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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 723

Adopted 8 September 2008

**Regulations Regarding the Requirements for Competent Authorities and Competent Specialists in Labour Protection Issues and the Procedures for Assessing Competence**

*Issued pursuant to*

*Section 9, Paragraph six of the Labour Protection Law*

**I. General Provisions**

1. This Regulation prescribes the requirements for competent authorities and competent specialists in labour protection issues and the procedures for assessing competence.

2. The competent specialists and the competent authorities shall provide services to an undertaking in the field of labour protection in accordance with a mutual agreement (except an employment contract).

[*21 August 2012*]

3. The competent specialists and the competent authorities, when providing services in the field of labour protection, shall co-operate with the labour protection specialist of the undertaking or other employee responsible for labour protection and trusted persons, as well as involve the employees of the undertaking.

[*21 August 2012*]

4. If the competent specialist or competent authority detects circumstances in the undertaking that threaten the safety and health of employees, they are obliged to inform the employer, the labour protection specialist or the employee responsible for labour protection, and the relevant employees of the undertaking thereof without delay.

[*21 August 2012*]

5. The competent specialist, the competent authority and its personnel which performs internal supervision of the work environment in undertakings, as well as other labour protection services, may not be a State supervision and control authority or personnel performing State control and supervision in the field of labour protection.

6. Internal work environment services and other labour protection services to undertakings may be provided by specialists and authorities which conform to the requirements laid down for the competent specialists and the competent authorities in this Regulation. The competent specialist and the competent authority shall be responsible that the tasks entrusted to them are executed professionally, in good faith, technically practicable and in accordance with the requirements of the laws and regulations for labour protection.

7. The competent specialist and the competent authority shall provide labour protection services, using such technical resources which ensure that the execution of their functions is of suitable quality.

8. The competent specialist and the competent authority shall ensure that the results of inspection and assessment of the work environmental risk are objective and independent of any form of influence, particularly financial influence which could affect the results of the inspection or assessment.

**II. Requirements for Competent Specialists and the Procedures for Assessing Their Competence**

9. In order to perform internal work environment supervision in undertakings, a competent specialist must have knowledge of the highest level (professional higher education) in labour protection in conformity with the second level professional higher education programme (Professional Standard “Senior Specialist in Labour Protection”) accredited by the Ministry of Education and Science.

[*19 October 2010*]

10. A senior specialist in labour protection who has acquired the education referred to in Paragraph 9 of this Regulation which is certified to by a relevant document, is comparable to a competent specialist and is entitled to perform internal work environment supervision in undertakings for five years from the date of receipt of the document attesting the education.

11. Upon expiry of the term referred to in Paragraph 10 of this Regulation, the senior specialist in labour protection (hereinafter – the applicant) in order to obtain the certificate of a competent specialist attesting the competence of the person in labour protection issues (hereinafter – the certificate of a competent specialist) shall turn to the personnel certification authority which has been accredited by the national accreditation authority in conformity with the laws and regulations regarding assessment, accreditation and supervision of conformity assessment authorities (hereinafter – the personnel certification authority), and shall submit an application and the following documents to the personnel certification authority:

11.1. a document attesting the education regarding professional higher education in labour protection in conformity with the Professional Standard “Senior Specialist in Labour Protection” (copy) or the certificate of a competent specialist regarding the previous period of activity (copy);

11.2. one or more documents (or their copies) which attest the practical activity of the applicant of at least three years in the field of labour protection during the previous five years;

11.3. documents (copies) which attest that the applicant has obtained the knowledge of labour protection issues for not less than 80 hours during the previous five years;

11.4. [21 August 2012].

[*19 October 2010; 21 August 2012; 24 September 2013; 29 May 2018*]

12. [21 August 2012]

13. The personnel certification authority shall, within 30 days after receipt of the documents referred to in Paragraph 11 of this Regulation, organise an examination of the knowledge and abilities of the applicant (hereinafter – the certification examination) and assess the conformity of his or her competence in the certification field applied for taking into account the requirements laid down in the Professional Standard “Senior Specialist in Labour Protection” and in this Regulation.

[*19 October 2010; 21 August 2012; 29 May 2018*]

14. The personnel certification authority shall not permit the applicant to take the certification examination and not issue the certificate of a competent specialist, if:

14.1. the qualification of the applicant does not conform to the requirements laid down in this Regulation;

14.2. the applicant has not submitted the documents referred to in Paragraph 11 of this Regulation;

14.3. the applicant has provided false information;

14.4. during the previous five years the applicant has been administratively punished at least three times for the provision of non-qualitative labour protection services (including work environment risk assessment) to undertakings.

[*21 August 2012*]

15. The personnel certification authority shall, not later than five working days prior to the certification examination, inform the applicant regarding the time, place, and procedures of the certification examination.

[*21 August 2012*]

16. If due to the reasons referred to in Paragraph 14 of this Regulation the personnel certification authority does not permit the applicant to take the certification examination, the applicant shall be notified thereof within 30 days from the moment of receipt of the application of the applicant.

[*21 August 2012*]

17. The knowledge and practical skills of the applicant in the certification examination shall be assessed by the competent specialist certification commission established by the personnel certification authority (hereinafter – the Certification Commission).

[*21 August 2012*]

18. The composition of the Certification Commission shall include a representative of the personnel certification authority (chairperson of the Commission) who has the practical work experience of at least two years in the field of labour protection, a representative of the Latvian Association of Labour Protection Specialists who has acquired the higher education in the field of labour protection in conformity with the Professional Standard “Senior Specialist in Labour Protection”, as well as an occupational disease physician, an occupational health physician, or an occupational health and occupational disease physician (hereinafter – the occupational health and occupational disease physician).

[*21 August 2012*]

19. The Certification Commission shall have a secretary. The staff of the Certification Commission, the Chairperson and the secretary of the Certification Commission shall be approved by the head of the personnel certification authority.

20. Meetings of the Certification Commission shall be convened by the Chairperson of the Commission. The quorum of the Certification Commission shall not be less than the representatives referred to in Paragraph 18 of this Regulation present at its meeting. The Commission shall take decisions by a simple majority of votes.

[*21 August 2012*]

21. Upon arrival to the certification examination, the applicant shall present a personal identification document or a driver’s licence to the Certification Commission.

[*21 August 2012*]

22. The certification examination shall consist of two parts:

22.1. a theoretical part – a test where the applicant shall answer 30 test questions;

22.2. a practical part in which the applicant shall solve three previously prepared situational exercises.

[*21 August 2012*]

23. The total time for the certification examination shall be 90 minutes. During the certification examination the applicant may not use any supplementary aids.

[*21 August 2012*]

24. The total maximum number of points that may be obtained during the examination is 60 points. The applicant shall obtain 30 points if all the test questions have been answered correctly (one point for each correctly answered test question), and 30 points – if the three situational exercises have been correctly solved and explained (10 points for each exercise).

[*21 August 2012*]

25. In preparing the test, the personnel certification authority shall use the test questions approved by the Latvian Association of Labour Protection Specialists (each question shall have at least three, but not more than five possible replies) and comply with the following breakdown of questions in conformity with the fields referred to in the Professional Standard “Senior Specialist in Labour Protection”:

25.1. labour protection and the associated laws and regulations – five questions;

25.2. protection of the surrounding environment and the associated laws and regulations – one question;

25.3. safety of the technologies used for production – three questions;

25.4. work environment risk factors and their impact on the safety and health of employees – three questions;

25.5. determination, measurement and assessment of the work environment risk factors – four questions;

25.6. the collective and personal protective equipment to be applied in the work process – two questions;

25.7. fundamentals of ergonomics at work – two questions;

25.8. storage of dangerous substances and safety measures in work with them – two questions;

25.9. pedagogy – one question;

25.10. basic principles for investigating accidents and determining causes – three questions;

25.11. determination of causes and causalities of occupational diseases – three questions;

25.12. employment legal relationships and social dialogue in an undertaking – one question.

[*21 August 2012*]

26. During the second part of the certification examination the applicant shall prepare answers in writing to the following three situational exercises:

26.1. the applicant, according to the description of the given practical situation, shall assess the work environment risks in an undertaking of the sector by identifying the probable work environment risk factors in the situation and assessing the safety and health risks of employees (if possible, without additional measurements of the work environment, if it is impossible – indicate what work environment measurements are needed in the relevant situation);

26.2. the applicant, according to the description of the given practical situation in an undertaking of the sector, shall determine the conformity of the situation with laws and regulations by indicating infringements of the laws and regulations conforming to the particular description of the situation and justifying the answer by the requirements laid down in laws and regulations;

26.3. the applicant, according to the description of the given practical situation, shall determine the necessary work protection measures in an undertaking of the sector.

[*21 August 2012*]

27. When developing the situational exercises, the personnel certification authority shall conform to the following conditions:

27.1. every situational exercise shall be developed for a different branch (there may not be several situational exercises for one branch) and it shall be supplemented with visual information (figure, photograph);

27.2. the branch (field) shall be indicated in the description of the situational exercise in which the undertaking operates, the work organisation procedures, the technology used, a description of the work force (age, physiological characteristics) and other information necessary in order to assess the work environment risks and determine the conformity with laws and regulations;

27.3. in addition to the information referred to in Sub-paragraph 27.2 of this Regulation the risk factors shall be indicated for the situational exercise description referred to in Sub-paragraphs 26.2 and 26.3 of this Regulation to which the employee is subject to (if necessary, also indicating a specific exposure level).

28. The Certification Commission shall take a decision on the certification examination results within 15 days after examination.

29. The certification examination shall be considered to be passed if the applicant has not exceeded the time restrictions referred to in Paragraph 23 of this Regulation and has obtained at least 70 % of the possible total number of points for the certification examination (at least 42 points) – he or she has correctly answered at least 60 % of the questions in test part and in the situational exercises has obtained at least 60 % of the possible total number of points (at least 18 points).

[*21 August 2012*]

30. The secretary of the Certification Commission shall inform the applicant of the decision of the Commission within five working days from the day after taking thereof. If a decision has been taken to issue the certificate of a competent specialist, the time and place when the certificate is to be issued shall be indicated in the notification.

[*21 August 2012*]

31. Persons who have passed the certification examination, shall be issued the certificate of a competent specialist by the personnel certification authority. The term of validity of the certificate shall be 5 years.

32. The given name, surname, personal identity number of the certified person, the date of issue of the certificate, the term of validity of the certificate, the field of the certificate, the certificate number, the name of the personnel certification authority, and the signature of the certified person, the conditions and restrictions for using the certificate, as well as other information referred to in the laws and regulations regarding assessment, accreditation, and supervision of conformity assessment authorities shall be indicated in the certificate of a competent specialist.

[*21 August 2012; 29 May 2018*]

33. The certificate shall be certified by the signature of the responsible person of the personnel certification authority and the seal of the abovementioned authority.

34. If the applicant has not passed the certification examination, the personnel certification authority shall send him or her a relevant notification. The notification shall indicate the results of the certification examination, as well as the procedures by which the applicant can re-apply for taking the certification examination. The applicant may re-apply for taking the certification examination not earlier than 30 days after taking the previous certification examination.

[*21 August 2012*]

35. The applicant whose results of the certification examination were not accountable because of cheating may re-apply for taking another examination not earlier than after one year.

[*21 August 2012*]

36. The personnel certification authority has a duty to revoke the certificate of a competent specialist, if it determines that:

36.1. the competent specialist does not comply with the requirements of this Regulation;

36.2. the competent specialist has violated the conditions for the use of the certificate of a competent specialist;

36.3. the competent specialist has violated the laws and regulations governing his or her field of activity;

36.4. the applicant has provided false information in order to receive the certificate.

[*21 August 2012*]

37. If, on the basis of the cases referred to in Paragraph 36 of this Regulation, a decision has been taken to revoke the certificate of a competent specialist, the personnel certification authority shall, within five working days after taking of the relevant decision, issue or send to the relevant person a substantiated written decision to revoke the certificate.

38. The competent specialists whose certificate of a competent specialist has been revoked may re-apply for taking the certification examination not earlier than two years from the date of revocation of the certificate of a competent specialist.

39. If the term of validity of the certificate of a competent specialist has expired, the competent specialist shall re-submit to the personnel certification authority an application and all the documents referred to in Paragraph 11 of this Regulation and take the certification examination.

40. The personnel certification authority shall, within one month after issuing the certificate of a competent specialist, send information of the competent specialist (the given name, surname of the competent specialist, the number and date of issue of the certificate shall be indicated) to the Ministry of Welfare, as well as shall, within one month after revoking the certificate of a competent specialist, send information of the person for whom the certificate has been revoked (the given name, surname of the person, the number, date of issue, and date of revoking the certificate shall be indicated) to the Ministry of Welfare.

[*21 August 2012*]

41. The Ministry of Welfare shall, after receipt of the information referred to in Paragraph 40 of this Regulation, ensure public accessibility thereto.

[*21 August 2012*]

42. The personnel certification authority shall inform other personnel certification authorities regarding persons to whom, in accordance with the reasons referred to in Sub-paragraphs 14.3 and 14.4 of this Regulation, it has refused the opportunity to take a certification examination, and regarding the competent specialists for whom it has revoked a certificate.

43. The personnel certification authority shall register the issued certificates of a competent specialist in the Competent Specialist Certificate Registration Register. Information regarding assessment and certification of competent specialists shall be stored for at least 10 years after issuance of the certificate of a competent specialist.

44. The competent specialist shall not divulge information that he or she has obtained in performing his or her work tasks, except for such information which has been officially requested by law enforcement authorities or authorities which, in accordance with the laws and regulations for labour protection, are performing State supervision and control in the field of labour protection.

45. Prior to commencing practical activities, the competent specialist shall insure his or her civil liability in such an amount that would cover the losses incurred for the service recipient which might be caused as a result of his or her professional activity, but not less than in the amount of EUR 14 230. The civil liability of the competent specialist must be insured throughout all of his or her time of activity.

[*24 September 2013 / Amendments to Paragraph shall come into force on 1 January 2014 / See Paragraph 2 of the amendments*]

**III. Requirements for Competent Authorities and the Procedures for Assessing Their Competence**

46. The competent authority is entitled to perform internal supervision of the work environment in undertakings if it has been granted the status of the competent authority and it ensures the fulfilment of the following minimal requirements:

46.1. it has a certified quality management system, and its competence in labour protection issues has been assessed in conformity with the requirements of this Regulation;

46.2. the competent authority has insured its civil liability in such amount that would cover the losses incurred by the service recipient due to a potential mistake which have been calculated in co-operation with the insurer selected by the authority for the risk assessment of the field of activity of the authority, but not less than in the amount of EUR 28 460. The civil liability of the competent authority must be insured throughout all of its time of activity.

[*21 August 2012; 24 September 2013; 29 May 2018*]

47. The requirement laid down in Paragraph 7 of this Regulation regarding technical resources shall be fulfilled by the competent authority in one of the following ways:

47.1. the competent authority has a laboratory at its disposal which has been accredited in this field by a national accreditation authority in conformity with the laws and regulations regarding assessment, accreditation and supervision of conformity assessment authorities or by an accreditation authority of another European Union Member State and State of the European Economic Area (hereinafter – the accredited laboratory);

47.2. the work environment factor measurements are performed in accordance with the laws and regulations for labour protection and the laws and regulations regarding the taking of measurements, using calibrated measuring equipment;

47.3. the competent authority has entered into co-operation agreements with accredited laboratories regarding the measurement of work environment factors.

[*21 August 2012; 24 September 2013; 29 May 2018*]

48. A merchant or a unit of a merchant which wishes to obtain the status of the competent authority (hereinafter – the applicant) shall prepare a description of the work environment risk assessment for the evaluation of its technical resources. The description of the work environment risk assessment shall include a description of ensuring measurement of the work environment factors. The applicant shall present the description of the abovementioned procedure to the quality systems certification authority referred to in Paragraph 49 of this Regulation during the certification process.

[*21 August 2012*]

49. In order to fulfil the requirements referred to in Sub-paragraph 46.1 of this Regulation and to certify his or her competence in labour protection issues, the applicant shall turn to the quality systems certification authority which has been accredited in this field by a national accreditation authority in conformity with the laws and regulations regarding assessment, accreditation and supervision of conformity assessment authorities or by an accreditation authority of another European Union Member State and State of the European Economic Area (hereinafter – the quality systems certification authority).

[*29 May 2018*]

50. The quality systems certification authority shall assess the competence of the competent authority in the field of labour protection in conformity with this Regulation and other laws and regulations governing the field of labour protection in Latvia.

[*29 May 2018*]

50.1 An auditor of the quality systems certification authority who has acquired the professional higher education in labour protection in conformity with the Professional Standard “Senior Specialist in Labour Protection” shall participate in the assessment of the competence of the applicant, as well as in the inspection of activities of the competent authority referred to in Paragraph 54 of this Regulation, or the quality systems certification authority shall ensure the participation of an independent specialist who is not related to the competent authority or applicant to be inspected who has acquired the abovementioned professional higher education.

[*21 August 2012*]

51. When assessing the competence of the authorities in the field of labour protection, the quality systems certification authority, in addition to the requirements referred to in Paragraph 50 of this Regulation, shall take into account:

51.1. the requirements for the personnel of the competent authority in accordance with Paragraphs 69, 70, 71, 72, and 73 of this Regulation;

51.2. the conformity of the resources and technical capabilities of the authority with the intended services.

[*29 May 2018*]

52. The quality systems certification authority shall not perform certification of the competent authority if, within the previous three years, it has been administratively punished at least three times for not conforming with this Regulation or for provision of non-qualitative labour protection services (including work environment risk assessment) to undertakings.

53. If the competence of the authority has been assessed to be in conformity with the requirements referred to in Paragraphs 50 and 51 of this Regulation, the quality systems certification authority shall issue a quality system certificate thereto by indicating the conformity of the authority with the requirements of this Regulation therein.

[*29 May 2018*]

54. After issuing the quality system certificate referred to in Paragraph 53 of this Regulation, the quality systems certification authority shall perform an inspection of activities of the competent authority at least once every year by assessing the conformity of the competent authority with the requirements of this Regulation and paying special attention to the following issues:

54.1. conformity of the personnel of the competent authority with the requirements laid down in Paragraphs 69, 70, 71, 72, and 73 of this Regulation;

54.2. the civil liability insurance of the competent authority at least in the amount of EUR 28 460 which guarantees covering the losses incurred due to error by the competent authority.

[*24 September 2013; 29 May 2018*]

55. Upon performing the inspection of activities of the competent authority referred to in Paragraph 54 of this Regulation, the quality systems certification authority shall visit at least one undertaking where the competent authority has performed internal work environment supervision (including risk assessment), paying special attention to the work performed by the competent authority in work environment risk assessment, the preventative measures plan that has been developed, as well as the conformity with the requirements referred to in Paragraph 74 of this Regulation.

55.1 When performing inspection of activities of the competent authority referred to in Paragraph 54 of this Regulation, the quality systems certification authority shall also assess the complaints of the services provided by the competent authority and information of severe and lethal accidents at work which have occurred at undertakings in which the competent authority is providing labour protection services, as well as other information which is related to the quality of services provided by the competent authority.

[*29 May 2018*]

56. The quality systems certification authority shall revoke the quality system certificate if the competent authority no longer conforms to the requirements laid down in this Regulation or the requirements for ensuring the abovementioned conformity are not fulfilled in the laid down time period.

[*29 May 2018*]

57. The quality systems certification authority shall, within five working days from the date of issuance or revocation of the quality system certificate, send this information to the Ministry of Welfare.

57.1 The quality systems certification authority shall, within five working days after inspection of the activities of the competent authority which has been performed in accordance with Paragraph 54 of this Regulation, send the information of such inspection and its results to the Ministry of Welfare.

[*29 May 2018*]

58. After obtaining of the quality system certificate, the applicant shall submit an application for granting the status of the competent authority (Annex) to the Ministry of Welfare.

[*21 August 2012*]

59. The applicant shall append the following documents to the application referred to in Paragraph 58 of this Regulation:

59.1. the quality system certificate issued by the quality systems certification authority (copy) in which the conformity with the requirements of this Regulation has been indicated;

59.2. the certification of the employer regarding employment of the specialists referred to in Paragraph 69 of this Regulation by indicating the date of entering into the employment contract, the number and term thereof;

59.3. the documents certifying the knowledge and competence of the specialists referred to in Paragraph 69 of this Regulation (copies), for example, copies of the university diploma, certificates (a copy of the university diploma need not be appended if the issuer, number, and date of the diploma is provided in the certification of the employer referred to in Sub-paragraph 59.2 of this Regulation or in another document);

59.4. evidence of the civil liability insurance of the authority at least in the amount of EUR 28 460 which guarantees covering the losses incurred due to error by the competent authority;

59.5. if the status of the competent authority is to be granted to the unit of the undertaking – the structural scheme of the merchant;

59.6. the description of the planned services of labour protection.

[*21 August 2012; 24 September 2013 / Amendments to Sub-paragraph 59.4 shall come into force on 1 January 2014. See Paragraph 2 of the amendments*]

60. If the applicant is using an insurance policy to fulfil the requirement referred to in Sub-paragraph 59.4 of this Regulation, at least the insurance of the liability of the specialists referred to in Paragraph 69 of this Regulation shall be indicated separately and, in addition to the policy, a receipt or a bank payment order attesting to the payment for the insurance policy shall be submitted.

[*21 August 2012*]

61. [21 August 2012]

62. After receipt of the documents referred to in Paragraphs 58 and 59 of this Regulation, the official of the Ministry of Welfare shall, within 10 working days, assess them and take a decision to grant the status of the competent authority or to refuse to grant the status of the competent authority if the requirements laid down in this Regulation have not been conformed to, or, alternatively, request the applicant to submit additional information within 10 working days if the application has been completed incompletely or the necessary documents have not been appended thereto.

[*21 August 2012*]

63. The official of the Ministry of Welfare shall take a decision to refuse to grant the status of the competent authority, if the applicant does not submit the necessary additional information within the time period referred to in Paragraph 62 of this Regulation.

[*21 August 2012*]

64. The Ministry of Welfare shall send the decision to refuse to grant the status of the competent authority to the applicant. The applicant may contest the abovementioned decision by submitting a relevant application to the State Secretary of the Ministry of Welfare. The applicant may appeal the decision by the State Secretary of the Ministry of Welfare to a court in accordance with the procedures laid down in the Administrative Procedure Law.

[*21 August 2012*]

65. [21 August 2012]

66. [21 August 2012]

67. The Ministry of Welfare shall, within five working days from the day when the decision to grant the status of the competent authority has been taken, include the information of the competent authority in the list of competent authorities published on the website (www.lm.gov.lv) and send the abovementioned information for publishing in the official gazette *Latvijas Vēstnesis*. Upon request of the competent authority, the Ministry of Welfare shall send the decision to grant the status of the competent authority thereto.

[*21 August 2012; 24 September 2013*]

67.1 If within 15 working days from the day of submitting the application referred to in Paragraphs 58 and 59 of this Regulation the information regarding the competent authority has not been included in the list of competent authorities published on the website (www.lm.gov.lv) and the applicant has not received the decision to refuse to grant the status of the competent authority or a request to submit additional information, it shall be considered that the status of the competent authority has been granted.

[*21 August 2012*]

67.2 If the competent authority discontinues activities, it shall inform the Ministry of Welfare thereof in writing within 10 working days.

[*29 May 2018*]

68. The official of the Ministry of Welfare shall take a decision to revoke the status of the competent authority and delete the competent authority from the list of competent authorities published on the website (www.lm.gov.lv), as well as revoke the notification in the official gazette *Latvijas Vēstnesis* if the quality system certificate has been cancelled for the competent authority or, within the previous three years, the competent authority has been administratively punished at least three times for not complying with this Regulation or for provision of non-qualitative labour protection services (including work environment risk assessment) to undertakings, as well as if the information referred to in Paragraph 67.2 of this Regulation of discontinuation of activities of the competent authority has been received.

[*21 August 2012; 24 September 2013; 29 May 2018*]

69. The competent authority shall employ at least the following specialists:

69.1. a senior specialist in labour protection;

69.2. the occupational health and occupational disease physician.

[*19 October 2010; 21 August 2012*]

70. The competent authority may employ one specialist, if the abovementioned specialist has education and qualification of both the senior specialist in labour protection and the of occupational health and occupational disease physician.

[*19 October 2010*]

71. The employees of the competent authority who have acquired knowledge of the highest level (professional higher education) in labour protection in conformity with the second level professional higher education programme accredited by the Ministry of Education and Science (Professional Standard “Senior Specialist in Labour Protection”) shall be certified in conformity with the requirements laid down in Chapter II of this Regulation.

[*19 October 2010*]

72. The qualification of the occupational health and occupational disease physician employed at the competent authority shall conform to the requirements laid down in the Law on the Regulated Professions and the Recognition of Qualification and the Medical Treatment Law.

[*19 October 2010*]

73. Upon providing labour protection services, depending on the field of activity of the undertaking and nature of the task to be performed (labour protection service), the competent authority shall, in addition to the specialists referred to in Paragraph 69 of this Regulation, involve a specialist in the relevant branch or other specialists in order to fulfil the task.

74. When providing labour protection services to an undertaking engaged in commercial activities in conformity with the laws and regulations regarding the requirements for types of commercial activity for which the competent authority shall be mandatorily involved and where more than five persons are employed, the internal work environment supervision (including work environment risk assessment) in an undertaking shall be jointly performed by both the specialists of the competent authority (senior specialist in labour protection and occupational health and occupational disease physician) referred to in Paragraph 69 of this Regulation by confirming with their signatures both the work environment risk assessment and the drawn up plan for the labour protection measures.

[*21 August 2012*]

75. In order to guarantee the objectivity of the personnel of the competent authority, their salary shall not depend on the results of inspecting the working places of the undertaking.

76. The competent authority (its personnel) shall not disclose information to a third person which it obtained in fulfilling its work tasks, except for the information that is officially requested by law enforcement authorities or authorities which in accordance with the laws and regulations for labour protection perform State supervision and control in the field of labour protection.

76.1 The competent authority shall inform the undertaking in writing to which the labour protection services are provided that in case of complaints the undertaking may turn to the quality systems certification authority which issued the quality system certificate to the particular competent authority (indicating the name and address of the relevant certification authority).

[*29 May 2018*]

77. The competent authority shall provide services and fulfil the specified obligations according the quality system certified by the quality systems certification authority, ensuring the efficiency of the service.

77.1 The competent authority shall, during inspection of its activities, inform the quality systems certification authority of severe and lethal accidents at work which have occurred at the undertaking in which the particular competent authority is providing labour protection services.

[*29 May 2018*]

77.2 If the quality systems certification authority or the personnel certification authority has terminated activities, those competent authorities and such competent specialists which have been under supervision of such authority shall apply for the provision of supervision from another certification authority. In such case a new certification audit shall be performed in accordance with standard procedures when the term of operation of the previous certificate has expired.

[*29 May 2018*]

77.3 If the quality systems certification authority terminates activities, it shall, within 10 working days, notify the competent authorities under its supervision of termination of activities by concurrently informing of other quality systems certification authorities to which the competent authorities may turn for further supervision of activities. In case of termination of activities the personnel certification authority shall, within 10 working days, notify the competent specialists of termination of activities and of other personnel certification authorities to which the competent specialist may turn for further supervision of activities.

[*29 May 2018*]

77.4 If the State Labour Inspectorate imposes an administrative punishment on the competent authority or the competent specialist for such performance of internal work environment supervision which does not comply with the laws and regulations governing labour protection and causes direct threats to the safety and health of employees, the relevant competent authority or competent specialist shall, upon request of the State Labour Inspectorate, provide the information of other objects subject to the supervision and control of the State Labour Inspectorate in the relevant sector in which it has performed work environment risk assessment during the previous year.

[*29 May 2018*]

77.5 The State Labour Inspectorate shall provide information of the established irregularities in fulfilling the laws and regulations of labour protection to the quality systems certification authority and commencement of the relevant proceedings of an administrative infringement in undertakings to which labour protection services have been provided by such competent authorities to which the quality system certificate was issued by the particular quality systems certification authority, and shall inform in addition which competent authority had been attracted to such undertaking.

[*29 May 2018*]

**IV. Closing Provisions**

78. Cabinet Regulation No. 101 of 8 February 2005, Regulations Regarding the Requirements for Competent Authorities and Competent Specialists in Labour Protection Issues and the Procedures for Assessing Competence (*Latvijas Vēstnesis*, 2005, No. 27), is repealed.

79. Quality system certificates that the competent authorities have obtained in accordance with Cabinet Regulation No. 101 of 8 February 2005, Regulations Regarding the Requirements for Competent Authorities and Competent Specialists in Labour Protection Issues and the Procedures for Assessing Competence, are valid until expiry of the term indicated on these certificates, but not longer than until 31 December 2011.

79.1 If the term of five years from the date of receipt of the document attesting the education referred to in Paragraph 10 of this Regulation or the term of validity of certificate of a competent specialist referred to in Paragraph 31 of this Regulation expires during the time period when the emergency situation due to the spread of COVID-19 has been declared in the State, the respective term shall be extended for a time period of up to three months after the end of the emergency situation, but not longer than by the day of issuing a new certificate.

[*5 May 2020*]

80. Sub-paragraph 11.3 of this Regulation shall come into force on 1 July 2012.

81. This Regulation shall come into force on 1 January 2009.

Prime Minister I. Godmanis

Acting for the Minister for Welfare, Minister for the Environment R. Vējonis

**Annex**

Cabinet Regulation No. 723

8 September 2008

[*21 August 2012; 24 September 2013 / Amendments to Annex shall come into force on 1 January 2014. See Paragraph 2 of the amendments*]

To the Ministry of Welfare

**Application of Granting the Status of the Competent Authority in Labour Protection Issues**

I request to grant the status of the competent authority in labour protection issues to the following merchant or unit of the merchant:

|  |
| --- |
| Name of the merchant or unit of the merchant |
|  |
| Head of the merchant or unit of the merchant |
|  |
| Legal address |
|  |
| If the status of the competent authority is to be granted to the unit of a merchant, the information of belonging to the merchant (name of the merchant, registration number in the Commercial Register) |
|  |
| Contact details to be included in the list of competent authorities (address, telephone number, fax number, electronic mail address) |
|  |

**Appended documents:**

1) a quality system certificate issued by the quality systems certification authority (copy) on \_\_\_\_ pages;

2) a certification approved by the merchant of employment of the senior specialist in labour protection and the occupational health and occupational disease physician by indicating the date of entering into the employment contract, number, and term thereof, on \_\_\_\_ pages;

3) documents certifying the knowledge and competence of the senior specialist in labour protection and the occupational health and occupational disease physician (copies) (for example, university diploma, certificates) on \_\_\_\_ pages;

4) evidence of the civil liability insurance of the authority at least in the amount of EUR 28 460 which guarantees covering the losses incurred due to error by the competent authority (for example, insurance policy with an individually indicated liability insurance of at least the senior specialist in labour protection and the occupational health and occupational disease physician and a receipt or a bank payment order which attests to payment for the insurance policy), on \_\_\_\_ pages;

5) if the status of the competent authority is to be granted to the unit of the merchant – the structural scheme of the merchant on \_\_\_\_ pages;

6) a description of the planned labour protection services on \_\_\_\_ pages.

**Certification of the responsible official**

I am aware that the status of the competent authority is granted within 15 working days from the day of submitting the application, unless a decision to refuse to grant the status of the competent authority or a request to submit additional information has been received. It is considered that the status of the competent authority is granted within the abovementioned time period also if the information of the competent authority has not been included in the list of competent authorities published on the website (www.lm.gov.lv).

* After granting of the status of the competent authority and inclusion in the list of competent authorities on the website (www.lm.gov.lv), I request to send the decision to grant the status of the competent authority to the legal address of the merchant (mark if necessary).

I certify that copies of the documents appended to the application conform to the originals and the information indicated in the application, the appended documents and the information indicated therein is true.

|  |  |  |
| --- | --- | --- |
| Given name, surname |  | |
| Position |  | |
| Contact details (telephone, fax, e-mail) | |  |

|  |  |  |
| --- | --- | --- |
| \_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_ |  |  |
| (date\*) |  | (signature\*) |

Note. \* The details of the document “date” and “signature” shall not be completed if the document has been prepared in conformity with the laws and regulations regarding drawing up of electronic documents.