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FICIL Position Paper on the Availability and Quality of Labour Force

1. Executive Summary

In this Position Paper on the Availability and Quality of Labour Force, the Foreign Investors' Council in Latvia (hereinafter – FICIL) highlights the continuing acute labour force shortage and the absence of an appropriate solution, as well as suggesting proposals regarding the procedures for the mandatory health examinations of employees and the issuance of sick leave certificates (hereinafter –SLC).

FICIL highly appreciates the preparation of a new Immigration Law, which is likely to significantly ease many formal procedures and speed up the recruitment process. At the same time, FICIL wishes to reiterate that labour shortages have become more pronounced in recent years, seen in both the highly-qualified and lower-qualified labour sectors. Labour shortages are already affecting, and will continue to affect, Latvia's competitiveness and may become a major factor slowing down the development of the country.

Another important issue which, in FICIL's opinion, should be addressed immediately is the control of the procedures for issuing SLCs, as well as the improvement of the mandatory health examination (hereinafter – MHE) process. Although it is undeniable that the overall state of health of employees is deteriorating every year, it is not acceptable that SLCs can be issued without grounds or that the MHE is formally carried out without assessing the true state of health of the employee. The above-mentioned shortcomings in the quality of the regulatory framework and its enforcement lead to considerable losses for employers, as well as increasing the risks associated with job security.

2. Recommendations

In this Position Paper FICIL sets out the following most significant recommendations for reducing the labour force shortage, and regarding the issuance of SLCs and the alignment of the regulatory framework of MHEs.

1. Measures to reduce labour shortages and promote business

1.1.Labour availability issues

FICIL wishes to highlight that, at present, the government's work plans do not provide short-term solutions for the availability of labour, which are essential not only to ensure further economic

development, but also to address the current issues.

1.1.1. Attraction of a labour force from third countries

FICIL does not deny that primary attention should be paid to recruitment for vacant posts and to measures to improve remigration and birth rates. However, the trend observed in recent years shows that labour shortages have become a serious obstacle to Latvia's economic development. It is therefore necessary to find rapid and effective solutions in the current situation until the plans for remigration and birth-rate measures have produced results.

Therefore, FICIL recommends that the means required by foreigners be reduced, setting it at a level no lower than the average gross remuneration for foreigners in the following employment sectors:

- Hospitality sector (hotels, restaurants etc.);
- Transportation by road;
- Logistics;
- Production of food products;
- Retail trade (insofar as a knowledge of the State language is not required to perform work duties).

1.1.2. Inclusion of disabled employees in the labour market

The existing legal framework of Section 109 of the Labour Law which prohibits an employer from giving notice of termination of an employment contract to an employee who is disabled, contrary to its initial aim, has not helped to protect such employees in the labour market, but has in fact prevented employers from employing people with a disability. FICIL urges the removal of this prohibition under the Labour Law, by promoting the involvement of disabled workers in the labour market by more effective means - by providing a system for reimbursing employers' expenses for adapting the workplace to the needs of such employees and granting tax incentives if the employer employs a certain number of disabled employees.

1.1.3. Regulatory framework of overtime work

In FICIL's opinion, the newly adopted amendment to Article 68 of the Labour Law which allows the setting of a lower supplementary payment for overtime work if a general agreement has been entered into in the sector, will only apply to a limited number of companies and the entering into of a general agreement will take a relatively long time; such arrangements can therefore not be considered to be an effective solution for all sectors of the economy. FICIL has stressed for several years that the amount of the supplement for overtime work in Latvia is significantly higher than in other countries of the European Union, which has a negative impact on Latvia's competitiveness among other countries.

FICIL therefore recommends readdressing the issue of an overall reduction of the overtime supplement. That is, FICIL had already previously suggested amending the Labour Law which provides for supplementary payments in the amount of 50% for the first two overtime hours within normal working hours and an average of twenty overtime hours in one month of registered aggregated working time.

1.2. Promoting regional employment and mobility of the labour force

FICIL considers that one of the central means of tackling labour shortages is the more efficient use of regional labour resources by promoting mobility of labour in regional centres and in Riga, where there is the most pronounced labour shortage. Regional mobility of a labour force is hindered significantly by the high tax burden placed on an employer in relation to attracting a labour force from the regions, as well as the limited offer of good quality rental apartments and

service hostels. These limitations have a particularly negative impact on categories of lower-paid employees who cannot afford to rent a separate apartment in the city themselves.

FICIL recommends promoting the development of the infrastructure concerned and promoting regional mobility in the following way:

1. To support the demand by entrepreneurs for service hotels, providing that the following shall not be taxable income:
 - a) employer's payments covering employee rental costs if the employee's habitual residence is in another city or region;
 - b) transport costs for getting to work and home in the region or another city covered by the employer from his or her own resources.
2. Practical implementation of a programme as soon as possible, to provide aid for local government capital companies to borrow funds in the Treasury for supporting the construction and restoration of housing stock.
3. Promoting supply to labour force infrastructure developers through co-financing, tax incentives or public private partnerships.

1.3. Expansion of opportunities for vocational training or upgrading of qualifications for the existing labour force, where these costs are covered by the employer

In the age of rapid digitalisation and robotization, lifelong learning and continued improvement of skills are an integral component of economic activity, benefiting both employees and employers in promoting the competitiveness of both groups. However, in FICIL's opinion, the current Labour Law framework does not effectively protect the investments by businesses into raising the qualification of employees if employees leave their jobs shortly after completing training. Under this framework, the employer may only request reimbursement for training costs if they are related to the work of the employee, but such improvements in the competitiveness of the employee do not play a key role in the performance of contracted work.

In order to encourage the investment by employers into the further education of employees and to reconcile the rights of employers and employees, FICIL proposes amendments to Section 96, Paragraph two of the Labour Law. These amendments would provide that if employees leave work of their own accord within three years following the end of training, employers can recover their training costs in all cases where they are related to the current or post-training work of the employees. At the same time, the Labour Law would retain a provision whereby the amount to be repaid be reduced proportionate to the time the employee worked for the employer after the end of the training.

2. Addressing the health situation and incapacity for work of employees

FICIL members have been indicating the shortcomings in the procedures and supervision of issuing SLCs for several years. Real-life examples show that employees may often receive an SLC even though they have no justified grounds for this. A similar situation has been identified with the MHE procedure, which formally controls the state of health of employees, relying solely on the information provided orally by the employees. In view of the fact that unjustifiably issued SLCs and poorly carried out MHEs pose not only a loss to employers but also a risk to job security for other employees, FICIL calls for immediate attention to be paid to these issues and for improvements in regulation.

2.1. Improving the EDS system so that the employer can verify the SLC issued

In the Electronic Declaration System (hereinafter - EDS), it is not possible for employers to see

immediately that an employee has been issued an SLC. This often makes it difficult for an employer to establish whether an employee has come to work when he or she is on a temporary period of incapacity. Moreover, given that employers often monitor the causes of the incapacity for work of employees, it would be important for EDS to distinguish between cases where a SLC was issued for the care of a sick child.

Automatic registration of the opening of an SLC in the EDS would significantly improve the ability of employers to react promptly to an employee's absence and to ensure the uninterrupted work of the business. On the other hand, clear information on cases where an SLC has been issued for the care of a sick child would improve the ability of the employer to analyse more accurately the risks associated with work in the company.

2.2. Development of a clear and effective control mechanism to reduce the number of SLCs issued without warrant

SLCs issued without warrant cause losses in both the private and public sectors. Therefore, in FICIL's opinion, effective control mechanisms should be introduced in order to avoid such situations. Otherwise, an inefficient system for controlling the issuance of SLCs causes direct losses to employers who pay for the 2nd to 9th sick days, and also hampers the day-to-day work of the companies. It would therefore be necessary to reinforce checks on doctors' practices and anticipate administrative penalties for SLCs that have been issued without grounds.

2.3. Organising the mandatory health examination process to provide objective data on the state of health of employees

FICIL members recommend providing a legal framework for the uniform performance of MHEs, to prevent situations where different occupational doctors draw different conclusions on the suitability of an employee for the performance of the specific job. The "special remarks and recommendations to the employer" by occupational disease doctors should determine which specific recommendations may be included so that employers can comply with them with no different interpretations possible. Finally, it would be necessary to ensure that such procedures for MHEs are in place so that employees cannot conceal their health problems. One such solution would be the involvement of family doctors in this process.

3. Rationale for the recommendations

1. MEASURES TO REDUCE LABOUR SHORTAGES AND PROMOTE ENTREPRENEURSHIP

1.1. Labour availability issues

The availability of the labour force in recent years has not only raised concerns among foreign investors in the context of Latvia's economic development, but also the daily difficulties for entrepreneurs in filling vacant jobs. FICIL welcomes the objectives set out in the Ministry of Economy's report on the medium and long-term labour market forecasts to work on remigration and birth rates in order to address labour availability issues¹. However, FICIL wishes to highlight that, at present, the government's work plans do not provide short-term solutions for the availability of labour, which are essential not only to ensure further economic development, but also to address the current issues. In order to reach long-term solutions, it is also necessary to respond adequately and promptly and to offer temporary solutions which may be implemented quickly.

¹ Ministry of Economy. Information report on the medium and long-term forecasts of the labour market. https://em.gov.lv/files/tautsaimniecibas_attistiba/dsp/EMZino_06072018_full.pdf.

Therefore, FICIL wishes to encourage the government to consider proposals that can improve the current situation in order to allow the recruitment of vacant posts and to address these issues connected to labour shortages. In this Position Paper FICIL sets out practical recommendations to resolve the issues of labour shortages, which may be implemented in the near future.

1.1.1. Attraction of a labour force from third countries

FICIL has stressed over several years that entrepreneurs lack employees with different levels of qualifications. The attraction of a labour force from third countries (outside the European Union and the European Economic Area) has so far proven to be an effective and rapid way of tackling labour shortages. FICIL welcomes the existing framework for attracting highly skilled labour, but acute labour shortages are also seen in the less skilled labour segment.

The current policy of the Latvian government in FICIL's opinion, does not contribute towards improving the availability of a labour force in the Latvian market, nor does it contribute towards improving the qualification of Latvia's residents, so that in the first place local residents might perform highly qualified jobs with a high added value. That is, if only a highly qualified labour force is attracted from third countries it could mean that only the lower qualified vacancies are left for the local residents of Latvia. In FICIL's opinion, such an approach is not appropriate or forward-looking if we want to aim to increase the level of education of Latvian citizens and performance of jobs with a high added value. In order to fulfil that indicated in the current government declaration regarding the involvement of Latvia's residents in jobs with a higher productivity and higher remuneration, solutions must be found to fill those vacancies that do not demand a special qualification or that ask for lower qualifications.

Therefore, FICIL recommends that the means required by foreigners in certain sectors be reduced, setting it at a level no lower than the average gross remuneration for foreigners in the anticipated employment sectors, similar to that already established in the agricultural, forestry and fish farming sectors during the season. FICIL recommends reducing the means required by foreigners in the following sectors:

- Hospitality sector (hotels, restaurants etc.);
- Transportation by road;
- Logistics;
- Production of food products;
- Retail trade (insofar as a knowledge of the State language is not required to perform work duties).

In this way, a temporary solution could be found to reduce labour shortages also in the lower-skilled segment and to ensure that economic development is not halted until the remigration measures and measures to improve the birth rate have started to produce some results.

This framework could also be introduced with certain additional conditions to protect the labour market from uncontrolled labour flows. Such additional conditions may include, for example, the re-issue of a residence permit on the same grounds only after a certain period of time following expiry of the previous permit or the introduction of a regulation only for a period of time, while the sectors concerned are experiencing acute labour shortages.

1.1.2. Inclusion of disabled employees in the labour market

FICIL highly welcomes actions aimed at integrating people with disabilities into society and engaging them in the labour market. However, for several years now, the issue of the need to remove the restrictions from the Labour Law for employers to terminate an employment contract for

persons with disabilities has been under consideration.

The current wording of Section 109, Paragraph two of the Labour Law restricts the rights of an employer to terminate employment legal relations with a disabled employee, when staff cuts are being made. This restriction poses difficulties for both employers and employees - people with disabilities. Contrary to its initial aim, the existing regulatory framework has not helped to protect such employees in the labour market, but in fact deters employers from employing people with a disability as they do not wish risk being unable to terminate employment legal relations due to the restrictions laid out in Section 109, Paragraph two of the Labour Law.

In other countries of the European Union there are no such restrictions on the termination of employment legal relationships for persons with disabilities (e.g. there are no such restrictions in Germany, Belgium, Finland, the other Baltic States, etc.). At the same time, other countries of the European Union have support measures for employers to encourage the employment of such employees. Accordingly, in FICIL's opinion, such measures should be focused on to encourage the involvement of disabled employees in the labour market and to support employers employing such people. Provision should be made for a clear framework for the reimbursement of costs for employers, such as the arrangement of an appropriate workplace for a disabled employee.

It would also be advisable to assess the issue of tax incentives for employers who employ a certain number of disabled employees in proportion to the total number of employees. For example, an employer employs more than 5 disabled people where the employer usually employs fewer than 50 employees in the company; at least 10 disabled people if the employer usually employs more than 51 employees in the company but fewer than 100; at least 10 per cent of the number of employees is disabled if the employer usually employs at least 100 but fewer than 300 people in the company, etc.

1.1.3. Regulatory framework of overtime work

The regulatory framework of overtime remuneration has been identified for several years as one of the issues that undermine Latvia's competitiveness among the rest of the Baltic States. Although amendments have recently been adopted to the Labour Law in respect of the ability to set a lower supplementary payment for overtime work if a general agreement has been entered into in the sector, which anticipates raising the minimum wage or hourly pay rate to at least 50% more than the set minimum wage or hourly pay rate, FICIL points out that the issue regarding the overall reduction of supplementary payments for overtime work is still pertinent.

In particular, there is no legal instrument in Latvia for the resolution of mutual issues between employers and employees. Although FICIL strongly agrees that a general agreement in a sector can be an effective means of improving working conditions for employees, it should be noted that rapid results in this field cannot be expected. Moreover, many companies operate in different sectors and it is not always possible to add them to a particular sector of the economy. Accordingly, entering into a general agreement is not a quick and effective means of improving the overtime work pay system (this has been demonstrated by the long process of entering into an agreement with the building contractors of Latvia), and is already a serious lack of regulation of the Latvian labour market in relation to the legal framework of the other Baltic States in the context of overtime payment.

FICIL therefore recommends readdressing the issue of an overall reduction of the overtime supplement. That is, FICIL had already previously suggested amending the Labour Law which provides for supplementary payments in the amount of 50% for the first two overtime hours within

normal working hours and an average of twenty overtime hours in one month of registered aggregated working time. This kind of regulation could apply to the economic sectors which do not have a general agreement, which provides for raising the minimum wage or hourly pay rate to at least 50% above the rate of the State determined minimum wage or hourly pay rate.

1.2. Promoting regional employment and mobility of the labour force

Taxes on housing and transport expenditure of the regional labour force

A number of FICIL members are already undertaking measures to promote regional labour mobility by recruiting people to regional centres. However, in practice businesses are experiencing hurdles which greatly hinder the mobility of the labour force. The major hurdles include excessive costs related to the recruitment of a regional labour force, as well as a shortage of adequate residential space in the regional centres and suburbs.

If the employer pays the transport and housing costs to the employee, these payments are considered to be the employee's taxable income, from which the employer must deduct both the personal income tax (PIT) (at least 20%) and the mandatory state social security contributions (35,09%). Such a tax burden applicable to regional labour recruitment makes mobility measures economically unviable, delaying the recruitment of labour and reducing the competitiveness of businesses.

In light of the above, FICIL proposes that the government make changes to the tax regulatory framework, providing that payments for employee housing in the city (hostel, service hotel, rented apartment, etc.) and transport costs for getting to work and home in the region are not regarded as the taxable income of employees.

Supporting construction of residential stock

The second essential factor hampering the recruitment of a labour force is the insufficient housing stock in regional centres. The market is not currently solving this problem, because investments in the construction of residential buildings have a long repayment term, as the solvency of the population is relatively low. In light of this, the involvement of the State and local governments in dealing with the situation is also necessary.

FICIL welcomes the programme developed by the government, which allows for the capital companies of local governments to borrow funds in the Treasury to support the construction, renovation, conversion or purchase of newly built, renovated or converted residential rental buildings. However, until the practical implementation of the programme, changes should be made to the regulatory framework - the Law On Assistance in Solving Housing Matters and other laws and regulations. Similarly, consent from the European Commission is also needed. Given the acute labour shortages, the implementation of this programme should be given a high priority.

FICIL believes that the government can effectively promote the construction and reconstruction of the residential stock by other means. The demand for rental accommodation would drive the abovementioned changes in the tax regulation in respect of employers' payments for employee transport and housing costs. At the same time, the development of residential premises needed to attract a labour force may be encouraged by stimulating the supply of such residential premises. This can be achieved through the introduction and implementation of programmes providing for co-financing, tax incentives or public private partnerships.

1.3. Expansion of opportunities for vocational training or upgrading of qualifications for the existing labour force, where these costs are covered by the employer

Section 96, Paragraph two of the Labour Law currently prescribes that an agreement regarding the reimbursement of costs for the raising of qualifications of an employee may only be entered into where the measures for raising of qualifications are related to the work performed by the employee, but do not have a decisive importance for the performance of contracted work. Thus, under the current framework, a situation arises in which the employer is not entitled to recover the costs of raising the qualifications of the employee, the need for which is determined by the nature of the specific work.

In FICIL's opinion the limit prescribed by Section 96, Paragraph two of the Labour Law has no legal grounds. On the contrary, this unnecessarily prevents employees from obtaining the necessary job qualifications. In fact, in this situation, it is the employees that suffer as employers do not want to risk and pay for this type of training without a guarantee that it will be possible to recover the costs if the employee resigns. If employers cannot retrain existing employees in Latvia, they are forced to search for a labour force abroad, or at least transfer part of their economic activity abroad.

Section 96, Paragraph two of the Labour Law sets out additional criteria to be met to facilitate an agreement between the employer and employee regarding training. One such criteria fundamentally protects the interests of employees by providing that the training expenditure to be reimbursed is reduced proportionally according to the time the employee worked for the employer following the end of the training. FICIL considers that such a mechanism protecting employees' rights in the Labour Law should be maintained.

In FICIL's opinion the solution whereby an employer may request the reimbursement of the costs for raising the qualification necessary for the performance of the relevant work would reconcile the rights of employers and employees. In addition, the maximum period for such an agreement within which the employer is entitled to recover at least part of his investment would be extended to 3 years.

FICIL therefore proposes that the following amendments be made to Section 96, Paragraphs two and four of the Labour Law, in order to facilitate the reimbursement of training costs, as well as to encourage employers to invest in further training and to reconcile the rights of employers and employees:

Section 96. Occupational Training or Raising of Qualifications

[..]

(2) If occupational training or measures for raising of qualifications are regarded as such which, according to the circumstances, are related to the work performed by the employee, or work to be performed, the employer and the employee may enter into a separate agreement on the employee's occupational training or raising of qualifications and covering the related expenses (hereinafter – the agreement on training).

(4) An agreement between an employer and an employee on training shall be admissible only if the abovementioned agreement corresponds to the following characteristics:

[..]

2) the term of agreement does not exceed three years starting from the issuance date of an education document certifying the occupational training or raising of qualifications;

[..]

2. Addressing the health situation and incapacity for work of employees

FICIL members have been indicating the shortcomings in the procedures and supervision of issuing SLCs for several years. Real-life examples show that employees may often receive an SLC even

though they do not have justified grounds for this. Supervision by the responsible authorities, including the Ministry of Welfare and the Health Inspectorate, is clearly insufficient and untimely. Doctors who issue an SLC are not actually penalised in any way; the mechanism for controlling the unwarranted issue of SLCs therefore does not work. SLCs issued without grounds pose financial losses to employers as they have to pay for the 2nd to 9th days of incapacity to work.

A similar situation has been identified with the MHE procedure, which formally controls the state of health of employees, relying solely on the information provided orally by the employees. Members of FICIL have come across situations in which employees conceal serious health problems in order to obtain a positive MHE outcome. Such a situation is also unacceptable and poses a significant work safety risk not only for dishonest employees, but also for the employer and other employees.

2.1. Improving the EDS system so that the employer can verify the SLC issued

The most common problems encountered by employers related to the issue of SLCs are as follows:

- Currently, in the EDS system, the issue of an SLC can only be seen when the doctor has "signed off" the SLC. An employer only knows about the "opening" of an SLC when the employee informs the employer himself or herself.

In practice, this poses a number of difficulties for an employer. For example, if an employee does not arrive at work and does not notify the employer of the reason for absence, the employer is unable to plan the company's activities, as it is unclear whether the employee is sick or simply not coming to work for other reasons. In the latter case, the employer has the right to dismiss such employee from work and seek a replacement. Without knowing the reason for the employee's absence, the company does not have the ability to quickly adjust the company's activities to avoid any difficulties arising from the employee's absence.

- When issuing a SLC category B to a person who is nursing a sick child up to the age of 14 years, following the closing of the SLC, in the EDS system the employer sees the reason for the employee's absence as being for "other reasons".

Considering that employers analyse the reasons for the incapacity for work of employees and develop measures in order to improve work conditions and prevent potential risks to the health of employees, it is important for an employer to know whether or not the incapacity for work of a specific employee is related to the sickness of the employee himself or herself or, accordingly, due to conditions at work. In the absence of information that the absence of an employee is not related to his or her own illness, the employer cannot fully analyse the data on risk factors in the company and react accordingly.

Automatic registration of the opening of an SLC in the EDS would significantly improve the ability of employers to react promptly to an employee's absence and to ensure the uninterrupted work of the business. On the other hand, clear information on cases where an SLC has been issued for nursing a sick child would improve the ability of the employer to analyse more accurately the risks associated with work in the company.

2.2. Establishment of a clear and effective control mechanism, including prevention, to reduce SLCs issued without grounds

In order to minimise the number of SLCs issued without warrant, causing losses in both the private and public sectors, in the opinion of the employers representing FICIL the introduction of a control mechanism would be necessary. Given that the introduction of e-health has significantly improved the possibility of analysing the SLCs issued, the following specific measures are proposed:

- **Regular checks at doctors' practices.** Each year, a certain number of random checks are

carried out, as well as targeted checks in those doctors' practices where a significantly higher number of SLCs have been issued than elsewhere, according to the data available on the e-health system. Additional checks shall be carried out in those medical practices which have previously been identified as having cases of unwarranted SLCs and/or irregularities in the issuance of SLCs.

- **Determination of an administrative penalty for a medical practitioner for issuing an SLC without grounds.** The penalty would be differentiated, with a higher penalty for the repeat issuance of SLCs.
- Informational posters addressed to patients in doctors' practices with easily visible information on the patient's obligation to provide true information on his or her state of health.

2.3.Organising the mandatory health examination process to provide objective data on the state of health of employees

Members of FICIL have repeatedly pointed out that the MHE does not provide an objective view of the state of health of employees. Therefore, FICIL proposes to assess the issue of changes to the MHE process or the involvement of a family doctor in this process, as employees often do not inform the doctor of occupational diseases or deliberately conceal them.

The procedures for performance of MHEs for those employees whose state of health is affected by, or may be affected by, factors of the working environment harmful to health, and those employees who have special conditions at work are regulated by Cabinet Regulation No. 219 of 10 March 2009 "Procedures for Performance of Mandatory Health Examinations". Although the Regulation lays down the procedures for the performance of MHEs, in practice several issues have arisen regarding the procedures for the performance of MHEs and their practicality, therefore FICIL recommends the following to improve the MHE process:

1. A single register would be required containing information on the suitability of the state of health of an employee with comments, as in practice, cases have been identified where an employee is assessed on a visit to one occupational disease doctor as being "not compliant" for some of the points, but "compliant" in the opinion of another occupational disease doctor.
2. The "Special remarks and recommendations to the employer" (point 12 on the MHE card) are often very vague and unambiguous in interpretation, which makes it difficult for employers to comply with the recommendations of an occupational disease doctor to adapt the work environment to the employee in question.
3. Regions and outside major cities have limited access to the MHE service and the completion terms can delay employees from commencing employment. In places, the process can take several weeks while all the necessary investigations are carried out, and the time and money of the employee are wasted (for their first MHE). In essence, in such situation an employer cannot employ the person as the suitability of his or her state of health with the work to be performed is unknown. For example, by involving family doctors in the MHE process, the result could be achieved significantly more quickly and possibly more objectively, as a family doctor has more personal information available.
4. In order to ensure that the employee does not hide true information on his or her state of health, family doctors should be involved in the MHE process, as they could provide additional information on the state of health, tests carried out and chronic diseases of the person. Another alternative would be to improve the MHE process to prevent a situation arising where an employee can conceal his or her health problems which are also not detected in the MHE process itself. For example, by prescribing additional checks or requesting the results of the health checks already carried out, if they have been carried out in the previous six months or year.