social Security and Labour. There are currently 162 labour inspectors at the NLI, including 107 with technical, 38 – with legal and 17 with medical background. The main task of the NLI is to control the implementation of legislation regulating occupational health and safety matters, labour

relations, prevention of infringements at enterprises, and to control how the said legislation is observed by enterprises providing advice to employers and employees.

Since 1 January 2001 the obligatory requirements on health and safety matters are fully based on EU Law, because the old legislation is no longer in force.

The development of the NLI institutional capacity is provided in the table below:

	19 93	19 94	19 95	19 96	19 97	19 98	19 99	200 0	200 1	200 3*
Staff in total:	46	92	13	20	21	22	22	234	245	272
E. Including labour inspectors	42	75	0 12 4	3 13 5	7 13 8	4 14 6	6 14 9	162	173	200
No of computerised work places.	1	2	22	22	26	31	79	95	135	150
Control unit for laboratory equipment in use	-	2	4	4	4	43	70	70	70	70
No of cars in use	2	4	19	20	20	23	23	23	23	28
Provision of premises in thousand square metres	0,2 5	0,3 2	1,3	1,3	1,4	2,5	2,5	3,18	3,24	3,6

Institutional capacities of the NLI have been significantly increased during the period of 1995 – 1996, due to budgetary allocations of more than 1 mln. Litas for the implementation of the National Programme on health and safety, approved by the Government of Lithuania in 1995. The development was further greatly influenced by the assistance received under the Phare Programme in 1999 under the project “Strengthening the development of institutional capacities at the NLI”. Continuation of the development of NLI institutional capacities is foreseen in the Phare Twinning project and the National Programme on health and safety to be approved by the Government this year.

Organisation of activities at the NLI

Inspections

According to the settled order the Ministry of Social Security and Labour points out to NLI long- and short-term tasks and main priorities of activities.

There are three main directions in the activities of the NLI:

- Safety at work
- Occupational health
- Labour relations.

Having in mind that one labour inspector in Lithuania covers from 8 to 10 thousand workers, the main attention is given to effective use of human factors. Active inspection is planned and carried out on the initiative of an inspector and referring to the general

programme of NLI activities. Reactive inspections as well as investigation of causes and circumstances of accidents and ill-health at work are carried out as required.

Within the year of 2000 labour inspectors managed to carry out inspections in 11,9 thousand undertakings or approximately 8% of all economic entities registered with the Department of Statistics, including repeated inspections of 1312 enterprises during the previous period of 12 months. 62 undertakings were checked in the night time and 148 - upon the request of trade unions.

Annual plan of activities

The Ministry of Social Security and Labour define annual tasks for the NLI in a special order.

The NLI planning system provides for a continuous link of the plans in the headquarters with the plans of the units and individual inspectors, reflecting the defined areas of priority and corresponding distribution of resources and measures for controlling the fulfilment of the plans.

The draft activity plan of the NLI is always adjusted with the units.

From 1999 annual plans are made up by using programming method in drafting long-term programmes, lasting over one year, and short-term programmes for the current year.

Three long-term programmes and 6 programmes for one year were prepared for implementation in 2000 and were individually tailored to solve specific problems. Tasks for each programme are set with regards to the main goals and in accordance with the priorities of activities as defined by the Ministry of Social Security and Labour.

Principal priorities for the activities in 2001 implementing the goals defined by the Minister of Social Security and Labour are the following:

- A. In the sphere of preventive measures against infringements of health and safety at work, accidents and occupational ill-health:
- Implementation of long-term programmes in 1999 – 2003 (“Prevention of accidents at work because of falling from the height”; “Introduction of the internal control system in the working environment”);
 - Investigation of accidents at work and occupational diseases, analysis of the causes and proposals for avoiding similar cases;
 - Inspection of undertakings, giving priority to those involved in processing industries, agriculture, forestry, construction, transport and loading, power supply, car repair and technical supervision, mining and quarry-pits, also to such enterprises, where 2 or more serious or lethal accidents took place within previous three years.
- B. In the sphere of carrying out control on observance of labour law and prevention against infringements:
- Control on observance of legal acts regulating payments for work;
 - Control on registration of labour relations, concluding and terminating labour contracts, illegal work;
 - Control on time for work and rest, summary calculations of overtime work;
 - Control on working conditions for young persons;

- Control on equal treatment of workers irrespective of gender disparity;
 - Drafting proposals with a view to making amendments or supplementing legal acts on occupational health and safety of workers and labour code;
 - Investigation of workers' claims and requests, in joint efforts, where necessary, with the trade union representatives.
- C. In the sphere of preparations to the EU membership:
- Information and consultation of employers and employees as well as trade unions representing them on new legislation adopted in accordance with the EU requirements on occupational health and safety of workers and regulating labour relations;
 - Control of implementation of the new legislation on health and safety and labour relations;
 - Participation in providing training and consultations to employers and employees on the implementation of legislation regulating health and safety and labour relations;
 - Developing labour organisation and improving the efficiency of inspections;
 - Increasing the efficiency of inspections by introducing rotation of inspectors;
 - Improving the structure of NLI rationally regulating the functions of units and employees;
 - Improving planning of work by introducing computerised system for classification of enterprises (rating);
 - Making analysis of inspectors' work load and used working time, assessment of activities;
 - Sharing of good experience among the units and labour inspectors.
- D. In the sphere of developing information and consultation activities:
- Public information on health and safety conditions and observance of legislation at enterprises, NLI activities, providing consultations to individual citizens as well;
 - Providing comprehensive and urgent information to labour inspectors on NLI activities;
 - Information and consultation of employers, health and safety specialists, employees and trade unions on health and safety issues and implementation of respective legislation;
 - Developing co-operation with social partners.
- E. In the sphere of organising training and skills upgrading of labour inspectors:
- Implementation of programmes supported by other countries;
 - Consistent and systematic practical training in territorial units with own resources of the NLI;

Priorities are being established with regards to:

- Indexes of accidents at work and occupational diseases (referring to numbers, causes, dynamics, tendencies);
- The general status of working environment at an enterprise according to the assessment made by labour inspectors during visits to the undertaking.
- Tasks and goals set by the Government and the Ministry of Social Security and Labour;
- The level of danger at an enterprise due to equipment, technologies and materials used;
- Wishes and requests of social partners.

Each labour inspector is obliged to improve his personal qualification in accordance to the set requirements on qualification for respective duties. Duration of training for skills improvement on the account of the NLI within the period of two years shall not be less than 15 days and no longer than 30 days. Means for upgrading qualification are provided for in the annual budget of the NLI and cannot be used for other purposes.

Labour inspectors may improve their qualification at various scientific and training institutions, participating in planned, additional and targeted seminars, workshops or study visits organised by Lithuanian or foreign experts. Labour inspectors upgrade their knowledge in the acquired specialisation at respective scientific and training institutions. Planned seminars, practical workshops and study visits are being organised in accordance with the annual plan of activities of the NLI. For this purpose a specific training programme (of 17 weeks) for labour inspectors has been prepared.

Information/Instructions to inspectors

Information to labour inspectors is delivered orally and in writing either directly at work or during various events.

The following ways of providing information are being used:

- Meetings;
- Seminars on theory;
- Practical workshops;
- Letter of information "Safe work"
- E-mailed newspaper "Headquarter's News" (started on 7 February 2000 with 50 editions per year)
- Questionnaires – recommendations
- The system of information technologies.

With the view to ensure the quality of inspections methodical recommendations are drafted on specific issues and check-lists (questionnaires) - for targeted checks. Specialised seminars are being organised on specific issues, as for example, on the investigations of accidents at work, working on heights, occupational ill-health, control of illegal work, etc.

Each year labour inspectors are provided with up-dated collection of legal/standard acts. Standard acts that are already harmonised with the EU Directives are issued as separate collections. Inspectors may get the most up-dated local and international information by using the Internet from the Information Secretariat on health and safety at the Ministry of Social Security and Labour. Due to insufficient numbers of computers Internet is only available to every third inspector.

Information on the order of inspections has been discussed in the training module "Inspection strategy and management", (PHARE experts provided assistance in preparing the said training module). Training according to this module was delivered for the heads of units, who in their turn organised respective training for labour inspectors in the units. The module provides information on such issues as: methods and ways of inspections, planning of an inspection, the procedure of an inspection, control on the fulfilment of the instructions given by inspectors to employers.

The rights of inspectors to ensure observance of the requirements

Labour inspectors may in the set order by the Administrative Law impose fines on persons who violated legislation on labour law or health and safety regulations, and exercise any other rights as provided for in the Law on NLI and other legislation.

In the legally set order labour inspectors may also make use of compulsory measures:

- In the case of breaching either the labour law, or health and safety or labour hygiene regulations the labour inspector may submit a request to the employer obligating him to eliminate the infringements in the fixed period of time;
- To get explanations either orally or in writing from employers, their authorised persons or employees on the fixed breaches of legislation on labour law, health and safety regulations or any other legal act as well as on non-observance of instructions lawfully given by Labour Inspectorate;
- To give instructions in relation to the design of construction or re-construction of an enterprise or its units as well as on labour means where it turns out that the solutions in the draft designs do not correspond with the requirements on health and safety;
- To ask the employer to make investigation of the working environment;
- Prohibit to use labour and personal protective measures, if they do not correspond with the requirements of the legislation on occupational health and safety, are harmful to the health of workers or cause danger to their life;
- To insist that employer or his authorised person shall stop works where there is inevitable danger to the health or life of workers (where workers had not been trained to work safely, or were not provided with corresponding protection equipment, etc.).

Independence of inspectors

Labour inspectors enjoy autonomy of actions. Neither employers, nor workers, employers' organisations or trade unions, public authorities, politicians, media, the society or any other persons may influence their activities or decisions.

The Law on the National Labour Inspectorate provides for a personal responsibility of the labour inspector. In taking decisions labour inspector may not be influenced by the management of the unit – his decisions may only be appealed either to the Chief Labour Inspector of the Republic of Lithuania, or to the Minister of Social Security and Labour or the Court.

Labour inspectors are civil servants, therefore their activities, rights and duties are regulated by the Law on Civil Servants.

In Lithuania, the following tripartite institution is functioning:

The Commission of Safety at Work, established in 1994 to develop and implement policy in the areas of safety at workplace, co-ordination of interests of employees, employers and the State and regulation of interrelations on the said issues.

The tripartite social dialogue is developed sufficiently at the national level.

At present, four large trade unions centres are operating in Lithuania: Lithuanian Workers' Union, Trade Union Centre of Lithuania, Trade Union Unification and Lithuanian Labour Federation.

The Trade Union Centre of Lithuania was established in 1993. This centre unites 14 trade unions organisations of the branches.

The Trade Union Unification was established in 1992. This organisation unites 12 trade unions organisations of the branches and has about 41.500 members.

The Lithuanian Labour Federation (LDF) counts about 20.000 members at the moment. LDF has 10 branches (Trade union of metal industry workers, Water supply federation, Medical workers trade union, Transport workers trade union, Teachers trade union, Art workers trade union, Journalist trade union, Energetic workers trade union, Agricultural workers trade union, State workers trade union) organised on an industrial or professional basis, and regional organisations in all regions of Lithuania joined directly LDF centre, which majority of organisations are new created trade unions organisations.

The Lithuanian Workers' Union was established in 1989. The LWU unites 50.000 members. The local units of the LWU are set in enterprises and public service organisations. The LWU unites 25 regional trade unions, 10 industrial/occupational federations and Women's Federation.

Employers are represented by two confederations: Lithuanian Industrialists' Confederation and Lithuanian Entrepreneurs Employers' Confederation.

The Confederation of Lithuanian Industrialists (CLI) was created in 1993 after the reorganisation of the Association of Lithuanian Industrialists that was founded in 1989.

Confederation of Lithuanian Industrialists is a non-governmental organisation representing the interests of Lithuanian businessmen and employers. The CLI is an umbrella organisation joining together 36 associations of different industrial branches and 9 regional associations. Among the members of the Confederations are industrial enterprises, banks, retail and wholesale trade companies, subsidiaries of foreign companies, science and research institutions.

Lithuanian Entrepreneurs Employers' Confederation was established in 1999. The Confederation is the largest organisation, which represents the small and medium sized enterprises. The Confederation unites 410 small and medium sized enterprises and 60 regional or sectorial associations of the small and medium sized enterprises.

Information on the newly adopted Law on Health and Safety

The Seimas (Parliament) of the Republic of Lithuania adopted on 17 October 2000 the Law on the replacement of the Law on Labour Protection, the new title of which is the following – the Law on Health and Safety of Workers. Like the Law on Labour Protection, the Law on Health and Safety of Workers provides for the essential requirements on health and safety, sets forth the basic provisions on organising working time and preventive measures for health and safety of young persons, pregnant, recently disabled and breast-feeding women.

The main aim for the replacement of the previous law was to harmonise the provisions of the law with the Framework Directive 89/391/EEC concerning the improvement of

health and safety conditions for workers, as well as with other directives defining the requirements for organising working time, for health and safety of young persons, pregnant, recently confined and breast-feeding women. The first part of the law is in full alignment with the EU directive 89/391/EEC; provisions of the articles in the second part have been approximated with the directive 93/104/EEC concerning organisation of the working time, provisions of the articles in the first section of the third part of the law have been approximated with the EU directive 94/33/EEC concerning protection of young persons at work; provisions of the articles in the second section of the third part of the law have been approximated with EU directive concerning measures to improve health and safety protection of pregnant, recently confined and breast-feeding women.

The new Law takes into consideration practice of the previous Law on Labour protection. The new law considerably expands and supplements provisions concerning occupational risk prevention in accordance to the Framework Directive. It was decided to refuse from obligatory checking of employer's knowledge before starting business, as well as from investigation of accidents by tripartite commissions involving employers' and employees' representatives apart from labour inspectors, and also from extra payments which were provided for in the previous law for work under conditions of increased risk.

The new Law takes into consideration practice of the previous Law on Labour protection. The new law considerably expands and supplements provisions concerning occupational risk prevention in accordance to the Framework Directive. It was decided to refuse from obligatory checking of employer's knowledge before starting business, as well as from investigation of accidents by tripartite commissions involving employers' and employees' representatives apart from labour inspectors, and also from extra payments which were provided for in the previous law for work under conditions of increased risk.

CONCLUSIONS

The safety and health of workers is an important area of labour policy whose objective it is to ensure safe and healthy working conditions by implementing preventive measures intended to preserve the health and life of workers, as well as eliminating or minimising the occupational risk at all stages of the work of an enterprise. This is regulated by the Law on Safety and health at Work and other legal acts.

IMPLEMENTATION OF EUROPEAN UNION OCCUPATIONAL HEALTH AND SAFETY DIRECTIVES INTO LITHUANIAN LAW

Vilmante Miskinyte

Senior specialist of European Integration
and International Co-operation
Department

Gintare Buzinskaite
Senior specialist of Labour Conditions
Division
Ministry of Social Security and Labour
Lithuania

NATIONAL APPROACH CONCERNING THE HARMONISATION PROCESS

NATIONAL PROGRAMME FOR THE ADOPTION OF THE *ACQUIS*

Lithuania signed a Europe (Associated) Agreement on June 12, 1995 with the European Union and lodged an official request for a European Union membership. In 1997 the process of the ratification of this Agreement was completed. Even though the Agreement came into force from February 1, 1998, the preparation to implement its provision was started in 1997. According to this Agreement, the Ministry of Social Security and Labour accepted handling to create proper social security system; to harmonize the laws of Lithuania with European Union requirements in the sphere of protection of employees, including health and safety at work.

Harmonization of legal acts of the Republic of Lithuania was effected by unifying them to the requirements of the European Union law since 1997. Special attention was focused on those European Union legal standards, which are mentioned in the White Paper and where included in the National Law Harmonization Programme. In the sphere of social security and labour, legal acts on occupational health and safety at work are among the most important.

On 31 May 1999, the Governmental European Integration Commission approved a newly structured Lithuania's European Union Accession Programme (the National Programme for the Adoption of the *Acquis* (LEUAP-NPAA)). Since then, this Programme has become the key document in the planning and management of preparation for Lithuania's membership in the European Union. The Programme has been integrated into the strategic management and budget planning systems of the Government. The structure of the Programme received a positive evaluation in the European Commission's Regular Report 1999.

In the beginning of 2000 in accordance with its agenda, the Government of Lithuania drafted an updated version of Lithuania's European Union Accession Programme for the years 2000-2003. Over 40 government institutions at various levels have contributed to the drafting of the Programme. The European Committee under the Government of the Republic of Lithuania has co-ordinated their activities, and elaborated the final Document, which was approved by the Governmental European Integration Commission on 11 May 2000.

The present LEUAP-NPAA reflects the priorities of the Accession Partnership and the Government Programme. The Programme has been elaborated on the basis of the 1998 and 1999 versions, and has taken into account recommendations made by the European Commission in its Regular Reports. The start of European Union membership negotiations and the process of screening, as well as the setting of Lithuania's target date for accession of 1 January 2004, have all contributed to achieving greater efficiency in the planning of integration.

The structure of the Lithuania's European Union Accession Programme remains the same since 1999: the Programme consists of the Descriptive policy part and two action plans: the Law Approximation Action Plan and the Acquis Implementation Action Plan, which are approved by the Government each year.

The first three Chapters (1-3) of the Descriptive part deal with the planning of integration activities related to political and economic criteria, as well as to the criteria concerning Lithuania's ability to assume the obligations of membership. Each sector provides a brief description of the current legal and institutional framework, formulates short-term and medium-term priorities, outlines the plans for approximation of legislation and institutional development, and indicates financial needs. Chapters 4 and 5 provide an overview of plans for strengthening of administrative capacities and financial needs accordingly.

Specific and detailed measures for the transposition and implementation of the *acquis* in each sector are outlined in two Annexes: Law Approximation Action Plan and Acquis Implementation Action Plan. These are complementary instruments for programming and monitoring.

The Law Approximation Action Plan specifies each transposition measure envisaged and the responsible institutions, as well as the dates by which the legislation has to be drafted and adopted.

The Acquis Implementation Action Plan sets out measures concerning organisational matters, institutional building and economic reform, as well as other measures necessary for ensuring full implementation of the *acquis communautaire*.

The Programme is a comprehensive plan of the pre-accession process. It includes both sectorial integration aspects (vertical), and individual policy implementation issues (horizontal). At the same time, the Programme covers all stages of the pre-accession process - transposition of legal acts, institution building, and implementation (investment and finance).

The timetables indicated in the Lithuania's European Union Accession Programme should not be assumed to reflect the position that Lithuania will take in accession negotiations. In view of both the integration process itself and changes in the membership preparation environment, the Programme will be updated and amended regularly.

APPROXIMATION OF OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

Implementing the *acquis* in the field of health and safety at work, Lithuania has transposed the provisions of the framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work, 15 (not counting amending and supplementing ones) individual directives within the meaning of Article 16 (1) of Directive 89/391/EEC and 4 other occupational safety and health directives into national law.

Preparation of new regulations is arranged by two ministries: Ministry of Social Security and Labour and Ministry of Health that implement the state policy in the field of occupational safety and health according to their competencies, as foreseen in the Law

on Safety and Health at Work. The Minister of Social Security and Labour together with other ministers approves occupational safety and health legal acts by orders in which the ministers sets the dates of coming into force and orders of their application.

Social partners – employers and trade unions cooperate in every step in the field of occupational safety and health at work. Representatives of employers and trade unions participate in drafting of legislations in working groups. Legal acts are drafted by the working groups formed from the specialists of relevant ministries, universities, representatives of social partners. Every draft is considered at the Safety and Health at Work Commission of the Republic of Lithuania, which is established at the Ministry of Social Security and Labour on the tripartite basis in order to coordinate the concerns of the state, employers and employees in the field of occupational safety and health. The Commission consists of 15 members in total – representatives of employers' organizations, trade unions and state authorities (5 members each). There are also 10 Regional Safety and Health at Work Commissions established in the districts for the purpose of dealing with the questions of the implementation of the state policy in occupational safety and health field and of the prevention of occupational safety and health violations in the enterprises. Each regional Commission consists of 9 members on the same tripartite basis.

Draft laws are considered at the Three-Party Council of the Republic of Lithuania under the Ministry of Social Security and Labour, which comprises heads of concerned ministries, national organisations of employers and trade unions. This has influence on the understanding and implementation of new regulations.

Every newly adopted legal act is published in the official state information gazette *Valstybės Žinios*, and in periodicals issued by the State Labour Inspectorate. The State Labour Inspectorate monitors the implementation of and compliance with occupational safety and health regulations at companies and ensures a feedback by providing suggestions on the amendment and supplement of the effective regulations.

According to the framework directive 89/391/EEC the Law on Safety and Health at Work (amendment of the Law on Labour Safety) was prepared and passed by the Parliament (Seimas) on 17 October 2000. It came into force on 9 November 2000. The law also transposes principal provisions of the following directives: 93/104/EEC (working time), 94/33/EEC (young people), 92/85/EEC (pregnant workers and workers who have recently given birth or are breast-feeding).

The Law on Safety and Health at Work specifies more exactly the sphere of application, duties and rights of employers and employees, functions of Committees on Safety at Work in undertakings and the procedure for investigating occupational accidents and occupational diseases, provides for general principles of ensuring safety and health at work in the undertaking on the basis of risk assessment. The Law has been supplemented with the provision on the institution of the representatives authorised by the employees, the rights and duties of these representatives have been established.

New by-laws on the co-operation of social partners, inside control of health and safety matters in the enterprises, and training on health and safety matters were prepared and adopted after coming into force of the Law on Safety and Health at Work.

Since 1 January 2003 the Labour Code that was adopted by the Parliament on 4 June 2002 came into force. The main task of it is to reform the labour law and legitimate the unified codified source of the labour law. The Labour Code transposes the main provisions of corresponding EU directives and consists of three parts: General

Provisions, Collective Labour Relations, and Individual Labour Relations. In the Part III Individual Labour Relations there are chapters on Safety and Health at Work, Working Time, and Rest Time. At the end of 2002 new version of the Law on Safety and Health at Work was prepared, as all health and safety at work regulations have to be justified according to the Labour Code. It was decided to exclude the part on working time from the Law on Safety and Health at Work. The new version of Law on Safety and Health at Work is being considered at the Parliament.

According to all 15 individual directives within the meaning of Article 16(1) of the framework Directive 89/391/EEC these national legislative acts were prepared and adopted by the orders of corresponding ministers:

In 1998

- General Regulations on the Instalment of the Workplaces (came into force since 01/01/2000 for the new workplaces and since 01/01/2001 for the existing workplaces),
- Regulations of the Provision of Employees with Personal Protective Equipment at the Workplace (came into force since 01/01/1999),
- General Regulations of the Manual Handling of Loads (came into force since 01/01/1999),
- Regulations of the Instalment of Workplaces at the Construction Sites (came into force since 01/07/2000),
- Minimum Requirements of the Safety and Health at Work in the Mineral-Extracting Industries (came into force since 01/07/1999);

In 1999

- General Regulations on the Use of Work Equipment (came into force since 01/01/2001 for the new work equipment and will come into force from 01/01/2004 for the existing work equipment),
- Hygiene Norm HN 32:1998 "Work with Display Screen Equipment. Health and Safety Requirements" (came into force since 01/06/1999),
- Regulations on the Use of Safety and/or Health Signs at the Workplaces (came into force since 01/01/2002),
- General Regulations of the Safety and Health Requirements for Work on Board Fishing Vessels (came into force since 01/01/2002 for the new vessels and will come into force from 01/01/2004 for the existing vessels);

In 2000

- Regulations on the Safety of Workers Potentially at Risk from Explosive Atmospheres (came into force since 01/01/2001),

In 2001

- Regulations on the Protection of Workers from Risks Related to Exposure to Biological Agents at Work (came into force since 01/01/2002),
- Regulations on the Protection of Workers from Risks Related to Chemical Agents and
- Regulations on the Protection of Workers from Risks Related to Carcinogens and Mutagens (both came into force from 01/01/2003 together with the Order of Classifying Chemical Substances and Preparations).
- Hygiene Norm HN 23:2001 Concentration Limit Values of Hazardous Chemical Substances in the Working Environment Atmospheres. General Requirements (came into force since 01/01/2002) Hygiene Norm consists of binding national occupational exposure limit values.

In 2002

- Supplement of the General Regulations on the Use of Work Equipment according to the EU Directive 2001/45/EC supplementing the Directive 89/655/EEC on work equipment (will come into force from 01/01/2006),
- List of prohibited jobs and dangerous factors for pregnant women, women who have recently given birth or are breastfeeding (came into force since 03/08/2002).

It is planned to prepare Regulations on the Protection of Workers from Risks Related to Vibration in the 2nd half of 2003 according to the EU Directive 2002/44/EC on vibration and Regulations on the Protection of Workers from the Risks Related to Exposure to Noise in 2004 according to the EU Directive 2003/10/EC on noise.

On the basis of Article 4a of the Directive 89/655/EEC (work equipment) the amendment of the Law on the Supervision of Potentially Dangerous Equipment was prepared and passed by the Parliament (Seimas) on 3 October 2000 (came into force on 26 October 2000). The Law was adopted seeking to ensure safety of work equipment and taking into account a long-term practice of the countries of the European Union. It sets the framework for the supervision of safety of potentially dangerous equipment. The adoption of the Law created preconditions to separate functions of supervision and control. According to the Law authorised public institutions carry out the technical control of compliance of the equipment with safety requirements. This provision decreased budgetary expenses as public institutions are not financed from the budget and have to maintain themselves from the resources received for the services of compulsory supervision rendered to the owners of potentially dangerous equipment. Technical Supervision Service under the Ministry of Social Security and Labour was reorganised into public institution out of budgetary institution on 1 January 2001.

To implement this Law the List of Categories of Potentially Dangerous Equipment and the Procedure for Granting Authorisation to Public Institutions to Test the Technical Condition of Potentially dangerous Equipment were prepared and adopted by the Government on 29 June 2001. Also, state institutions responsible for organising supervision of potentially dangerous equipment were appointed. The List of Potentially Dangerous Equipment (indicating their parameters) that are Supervised by the Institutions Testing their Technical Condition and Registered at the State Register was prepared and approved by the order of the Minister of Social Security and Labour on 26 September 2001. Three public institutions were granted the authorisation to test the technical condition of potentially dangerous equipment. The Regulations of the Register of Potentially Hazardous Equipment were prepared and adopted by the Government resolution on 9 May 2002. The State Labour Inspectorate was nominated as the manager of the Register. Technical capacities for the establishment of the register in the State Labour Inspectorate were built in 2001. All Potentially Hazardous Equipment has to be registered in the State Register until 1 January 2006.

Implementing separate occupational safety and health European Union Directives these legal acts were prepared:

In 1998

- Rules on Work with Asbestos (came into force since 01/01/1999),
- Rules on Protection of Employees from Contacts with the Monomer of Vinyl Chloride (came into force since 01/07/2000).

In 1999

- Regulations on the Protection of Workers from the Risks Related to Exposure to Noise at Work (came into force since 01/01/2002)

In 2001

Minimum Requirements for the Improved Medical Treatment on Board Vessels (will come into force from 01/01/2004)

In summary, almost all occupational safety and health legal acts are already prepared in Lithuania. Most of them are in force. Minimum Requirements for the Improved Medical Treatment on Board Vessels will come into force from 1 January 2004, General Regulations on the Safety and Health Requirements for Work on Board Fishing Vessels will fully come into force from 1 January 2004, and General Regulations on the Use of Work Equipment will fully come into force from 1 January 2006.

STATE PROGRAMME OF SAFETY AND HEALTH AT WORK

Seeking to improve the conditions of safety and health of workers the State Programme of Safety and Health at Work was adopted on 22 May 2002. It obligates, after assessing the conditions of safety and health of workers, to prepare and implement preventive measures of accidents at work and occupational diseases in 2002-2003.

The programme provides for the following:

- to improve the legal basis of safety and health of workers, first and foremost, by preparing legal acts regulating the assessment of a professional risk;
- to conduct studies of the condition of safety and health of workers and on the basis of these studies, with the participation of social partners, to prepare and implement measures for improvising workplaces and work equipment;
- to improve legal acts regulating the safety and health training system and to reorganise the procedure for training specialists on safety and health of enterprise workers and other workers in the sphere of safety and health;
- to improve the system of management of safety and health of workers, to strengthen state institutions and establishments of safety and health of workers.

In implementing the programme, co-operation of social partners in the sphere of improving safety and health of workers will further be developed. The measures planned will help the employers ensure safety and health of workers from all aspects related to work, and will provide the possibility for the workers to use the right enshrined in the Constitution of the Republic of Lithuania to have safe and healthy working conditions. The implementation of the Programme measures will create preconditions to completely fulfil obligations of the Republic of Lithuania assumed to the European Union in the sphere of safety and health.

OCCUPATIONAL SAFETY AND HEALTH CONTROL AND CONSULTING

The State Labour Inspectorate is executing the prevention of violations of legal acts regulating safety and health at work in enterprises through the function of control of how these legal acts are followed. The main function of the State Labour Inspectorate is to control how the provisions of labour relations and occupational safety and health legislation are being implemented in the enterprises.

Another function of the State Labour Inspectorate is to consult workers, trade unions, employers, services at the enterprises on the questions of the requirements of occupational safety and health, implementation of labour law and collective agreements and contracts. The State Labour Inspectorate pursue this function by consulting persons addressing the State Labour Inspectorate and by spreading the information through the Internet, where all persons concerned with the information can find data about the State Labour Inspectorate, occupational health and safety legislation and its application, occupational health and safety condition in the country, events and publications. Inspection divisions of the State Labour Inspectorate in the centres of the districts deliver lectures at the enterprises according to the schedule set out in advance, consult employers and employees, social partners` organisations.

In order to properly implement the *acquis* in the field of occupational safety and health, the number of the labour inspectors of the State Labour Inspectorate was increased from 174 in 2001 to 187 in 2002 year.

ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

Main provisions on accidents at work and occupational diseases are set in the Law on Safety and Health at Work. In implementing it the Regulations of Investigating and Taking Account of Accidents at Work as well as the Regulations of Investigating and Taking Account of Occupational Diseases were adopted by the Government resolutions in June 2001. Both regulations have replaced old ones and come into force since summer 2001.

ACCIDENTS AT WORK

In Lithuanian law accidents at work and accidents on the way to/from work (thereinafter accidents at work) are classified according to their consequences, number of workers injured, and relation to work.

According to their consequences accidents at work are classified into:

- minor accident at work: an event during which a worker suffers a trauma and loses functional capacity for at least one day and which is not classified as a serious accident at work;
- serious accident at work: an event during which a worker suffers a trauma which poses risk to his or her health and/or life. Specific features which classify a trauma as serious are approved by the Ministry of Health Care;
- fatal accident at work: an event during which a worker suffers a trauma which poses a risk to his or her health and/or life and in consequence of which the worker dies immediately or some time later.

According to the number of workers injured accidents are classified into single accidents at work (one worker injured) and group accidents at work (more than one worker injured).

According to the relation to work accidents at work are classified to:

- related to work: an incident which after the investigation is established to have taken place in the course of performing work agreed upon in the employment contract or other work assigned by or with the consent of the employer, or on the way to work or from

work, or an event which takes place on the way to or from work shall be considered an accident at work;

- not related to work: an incident when after the investigation it is established that the worker consciously tried to kill or injure himself/herself; that the worker suffered from violence the circumstances and reasons of which are not related to work, that the worker was committing a criminal offence or that the worker was performing a task arbitrarily (without the consent of the employer) in pursuit of his own goals.

All undertakings shall apply a uniform and obligatory procedure for the investigation of accidents at work established by the Law and the Regulations for Investigation and Registration of Accidents at Work. All accidents at work must be investigated; the investigation results must be recorded in the reports of prescribed form and registered according to the established procedure.

Minor accidents at work are, by order of the employer or other executive document, investigated by a bilateral commission consisting of a representative/representatives of the employer and the workers. The worker who is the victim of the accident may participate in the investigation of the accident at work.

Serious and fatal accidents at work are investigated by the State Labour Inspectorate with the representatives of the employer and the workers participating. While investigating the accident at work, the State Labour Inspectorate shall ascertain the causes and circumstance of the accident at work, suggest measures for the elimination of causes of similar accidents.

An accident at work which caused the death of three or more workers are investigated by a commission whose chairman is the Chief State Labour Inspector of the Republic of Lithuania and members - Deputy Chief State Labour Inspector of the Republic of Lithuania, head of the territorial division of the State Labour Inspectorate and two labour inspectors from the division. Representatives of the employer and workers shall also take part in the investigation.

Investigation reports of all accidents at work are preserved and registered at the State Labour Inspectorate.

74 fatal, 145 serious, 2311 minor accidents, which were established to have been related to work, occurred in Lithuanian enterprises in 2002. The figures do not exceed the average numbers of accidents at work during the last 5 years. The average numbers are 76, 154, and 2311 correspondingly.

OCCUPATIONAL DISEASES

In Lithuanian law occupational diseases are classified according to the time of manifestation and the symptoms of a disease:

- chronic: a health disorder of a worker caused by one or more hazardous and/or dangerous factors in his or her working environment within a certain time period.
- acute: an acute health disorder of a worker caused by a short-term (single or repeated during the working day) exposure to a factor/factors in the working environment having an acute effect.

A suspected occupational disease is diagnosed for a worker who is or was employed in the undertaking by a doctor who has a licence to engage in these activities, in

accordance with the Regulations for the Investigation and Registration of Occupational Diseases and the List of Occupational Diseases.

The causes of the occupational disease are investigated by the commission for the investigation of occupational disease, which shall also diagnose the disease as an occupational disease. The commission consists of the state labour inspector (acting as commission chairman), a representative of the territorial institution of public health care and the doctor who suspected the occupational disease. Representatives of the employer and workers shall also be taking part in the investigation.

Disputed issues relating to the diagnosing of occupational diseases are settled by the Central Occupational Medicine Experts Commission the regulations and compositions of which are approved by the Ministry of Health Care.

Acute occupational diseases which resulted in the death of three or more workers shall be investigated by a commission whose chairman is the Chief State Labour Inspector of the Republic of Lithuania and members - the Deputy Chief Hygiene Specialist of the Republic of Lithuania, head of the territorial (inspection) division of the State Labour Inspectorate, one representative of the State Labour Inspectorate and one representative of the Public Health Care Service of the territorial institution. Representatives of the employer and the workers shall also participate in the investigation.

Occupational diseases are registered in the State Register of Occupational Diseases at the Labour medicine Centre.

801 cases of occupational diseases were registered in Lithuania in 2002. The figure is the biggest since 1997. Prevalent occupational diseases are ear diseases and vibration diseases.

INSURANCE FROM ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

Insurance from accidents at work and occupational diseases is regulated by the Law on Social Insurance of Accidents at Work and Occupational Diseases (came into force since 1 January 2001). It regulates the relations of social insurance of occupational accident and occupational disease occurrences, (further - social insurance of occupational accidents), stipulate the categories of persons who shall be insured with this type of social insurance, rights to such insurance benefits, conditions, calculation and payment of benefits, and define insurable and non-insurable occurrences.

According to the Law accident at work denotes sudden harm caused to the health of an employee, due to the effect of dangerous work environment, harmful, short-lived effect of a dangerous factor (factors) duly registered according to the established procedure, when an employee shall suffer partial or total work disablement or die as a result of it; occupational disease denotes sudden or chronic deterioration in the health of an employee, caused by one or more harmful and (or) dangerous factors in the work environment, which in accordance with the established procedure has been acknowledged as an occupational disease. The acknowledgement is made by the Territorial Division of the State Social Insurance Fund after occupational accidents are investigated and recognized as accidents at work related to work or professional diseases.

Persons covered by social insurance of occupational accidents are:

- persons employed according to labour, diplomatic service or term, diplomatic service contract as well as those employed as members in elective institutions, economic associations, agricultural companies or co-operative organisations and receiving wages for their work;
- state public administration employees;
- pupil of vocational schools, college and university students at the institution or enterprise during their occupational training (practice) or enterprise and persons sent by enterprises to retrain or to engage in public works;
- persons at institutions of social and psychological rehabilitation institutions, for their work time;
- those sentenced to imprisonment, for their work time.

The persons noted in items 3 - 5 of this paragraph are insured if they receive wages for their work.

Self-employed persons may insure themselves on a voluntary basis, against occupational accidents.

The funds designated for social insurance of occupational accidents is included in the State Social Insurance Fund Budget Account. It is set by the Law on Validation of Indices of State Social Insurance Fund Budget Account of 2003 that rate on social insurance of occupational accidents for insurers is 31 percent and its part allocated for social insurance of occupational accidents is 0,3 percent. At the beginning it was set in the Law on Validation of Indices of State Social Insurance Fund Budget Account of 2001 that the part allocated for social insurance of occupational accidents was 1 percent, but employers were not satisfied with this. The benefits were less than the contributions for social insurance of occupational accidents. Thus seeking not to increase the total budget of the State social Insurance Fund and to balance it the rates on social insurance were reallocated. The part of contributions for social insurance of occupational accidents was decreased and the part of contributions for pensions was increased.

PARTICIPATION IN THE ACTIVITY OF THE EUROPEAN AGENCY OF SAFETY AND HEALTH AT WORK

The European Agency of Safety and Health at Work is established to accumulate and provide technical, scientific and economic information on the issues of safety at work and occupational health to the institutions of the European Community, member states and interested states.

Every candidate country, seeking to participate in the activities of the Agency, must establish a communications centre whose basic objectives are as follows:

- engagement of corresponding workers of safety and health institutions and social partners in the national network;
- participation in the process of information dissemination and the creation of new information;
- the creation and maintenance of the website of the Agency in the candidate country.

The European Union provided material assistance through the Agency to the candidate countries to establish focal points. In the fourth quarter of 2001 the Communications Centre was established at the State Labour Inspectorate, which created the information network between the Agency, safety and health of workers institutions and

establishments in Lithuania, social partners and educational institutions at the end of that year already. The website was opened in the summer of 2002 and an effective system of exchanging information between the networks partners was created.

INTERNATIONAL ASSISTANCE

The implementation of international projects is an important precondition for the development of the social security and labour system. On account of these projects not only consultation of foreign experts are given but also institutional base of Lithuania is consolidated, training of servants of institutions is conducted, the policy of occupational safety and health is implemented and different investigations are carried out.

PHARE PROGRAMME PROJECTS

The Project for the Institutional Development of the State Labour Inspectorate (SLI) was started in the first half of 1998 and completed in August 1999. It was aimed at strengthening institutional capacities of the SLI in enhancing the process of integration and developing a proper training strategy for the SLI personnel.

The Project for Support to Approximation of Legislation in Occupational Safety and Health with European Union Legal Acts was started in the first half of 1998 and was completed in May 1999. The following results of the project have been achieved:

- two draft laws on occupational safety and health were prepared into which four large European Union Directives were exactly transposed. The analysis of possible application of these laws in Lithuania was prepared;
- seeking to assess the effect of the application of the principles of the European Union framework Directive in the sphere of occupational safety and health, the methodology for making the expenditure-usefulness analysis according to the present data was prepared;
- a visit of the civil servants of the Ministry of Social Security and Labour and the State Labour Inspectorate and the representatives of the social partners participating in the work of Tripartite Commission on Safety at Work to the Health and Safety institution in Ireland was organized. During the visit the possibilities of cooperation between the social partners in solving the problems of occupational safety and health were clearly demonstrated.

Twinning Project on Strengthening Enforcement of the Occupational Safety and Health Policy was started in September 2000 and completed in May 2002. In carrying out this project foreign experts analysed legal acts on safety and health of workers in Lithuania; organised workshops of occupational risk assessment and practical training to labour inspectors, representatives of trade unions and employers' organisations; held workshops to labour inspectors, manufacturers and representative of supervision institutions on the issues of safety of machinery, safety of lifts and requirements for personal protective measures. Representatives of the Ministry of Social Security and Labour and the State Labour Inspectorate became acquainted with the work of occupational safety and health institutions in Germany and France, Member State's experience in occupational risk assessment. Foreign experts together with Lithuanian labour inspectors prepared the 'Occupational Risk Assessment Manual', which is available on the website of the State Labour Inspectorate. Software for the database of inspecting and risk rating of the State Labour Inspectorate was improved, and a description of the database of occupational accidents was prepared.

OTHER PROJECTS

The Project ‘Sector Integrated Assistance of the Baltic Region to Environment – Safety and Health at Work – Asbestos’ was started in 2000 and completed in 2001. Under this project in co-operation with the Labour Environment Agency of Denmark recommendation material about asbestos, its harmfulness, safety measures and use in various spheres was prepared and published, seminars to labour inspectors and representatives of other interested institutions about the implementation of legal acts regulating work with asbestos were organised.

The Project ‘Work Life and EU Enlargement’ was started in March 2001. It is a three-year long project financed by the Government of Sweden and aimed at supporting the labour market policy and improving conditions of safety and health of workers in candidate countries. Each participating candidate country prepared its practical implementation project. In Lithuania it was decided to organise the seminar “Assessment of the Occupational Risk at Wood Processing Enterprises” for labour inspectors and social partners, prepare and publish booklets on risk assessment and to prepare the Glossary of Terms of Occupational Health and Safety in 2003.

CONCLUSIONS

In the process of integration into the European Union tasks of primary importance should be considered the timely and proper implementation of the National Programme for the Adoption of the *Acquis* together with the Accession Partnership Programme, the implementation of the provisions of the Europe (Association) Agreement, further execution of the PHARE Programme projects.