

Procedure for Registration, Notification and Investigation of Occupational Accidents and Diseases

Regulation No. 75 of the Government of the Republic of 3 April 2008

The Regulation is established on the basis of subsection 24 (6) of the Occupational Health and Safety Act.

Chapter 1

NOTIFICATION, INVESTIGATION AND REGISTRATION OF OCCUPATIONAL ACCIDENTS

§ 1. Notification of occupational accidents by doctors

(1) A doctor shall without delay notify the employer and the local office of the Labour Inspectorate in writing or in a format which can be reproduced in writing of a serious or fatal occupational accident and of identifying a worker's temporary incapacity for work, submitting a notice in the format set out in Annex 1 to the Regulation.

(2) If a self-employed worker suffers a serious or fatal occupational accident in a situation where they work at the same workstation jointly with the workers of one employer or several employers or as a result of an occupational accident the worker's temporary incapacity for work is identified, the doctor shall inform the employer who organises the work of the self-employed worker or with whom the worker has a contractual relationship and the local office of the Labour Inspectorate pursuant to the procedure set out in subsection (1).

(3) If a worker came into contact with an object, person or animal that is suspected of being infected or that is an infectious agent whereby the worker's skin was penetrated and such contact was followed by preventive treatment, the doctor shall inform the victim's employer and the local office of the Labour Inspectorate pursuant to the procedure set out in subsection (1).

§ 2. Notification of occupational accidents by employers

(1) After receiving a doctor's notice an employer shall without delay inform the local office of the Labour Inspectorate in writing or in a format which can be reproduced in writing of a serious occupational accident involving a worker, submitting the following information:

- 1) the worker's given name and surname and telephone number;
- 2) the place, date and time of the occupational accident;
- 3) a brief description of what happened;
- 4) the name and address of the employer;
- 5) the given name and surname, position and telephone number of the person that gave the notice.

(2) If an occupational accident resulted in death or a clearly serious injury such as, for instance, a compound fracture, extensive wounds, amputation of limbs, fingers, toes, etc., an employer shall communicate the details listed in subsection (1) to the local office of the Labour Inspectorate and, in the case of a fatal occupational accident, also to the police by phone without waiting for a doctor's notice.

(3) In the event of the notification specified in subsection (2) the employer shall also submit the information listed in subsection (1) to the local office of the Labour Inspectorate in writing or in a format which can be reproduced in writing.

§ 3. Purpose and steps of investigation of occupational accidents

(1) The purpose of investigation of an occupational accident is to identify the circumstances of and reasons for the accident and determine measures for prevention of similar incidents.

(2) To identify the circumstances of and reasons for an occupational accident the investigator of the accident shall:

1) identify whether the accident had a causal link to the work or working environment of the worker;

2) gather evidence on the scene of the accident. In the course of gathering evidence the investigator shall carry out an inspection of the scene, take photographs or draw up layouts, evaluate the compliance of the workstation and work equipment used with the occupational health and safety requirements;

3) get statements from persons who have information about essential circumstances related to the accident;

4) access relevant documents, including the working environment risk analysis documents, safety rules approved by the employer, documents certifying the occupational health and safety instruction and training of the worker and documents certifying the employment relationship or indicating the work organisation, and make extracts and copies of the documents, where necessary;

5) identify the persons responsible for adherence to the occupational health and safety requirements;

6) where necessary, involve a relevant specialist in carrying out investigative activities.

§ 4. Investigation and registration of occupational accidents by employers

(1) Employers shall investigate any and all occupational accidents. Workers shall without delay inform employers of each and every occupational accident that has happened to them as well as of identification of their temporary incapacity for work caused by the accident.

(2) An employer shall without delay commence investigation of the circumstances and causes of an occupational accident, taking into account the provisions of subsection 3 (2). The health and safety representative or, upon their absence, the employees' representative shall participate in the investigation of an occupational accident.

(3) In the event of a serious or fatal occupational accident the employer shall ensure the inviolability of the scene of the accident and the work equipment located there until the labour inspector or police allows for resuming work. If the inviolability of the scene of an accident and work equipment cannot be ensured due to the risk of accidents or the characteristics of the technological process, the employer shall inform the local office of the Labour Inspectorate thereof and record the scene and the equipment located there in detail using layouts, photographs, descriptions of the scene or other evidence.

(4) The employer shall conduct the investigation of an occupational accident not later than within 10 working days after the occupational accident. The investigation shall finish with drawing up a report in the format given in Annex 2 to the Regulation. If the occupational accident involved a self-employed worker, the employer organising their work or having a contractual relationship with them shall draw up an occupational accident report in the format given in Annex 3 to the Regulation.

(5) The employer shall draw up the report in three counterparts, one of which shall remain with the employer. The employer shall submit the other counterparts to the local office of the Labour Inspectorate and to the victim or the person protecting the victim's interests within 3 working days following the closure of the investigation of the occupational accident.

(6) The employer shall register the occupational accident and compile an occupational accident investigation file comprising the documents gathered and drawn up in the course of the occupational accident.

(7) On the basis of the investigation results the employer shall plan and take measures for prevention of similar occupational accidents.

(8) If it becomes evident in the course of the investigation that it is not an occupational accident, the employer shall close the investigation and draw up an instrument describing in the free format the circumstances of the accident and state the reason for the closure of the investigation. The instrument shall be signed by the employer's representative and the health and safety representative or, upon absence of the latter, the employees' representative. The instrument shall be drawn up in three counterparts, one of which shall remain with the employer. The employer shall submit the other counterparts of the instrument to the local office of the Labour Inspectorate and to the victim or the person protecting the victim's interests within 3 working days following the closure of the investigation of the occupational accident.

§ 5. Investigation of occupational accidents by labour inspectors

(1) The labour inspector shall investigate any and all fatal occupational accidents and, where necessary, other occupational accidents.

(2) The need for investigation of an occupational accident by a labour inspector shall be decided by the head of the local office of the Labour Inspectorate immediately after receiving a doctor's notice or an employer's notice or report, clarifying the circumstances, where necessary. The labour inspector shall notify the employer of a decision to open an investigation.

(3) A labour inspector shall carry out an investigation of the circumstances of and reasons for an occupational accident within 30 working days as of the day of making the decision to open an investigation, taking account of the provisions of subsection 3 (2). Where necessary, the head of the local office of the Labour Inspectorate may extend the term of the investigation by 30 working days and the Director General of the Labour Inspectorate may further extend the term by their decision.

(4) The labour inspector has the right to receive copies of the investigation and other documents gathered or drawn up by the employer, which have relevance in identifying the circumstances of and reasons for the occupational accident.

(5) Upon termination of investigation of the occupational accident the labour inspector shall draw up a summary of the investigation and submit copies thereof to the employer and the victim or the person protecting the victim's interest within 3 working days. The term for submission of the copies

may be extended if a criminal procedure has been initiated for investigation of the occupational accident.

(6) The labour inspector shall compile an occupational accident investigation file comprising the evidence gathered and the summary of the investigation report drawn up in the course of the investigation of the occupational accident.

(7) If in the course of the investigation it becomes evident that it is not an occupational accident, the labour inspector shall draw up a decision on the closure of the investigation of the accident in writing or in a format which can be reproduced in writing, indicating the reason for the closure of the investigation. The labour inspector shall submit the copies of the decision to the victim and the employer within 3 working days. The employer shall cancel their report, referring to the decision of the labour inspector.

(8) If the employer has submitted the instrument specified in subsection 4 (8), but the labour inspector identifies in the course of the investigation or supervision that it was an occupational accident, the inspector shall have the right to demand by issuing a precept that the employer cancel the instrument and process the accident as an occupational accident.

Chapter 2

NOTIFICATION, INVESTIGATION AND REGISTRATION OF OCCUPATIONAL DISEASES

§ 6. Notification of occupational diseases by occupational health doctors

(1) An occupational health doctor shall inform the employer, the local office of the Labour Inspectorate in whose territorial jurisdiction the worker works or used to work last and the doctor who referred the worker to the occupational health doctor of an occupational disease of a worker in writing or in a format which can be reproduced in writing not later than within 5 days after the disease has been diagnosed, submitting a notice of diagnosing the occupational disease in the format given in Annex 4 to the Regulation (hereinafter *occupational disease notice*).

(2) If the occupational health doctor identifies that the occupational disease of the worker might have been caused by work performed for previous employers, the doctor shall enter the names and addresses of the employers in the occupational disease notice and inform them of the worker's occupational disease pursuant to the procedure set out in subsection (1).

§ 7. Purpose and steps of investigation of occupational diseases

(1) The purpose of investigation of an occupational disease is to identify the circumstances of and reasons for the disease and determine measures for prevention of similar incidents.

(2) For the purpose of identification of the circumstances of and reasons for an occupational disease the investigator of the occupational disease shall:

1) check the proper application of the work organisation and medical measures relating to work for prevention of diseases, thereby the investigator shall access documents on medical examinations of the worker, working environment risk analysis documents, safety instructions approved by the employer, documents certifying occupational health and safety instruction and training of the worker, documents certifying the employment relationship or work organisation, and make extracts and copies of the documents, where necessary;

- 2) get statements from persons who have information about essential circumstances related to the occupational disease;
- 3) identify the persons responsible for adherence to the occupational health and safety rules;
- 4) where necessary, involve a relevant specialist in carrying out investigative activities.

§ 8. Investigation and registration of occupational diseases by employers

(1) An employer shall investigate the circumstances and causes of an occupational accident, taking into account the provisions of subsection 7 (2). The health and safety representative or, upon their absence, the employees' representative shall participate in the investigation of an occupational disease.

(2) An employer shall conduct the investigation of an occupational disease not later than within 20 working days after receiving a notice of the occupational disease. The investigation shall finish with drawing up an occupational disease report in the format given in Annex 5. The report shall be drawn up in three counterparts, one of which shall remain with the employer. The employer shall submit the other counterparts to the local office of the Labour Inspectorate and to the worker or the person protecting the worker's interests within 3 working days following the closure of the investigation.

(3) On the basis of the investigation results the employer shall take measures for prevention of similar occupational diseases.

(4) The employer shall register the occupational disease and draw up an occupational disease investigation file comprising the occupational disease notice sent by the doctor, the documents gathered in the course of the investigation of the occupational disease, and the occupational disease report.

§ 9. Investigation of occupational diseases by labour inspectors

(1) Where necessary, the labour inspector shall investigate the circumstances of and reasons for the occupational disease. The need for an investigation shall be decided by the head of the local office of the Labour Inspectorate after obtaining an occupational disease notice from an occupational health doctor. The labour inspector shall inform the employer and the employers specified in subsection 6 (2) of the decision to commence an investigation.

(2) The labour inspector shall carry out the occupational disease investigation within 30 working days after the decision to open the investigation has been made, taking account of the provisions of subsection 7 (2). The labour inspector has the right to access the information and documents gathered by the occupational health doctor on the basis of subsection 23 (5) of the Occupational Health and Safety Act and make copies of them, if it is necessary for identifying the circumstances of and reasons for the occupational disease.

(3) Where necessary, the head of the local office of the Labour Inspectorate may extend the term of the investigation of the occupational accident by 30 working days and the Director General of the Labour Inspectorate may further extend the term.

(4) Upon closure of investigation of the occupational disease the labour inspector shall draw up a summary of the investigation and submit copies thereof to the employer and the worker or the person protecting the worker's interest within 3 working days.

(5) The labour inspector shall compile an occupational investigation file comprising the documents gathered in the course of the occupational disease investigation and the summary of the investigation, which file shall be preserved in the Labour Inspectorate.

Chapter 3

IMPLEMENTING PROVISION

§ 10. Repeal of Regulation

Regulation No. 146 of the Government of the Republic of 13 May 2003 "Procedure for Registration, Notification and Investigation of Occupational Accidents and Diseases" (RT I 2003, 42, 289) shall be repealed.

**Tõnis LUKAS, the Minister of Education
and Research
acting in the capacity of the Prime
Minister**

**Rein LANG, the Minister of Justice
acting in the capacity of the Minister of
Social Affairs**

Heiki LOOT, State Secretary

The annexes to the Regulation have been published in the electronic *Riigi Teataja*. Basis: subsection 4 (2) of the Riigi Teataja Act and Resolution No. 17-1/08-02535 of the State Secretary of 10 April 2008.