

# 1 Description of national OSH regulatory framework

## 1.1 Description of OSH regulatory framework

### Summary/citation

The Ministry of Social Affairs and Health is responsible for the drafting and development of occupational safety and health legislation and occupational safety and health policy and for international cooperation in the field of occupational safety and health. Finland has a comprehensive legislation for the promotion of employees' safety and health and most of this legislation is based on European Union legislation and/or the ILO Conventions ratified by Finland. The statutes on occupational safety and health are drafted on a tripartite basis, whereas the legislation on general labour law is drafted in the Ministry of Employment and the Economy.

The Occupational Safety and Health Act (738/2002) lays down the general provisions on occupational safety and health. The act is a general framework act and further provisions on its content are given by government decree. In addition to the Occupational Safety and Health Act, other important acts pertaining to working life include the Working Hours Act (605/1996), Employment Contracts Act (55/2001), Annual Holidays Act (162/2005) and the Occupational Health Care Act (1383/2001). Provisions on occupational safety and health enforcement and cooperation at workplaces are contained in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006).

The objective of the Occupational Safety and Health Act is to improve the working environment and working conditions in order to ensure and maintain the work ability of employees as well as to prevent occupational accidents and diseases and eliminate other hazards from work and the working environment to the physical and mental health of employees. The act contains provisions on the obligations of the employer, cooperation between employers and employees, obligations of the employee and safety of the working practices and the working environment.

Employers are required to take care of the safety and health of their employees while at work by taking the necessary measures. For this purpose, consideration must be given to the circumstances related to the work, working conditions and other aspects of the working environment as well as the employees' personal capacities. Employers shall also design and choose the measures necessary for improving the working conditions as well as decide the extent of the measures and put them into practice. Employees, too, shall follow the orders and instructions given by the employer within its competence. Employees shall also otherwise observe care and caution that is necessary for maintaining safety and health of the working environment.

The Occupational Safety and Health Administration (OSH Divisions of the Regional State Administrative Agencies), operating under the auspices of the Ministry of Social Affairs and Health, is responsible for the regional direction of occupational safety and health and enforcement of occupational safety and health legislation at regional level. The Occupational Safety and Health Administration must also promote occupational safety and health by ensuring safety and health at work, enforce compliance with occupational safety and health provisions and regulations, provide instructions, advice and training in occupational safety and health issues and disseminate information on them. Further provisions on the tasks of the Occupational Safety and Health Administration are contained in the Act on Occupational Safety and Health Administration (16/1993).

### References

Annual Holidays Act (162/2005).

Occupational Safety and Health Act (738/2002).

Occupational Health Care Act (1383/2001).

Employment Contracts Act (55/2001)

Working Hours Act (605/1996).

Act on Occupational Safety and Health Management (16/1993).

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

Occupational Safety and Health Administration

## 2 Scope, coverage and exclusions

### 2.1 Health and safety covers physical and psychological health

#### Summary/citation

The objective of the Occupational Safety and Health Act is to improve the working environment and working conditions in order to ensure and maintain the work ability of employees as well as to prevent occupational accidents and diseases and eliminate other hazards from work and the working environment to the physical and mental health of employees (section 1 of the Occupational Safety and Health Act).

The Occupational Safety and Health Act provides protection for both physical and mental health.

#### References

Occupational Safety and Health Act (738/2002). (1)

### 2.2 Definition of worker

#### Summary/citation

"The Occupational Safety and Health Act applies to work carried out under the terms of an employment contract and to work carried out in an employment relationship in the public sector or in comparable service relation subject to public law. In practice, the Occupational Safety and Health Act applies to all paid work performed in the employment of others.

The Occupational Safety and Health Act does not contain an exact definition of a worker. The act applies to work that the worker performs for an employer under the employer's management and supervision in return for a compensation and on the basis of an employment contract and to work that is performed in an employment relationship in the public sector or in comparable service relation subject to public law. In practice, the Occupational Safety and Health Act applies to all paid work performed in the employment of others.

Section 4 of the Occupational Safety and Health Act contains a list of the persons that are comparable to workers. They include students, persons taking part in rehabilitative work, persons serving a punishment, person kept in a place for treatment and persons doing their military or non-military service.

#### References

Occupational Safety and Health Act (738/2002). (2)

#### 2.2.1 Coverage of particular categories of workers

##### Summary/citation

The Occupational Safety and Health Act applies to work carried out under the terms of an employment contract and to work carried out in an employment relationship in the public sector or in comparable service relation subject to public law. However, the act does not apply to the following activities:

- ordinary hobby activities or professional sports activities
- military practice and training and directly related work performed by persons serving in the Finnish Defence Forces.

#### References

Occupational Safety and Health Act (738/2002). (2, 6)

##### 2.2.1.1 Migrant workers

###### **Summary/citation**

The Occupational Safety and Health Act applies to migrant workers working in Finland in the same manner, irrespective of whether they are in a direct employment relationship with a Finnish employer or whether they are employed as posted workers.

##### 2.2.1.2 Domestic workers

###### **Summary/citation**

The Occupational Safety and Health Act also applies to work which an employee by agreement performs in his or her home or some other place he or she has chosen, in the employer's home or on the employer's assignment in some other person's home or under related conditions. (section 5 of the Occupational Safety and Health Act)

As a rule, the safety and health requirements laid down in the Occupational Safety and Health Act apply to work performed at home in the same manner as to work performed in other work situations. However, when these employer's obligations are applied, consideration is given to the employer's restricted ability to influence the work and working conditions.

#### References

Occupational Safety and Health Act (738/2002). (5)

##### 2.2.1.4 Self-employed persons

###### **Summary/citation**

Except for work performed at shared workplaces, self-employed persons are outside the scope of the legislation.

However, the Occupational Safety and Health Act contains a separate provision on the obligations of self-employed persons on shared construction sites (section 53 of the Occupational Safety and Health Act).

#### References

Occupational Safety and Health Act (738/2002). (53)

## 2.3 Definition of employer

### **Summary/citation**

The Occupational Safety and Health Act does not contain an exact definition of an employer. The Occupational Safety and Health Act applies to work carried out under the terms of an employment contract and to work carried out in an employment relationship in the public sector or in comparable service relation subject to public law. As a rule, the Occupational Safety and Health Act applies to all work performed in the employment of others.

## 2.4 Exclusion of branches of economic activity

### Reference:

#### Occupational Safety and Health Act (738/2002). (2 (2))

##### 2.4.1 Agriculture

###### **Summary/citation**

Under section 2(1) of the Occupational Safety and Health Act, the act applies to work performed under the terms of an employment contract. This provision also applies to the agricultural sector.

### References

#### Occupational Safety and Health Act (738/2002). (2 (1))

##### 2.4.2 Construction

###### **Summary/citation**

Under section 2(1) of the Occupational Safety and Health Act, the act applies to work performed under the terms of an employment contract. This provision also applies to the construction sector.

Under section 7 of the Occupational Safety and Health Act, the act also applies to main contractors, clients or other persons on shared construction sites directing or supervising a construction project (section 7(1)(2) of the Occupational Safety and Health Act).

The Occupational Safety and Health Act contains separate provisions on the obligations of the main contractors, clients and self-employed persons on shared construction sites (sections 52 and 53 of the Occupational Safety and Health Act).

### References

#### Occupational Safety and Health Act (738/2002). (2,7,52,53)

##### 2.4.3 Services

###### **Summary/citation**

Under section 2(1) of the Occupational Safety and Health Act, the act applies to work performed under the terms of an employment contract. This provision also applies to services.

### References

#### Occupational Safety and Health Act (738/2002). (2 (1))

##### 2.4.4 Public sector

###### **Summary/citation**

Under section 2(1) of the Occupational Safety and Health Act, the act applies to work performed in an employment relationship in the public sector or in comparable service relation subject to public law.

### References

Occupational Safety and Health Act (738/2002). (2 (1))

#### 2.4.5 Other

##### **Summary/citation**

The Occupational Safety and Health Act does not apply to military practice and training and directly related work performed by persons serving in the Finnish Defence Forces. (section 6 of the Occupational Safety and Health Act).

Likewise, the act does not apply to ordinary hobby activities or professional sports activities (section 2(2) of the act).

The act does not apply to ordinary hobby activities or professional sports activities. (section 2(2) of the Occupational Safety and Health Act).

#### References

Occupational Safety and Health Act (738/2002). (2,6)

### 2.5 Definition of occupational accident

#### **Summary/citation**

Under section 1(1) of the Occupational Safety and Health Act, the objective of the act is to prevent occupational accidents and diseases and eliminate other hazards from work and the working environment to the physical and mental health of employees.

Under section 17 of the Occupational Accidents, Injuries and Diseases Act (459/2015), an accident means a sudden and unexpected occurrence arising from external factors that causes the employee to sustain injuries or a disease. Under section 20 of the act, an occupational accident means an accident sustained by the employee that has occurred at work or within or outside the place of work.

Under section 23 of the Occupational Accidents, Injuries and Diseases Act (459/2015), an occupational accident also means an accident sustained by the employee that has occurred outside the place of work during normal journey between home and workplace, including small deviations from the route because of, for example, children's day care, visit to a grocery shop or other similar reason. Also such accidents are considered as occupational accidents that have occurred near the workplace during normal meal breaks or other breaks from work.

Section 24 of the Occupational Accidents, Injuries and Diseases Act lays down provisions on accidents under special conditions. Under that section, also accidents sustained by the employee and occurred during activities in training or recreation events related to work are being considered as occupational accidents if the event was organised by the employer or the employer has approved the employee's participation in the event. Also such accidents are considered as occupational accidents that have occurred in activities to maintain working capacity in accordance with good occupational health care practice if the employer had organised those activities for his employees together with the occupational healthcare service provider based on the Occupational Health Care Act (1383/2001). The same applies to the following: activities related to visits to occupational healthcare service providers if the reason for the visit is an occurred or suspected damage referred to in the Occupational Ac

idents, Injuries and Diseases Act activities related to visits to occupational healthcare service providers due to sudden illness during a working day; occupational healthcare that the employer has a duty to arrange under the provisions of Occupational Health Care Act; other duties related to the work or to tasks set by the employer. Also accidents occurred during fitness training are occupational accidents if the training has been approved by the employer and is meant to fulfil special provisions concerning the employee's physical condition. Also accidents occurred during journeys from home to the activities mentioned above and back home, as provided by 23 paragraph 1, are occupational accidents. Occupational accident is also an accident occurred when the employee has taken lodgings in conditions involving exceptional risk of accident if the accident occurred because of those conditions.

#### References

Occupational Safety and Health Act (738/2002). (1)

Occupational Accidents, Injuries and Diseases Act (459/2015) (17,20, 23, 24)

### 2.6 Definition of occupational disease

#### Summary/citation

Under section 1(1) of the Occupational Safety and Health Act, the objective of the act is to prevent occupational accidents and diseases and eliminate other hazards from work and the working environment to the physical and mental health of employees.

Under section 26 of the Occupational Accidents, Injuries and Diseases Act (459/2015), an occupational disease means a disease the main cause of which has probably been an exposure of the employee to physical, chemical or biological agents at work, within the place of work or during training.

#### References

Occupational Safety and Health Act (738/2002). (1)

Occupational Accidents, Injuries and Diseases Act (459/2015) (26)

#### 2.6.1 List of occupational diseases

##### Summary/citation

Provisions on the list of occupational diseases are contained in the Government Decree on the List of Occupational Diseases (769/2015). The decree contains the diseases that are considered to have a probable causal link, established through medical research, to physical, chemical or biological agents. Compensation for occupational diseases is provided for these diseases if it is established that the employee has been exposed to an agent referred to in the decree in conditions referred to in section 26 of the Occupational Accidents, Injuries and Diseases Act to such extent that the exposure may have been the main cause of the disease and it has not been clearly established that the disease has any other causes. (section 27 of the Occupational Accidents, Injuries and Diseases Act)

The list of occupational diseases only includes diseases caused by physical, chemical and biological agents because only diseases caused by those agents can be considered as occupational diseases under the Occupational Accidents, Injuries and Diseases Act (459/2015). If an agent that has caused a disease cannot be classified as physical, chemical or biological, the disease cannot be defined as an occupational disease referred to in the Act. However, no problems related to this have been noticed in Finland. It has been notified that the restriction mainly means that diseases caused by mental factors cannot be compensated as occupational diseases. There is no list of potential occupational diseases (diseases that could in the future be defined as occupational diseases).

#### References

Occupational Accidents, Injuries and Diseases Act (459/2015) (26, 27)

#### 2.6.2 Mechanism for compensating other diseases as occupational ones

##### **Summary/citation**

In Finland, the concept of occupational disease has not been restricted to diseases listed in the list of occupational diseases. Under the Occupational Accidents, Injuries and Diseases Act (459/2015), an occupational disease means a disease which probably mainly results from the employee's exposure to physical, chemical or biological agents at work. The list of occupational diseases includes diseases that are considered as the most common occupational diseases, and agents causing them are listed there too. The list is not exhaustive or restricting. A disease can be compensated as an occupational disease even it is not mentioned in the list if the causal relationship between the disease and an exposing agent referred to in the act can be proved with sufficient probability.

##### References

Occupational Accidents, Injuries and Diseases Act (459/2015) (26)

### 3 Institutions and programmes relating to OSH administration and/or enforcement

#### 3.1 Competent national authority for safety and health at work

##### **Summary/citation**

The Occupational Safety and Health Administration (Regional State Administrative Agencies) act as the competent national authority for occupational safety and health in Finland. The Occupational Safety and Health Administration, operating under the auspices of the Ministry of Social Affairs and Health, is responsible for the regional direction of occupational safety and health and enforcement of occupational safety and health legislation at regional level. (section 1 of the Act on Occupational Safety and Health Administration)

##### References

Act on Occupational Safety and Health Management (16/1993). (1)

#### 3.1.1 Objectives, roles and/or functions

##### **Summary/citation**

The Occupational Safety and Health Administration, operating under the auspices of the Ministry of Social Affairs and Health, is responsible for the regional direction of occupational safety and health and enforcement of occupational safety and health legislation at regional level. (section 1 of the Act on Occupational Safety and Health Administration)

In order to promote occupational safety and health, the Occupational Safety and Health Administration shall

- 1) develop safe and healthy working practices;
  - 2) supervise, through inspections and research, compliance with occupational safety and health provisions and regulations when this is the statutory task of the Occupational Safety and Health Administration;
  - 3) ensure that the measures necessary for the planning and development of occupational safety and health are carried out;
  - 4) provide advice, information, and training in occupational safety and health matters and conduct research in the subject;
  - 5) issue instructions, advice and opinions on the application of the occupational safety and health provisions and regulations;
  - 6) issue instructions, advice and training in occupational safety and health matters for self-employed persons and plan and develop occupational safety and health for their needs;
  - 7) engage in close cooperation with employer and employee organisations in the field of occupational safety and health; and
  - 8) carry out all other tasks that are separately laid down as its duties.
- (section 2 of the Act on Occupational Safety and Health Administration)

#### References

Act on Occupational Safety and Health Management (16/1993). (1,2)

3.1.2 Chairperson and composition

### 3.2 National OSH research programme or institute

#### **Summary/citation**

The Finnish Institute of Occupational Health is a research institute coming under the Ministry of Social Affairs and Health that carries out and promotes research on the interaction between work and health and research and development work in the field of occupational safety and health and occupational health care.

#### References

Ordinance respecting the activities and financing of the Occupational Health Institute.

Finnish Institute of Occupational Health

Act on the Operations and Financing of the Finnish Institute of Occupational Health (159/1978)

3.2.1 Objectives, roles and/or functions

#### **Summary/citation**

“The task of the Finnish Institute of Occupational Health is to carry out and promote research on the interaction between work and health and, as part of this work, process personal data so that it can study and monitor the health of employees. The Finnish Institute of Occupational Health also carries out studies and measurements concerning the prevention and elimination of health risks and hazards occurring at workplaces or elsewhere in the working environment and provides services in this area. The Finnish Institute of Occupational Health carries out independent health care, medical care and laboratory activities aimed at establishing, treating and preventing occupational, work-based and work-related diseases and for assessing work ability. The Finnish Institute of Occupational Health carries out training, publication and information activities pertaining to its sector and carries out the other tasks laid out as its duties.” (section 2 of the Act on the Operations and Financing of the Finnish Institute of Occupational Health (159/1978)).

#### References

Ordinance respecting the activities and financing of the Occupational Health Institute.

Finnish Institute of Occupational Health

Act on the Operations and Financing of the Finnish Institute of Occupational Health (159/1978) (2)

#### 3.2.2 Governance board constitution and chairmanship

##### **Summary/citation**

Provisions on the Finnish Institute of Occupational Health are laid down in the Act on the Activities and Financing of the Institute of Occupational Health (159/1978).

References

Act on the Operations and Financing of the Finnish Institute of Occupational Health (159/1978)

#### 3.2.3 Source of funding

##### **Summary / Citation**

In the State budget, the central government yearly approves the Institute's activities and transfers funds to cover four fifths of the budget of the Institute approved by the Ministry of Social Affairs and Health.

Within the limits of the State budget, the Finnish Institute of Occupational Health can also be given extra central government subsidies for carrying out research and service activities in the field of occupational health and safety and occupational healthcare, or for activities that need special support. Sections 3a and 3b lay down provisions on funding of medical specialist training in the field of occupational healthcare, organised in accordance with a training programme approved by a university.

References

Act on the Operations and Financing of the Finnish Institute of Occupational Health (159/1978) (3, 3a, 3b)

### 3.3 National OSH programme

#### 3.3.1 Consultation on the national OSH programme

##### **Summary/citation**

The Ministry of Social Affairs and Health adopted the social affairs and health policy strategy, Socially Sustainable Finland 2020, in 2011. Policies for the work environment and well-being at work specify the strategy. The policies pay particular attention to OSH areas related to work environment and wellbeing at work. The policies include the national policy referred to in the Convention of the International Labour Organization (ILO) on the Promotional Framework for Occupational Safety and Health (Convention no. 187).

References

Policies for the work environment and well-being at work until 2020 2011

## 4 Employers' duties and responsibilities to protect the safety and health of workers and others

### 4.1 Duty to ensure the health and safety of employees

##### **Summary/citation**

“Employers are required to take care of the safety and health of their employees while at work by taking the necessary measures. For this purpose, employers must consider the circumstances related to the work, working conditions and other aspects of the working environment as well as the employees’ personal capacities.” (section 8(1) of the Occupational Safety and Health Act).

“Employers must design and choose the measures necessary for improving the working conditions...” (section 8(3) of the Occupational Safety and Health Act).

“Employers must continuously monitor the working environment, the state of the work community and the safety of the working practices. Employers must also monitor the impact of the measures put into practice on safety and health at work.” (section 8(4) of the Occupational Safety and Health Act).

#### References

Occupational Safety and Health Act (738/2002). (8)

### 4.2 Duty to protect the health and safety of people other than their own employees

#### Summary/citation

The provisions of the Occupational Safety and Health Act also apply to situations where labour employed by someone else (leased labour) is used (section 3(1) of the Occupational Safety and Health Act).

The act also applies to work performed by students, persons taking part in labour market policy measures, persons in rehabilitation, prisoners, conscripts and persons kept in a place for treatment (section 4 of the Occupational Safety and Health Act).

If one employer exercises the main authority at a workplace and if more employers than one or more self-employed workers than one, working in return for compensation, operate there simultaneously or successively in such a way that the work may affect other employees’ safety or health (shared workplace), the employers and self-employed workers at such a workplace shall, taking the nature of the work and activities into consideration, each for their part and together in adequate mutual cooperation and by information ensure that their activities do not endanger the employees’ safety and health (section 49 of the Occupational Safety and Health Act).

#### References

Occupational Safety and Health Act (738/2002). (3,4,49)

### 4.3 Collaboration among two or more employers at the same workplace

#### Summary/citation

“If one employer exercises the main authority at a workplace and if more employers than one or more self-employed workers than one, working in return for compensation, operate there simultaneously or successively in such a way that the work may affect other employees’ safety or health (shared workplace), the employers and self-employed workers at such a workplace shall, taking the nature of the work and activities into consideration, each for their part and together in adequate mutual cooperation and by information ensure that their activities do not endanger the employees’ safety and health.” (section 49 of the Occupational Safety and Health Act).

#### References

Occupational Safety and Health Act (738/2002). (49)

### 4.4 Surveillance of workers’ health in relation to work

### Summary / Citation

“Employers must continuously monitor the working environment, the state of the work community and the safety of the working practices. Employers shall also monitor the impact of the measures put into practice on safety and health at work.” (section 8(4) of the Occupational Safety and Health Act).

The occupational health care that the employer has a duty to arrange shall, in accordance with good occupational health care practice, include investigation, assessment and monitoring of work-related health risks and problems, employees' health, work ability and functional capacity, including any special risk of illness caused by the work and the working environment, and any medical examinations as a result of the aforementioned points, having regard to the individual characteristics of the employee (section 12(1)(2) of the Occupational Health Care Act).

### References

Occupational Safety and Health Act (738/2002). (8)

Occupational Health Care Act (1383/2001). (12)

4.4.1 Specific hazards for which surveillance is required

## 4.5 Surveillance of the working environment and working practices

### Summary / Citation

“Employers must continuously monitor the working environment, the state of the work community and the safety of the working practices. Employers shall also monitor the impact of the measures put into practice on safety and health at work.” (section 8(4) of the Occupational Safety and Health Act).

### References

Occupational Safety and Health Act (738/2002). (8)

## 4.6 Duty to provide personal protective equipment

### Summary / Citation

“Employers shall acquire and provide for use by employees appropriate personal protective equipment in compliance with requirements separately provided by statute if the risk of injury or illness cannot be avoided or adequately reduced by measures focused on the work or working conditions.” (section 15(1) of the Occupational Safety and Health Act)

Employers shall acquire and provide for use by employees auxiliary equipment or other devices whenever the nature of the work, the working conditions or appropriate work performance require it and when it is necessary in order to avoid the risk of injury or illness.” (section 15(2) of the Occupational Safety and Health Act)

Further provisions on personal protective equipment are contained in the Government Decision on the Selection and Use of Personal Protective Equipment at Work (1407/1993).

### References

Occupational Safety and Health Act (738/2002). (15)

Decision of the Council of State respecting the choice and use of personal protective equipment at work (No. 1407 of 1993)

## 4.7 Duty to ensure the usage of personal protective equipment

### Summary / Citation

“Employers shall acquire and provide for use by employees appropriate personal protective equipment in compliance with requirements separately provided by statute if the risk of injury or illness cannot be avoided or adequately reduced by measures focused on the work or working conditions.” (section 15(1) of the Occupational Safety and Health Act).

“Employers shall acquire and provide for use by employees auxiliary equipment or other devices whenever the nature of the work, the working conditions or appropriate work performance require it and when it is necessary in order to avoid the risk of injury or illness.” (section 15(2) of the Occupational Safety and Health Act).

“Employers shall give their employees necessary information on the hazards and risk factors of the workplace and ensure, taking the employees’ occupational skills and work experience into consideration, that:

1) the employees receive an adequate orientation to the work, working conditions at the workplace, working and production methods, work equipment used in the work and the correct method of using it, as well as to safe working practices, especially before the beginning of a new job or task or a change in the work tasks, and before the introduction of new work equipment and new working or production methods.” (section 14(1)(1) of the Occupational Safety and Health Act).

## References

Occupational Safety and Health Act (738/2002). (14,15)

### 4.8 Duty to provide first-aid and welfare facilities

#### 4.8.1 Arrangements for first-aid

##### **Summary / Citation**

“The employer shall see to the provision of first aid for the employees and other persons present in the workplace in a manner required by the number of employees, the nature of the work and the working conditions. In accordance with the work and working conditions, the employees shall be provided with instructions on the measures to be taken in order to receive first aid in the case of an accident or illness.

Taking into consideration the extent and location of the workplace, the number of employees and the nature of the work and the other working conditions, an adequate supply of appropriate first aid equipment shall be available in appropriate and clearly marked places in the workplace or in its immediate vicinity.

In the workplace, there shall be premises suitable for giving first aid whenever the number of employees, the nature of the work or the other working conditions so require.” (section 46 of the Occupational Safety and Health Act)

“The first aid room or other space intended for first aid must be located and dimensioned so that it is easily accessible to stretchers. The adequacy and appropriateness of the first aid equipment and its place of storage must be checked on a monthly basis in case of accident or illness.” (section 8 of the Government Decree on Safety and Health Requirements in the Workplace)

## References

Occupational Safety and Health Act (738/2002). (46)

State Council Ordinance (No. 577 of 2003) respecting occupational safety and health requirements. (8)

#### 4.8.2 Sanitary installations

##### **Summary / Citation**

Taking into consideration the nature and duration of the work and the number of the employees, adequate and appropriately fitted rooms for washing, dressing and keeping of clothes as well as toilet rooms shall be available for use by the employees in the workplace or in its immediate vicinity. (section 48(1) of the Occupational Safety and Health Act).

“If necessary, the washing rooms shall be heated and there must be a supply of warm water for washing. They must also have the required washing equipment and, if necessary, bathing equipment and showers or a sauna. If the washing rooms are separated from the changing rooms there must be easy communication between the two. If necessary, separate washing, changing and break rooms and toilets shall be provided for men and women.” (section 6 of the Government Decree on Safety and Health Requirements in the Workplace)

#### References

Occupational Safety and Health Act (738/2002). (46)

State Council Ordinance (No. 577 of 2003) respecting occupational safety and health requirements. (6)

#### 4.8.3 Drinking water

##### **Summary / Citation**

Under section 48 of the Occupational Safety and Health Act, an adequate supply of decent drinking water must be available to the employees (section 48 of the Occupational Safety and Health Act).

#### References

Occupational Safety and Health Act (738/2002). (48)

#### 4.8.4 Rest and eating areas

##### **Summary / Citation**

“Taking into consideration the nature and duration of the work and the number of the employees, adequate and appropriately fitted dining rooms, break rooms and other personnel rooms shall be available for use by the employees in the workplace or in its immediate vicinity.” (section 48 of the Occupational Safety and Health Act)

“Pregnant women and breast-feeding mothers shall, when necessary, have an opportunity to go to rest in a break room or other suitable place.” (section 48(2) of the Occupational Safety and Health Act)

“The dining rooms and break rooms intended for the employees shall be appropriate and large enough. The room provided for this purpose shall be equipped with an adequate number of tables and seats with backs for the number of employees. The rooms shall have appropriate equipment for storing and heating the food and drinks that the employees have brought with them.” (section 4 of the Government Decree on Safety and Health Requirements in the Workplace)

#### References

Occupational Safety and Health Act (738/2002). (46)

State Council Ordinance (No. 577 of 2003) respecting occupational safety and health requirements. (4)

## 5 Employers' duty to organize prevention formally along generally accepted OSH management principles and practices

### 5.1 Elements of an OSH management system

#### 5.1.1 Policy or plan specifying responsibilities and arrangements for health and safety

**Summary/citation**

“The employer shall have a policy for action needed in order to promote safety and health and to maintain the employees’ work ability. The policy must incorporate the need to develop the working conditions and the impact of the working environmental factors (occupational safety and health policy). The objectives for promoting safety and health and maintaining work ability deriving from the policy must be taken into account in the workplace development and planning, and they must be discussed together with the employees or their representatives.” (section 9 of the Occupational Safety and Health Act)

References

Occupational Safety and Health Act (738/2002). (9)

5.1.2 Appointment of a person for health and safety

**Summary/citation**

The employer shall nominate his representative (occupational safety and health manager) for the cooperation, unless the employer himself wishes to take the position. It is the duty of the occupational safety and health manager to help the employer and the management in tasks relating to acquisition of expertise in occupational safety and health and to cooperation with employees and occupational safety and health authorities. For this purpose, it is the duty of the occupational safety and health manager to take necessary measures to organise cooperation between the employer and the employees and to maintain such cooperation in the workplace, as well as to contribute to the development of occupational safety and health cooperation.

The occupational safety and health manager shall be adequately qualified regarding the nature of the workplace and the work, and the extent of the workplace. He or she shall also possess enough knowledge of occupational safety and health legislation and the conditions in the workplace. (section 28 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

The employer shall ensure that the workplace investigation is kept on display at the workplace for employees to read (Section 25 of the Occupational Health Care Act 1383/2001).

References

Occupational Health Care Act (1383/2001). (25)

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

5.1.3 Written risk assessment

**Summary/citation**

“The employer shall, taking the nature of the work and activities into account, systematically and adequately analyse and identify the hazards and risk factors caused by the work, working hours, working premises, other aspects of the working environment and the working conditions and, if the hazards and risk factors cannot be eliminated, assess their consequences to the employees’ safety and health.” (section 10(1) of the Occupational Safety and Health Act)

“The employer shall be in possession of the analysis and assessment referred to in subsection 1. The analysis and assessment must be revised when the conditions essentially change, and they must also otherwise be kept up-to-date.” (section 10(3) of the Occupational Safety and Health Act)

References

Occupational Safety and Health Act (738/2002). (10)

5.1.4 Safe operating work systems and procedures

5.1.5 Training and information on risks

**Summary/citation**

Under section 14 of the Occupational Safety and Health Act, employers shall give their employees necessary information on the hazards and risk factors of the workplace and ensure, taking the employees' occupational skills and work experience into consideration, that:

- 1) the employees receive an adequate orientation to the work, working conditions at the workplace, working and production methods, work equipment used in the work and the correct method of using it, as well as to safe working practices, especially before the beginning of a new job or task or a change in the work tasks, and before the introduction of new work equipment and new working or production methods;
- (2) the employees are given instruction and guidance in order to eliminate the hazards and risks of the work and to avoid any hazard or risk from the work jeopardising safety and health;
- (3) the employees are given instruction and guidance for adjustment, cleaning, maintenance and repair work as well as for disturbances and exceptional situations; and
- (4) the instruction and guidance given to the employees is complemented, when necessary.

Further provisions on the instruction and guidance provided to employees are contained in government decrees.

References

Occupational Safety and Health Act (738/2002). (14)

5.1.6 Review or assessment of the results of preventive measures

5.1.7 Consultation with workers in health and safety

**Summary/citation**

"The employer shall in good time give the employees necessary information on any factors that affect safety and health in the workplace and other circumstances that have an effect on the working conditions as well as on any assessments and other analyses and plans concerning them. The employer shall also ensure that these matters are duly and in good time discussed between the employer and the employees or their representatives." (section 17 of the Occupational Safety and Health Act)

"In addition to what is otherwise provided, the issues to be handled in cooperation between the employer and employees include, among other things:

- 1) matters immediately affecting the safety and health of any employee, and any changes in those matters;
- 2) principles and manner of investigating risks and hazards at the workplace, as well as such factors generally affecting the safety and health of employees that have come up in connection with the investigation or a workplace survey carried out by a

- n occupational health care organisation;
- 3) development objectives and programmes relating to workplace health promotion or otherwise affecting the safety and health of employees;
- 4) matters affecting the safety, health and work ability of employees and relating to the organisation of work or workload, or to any essential changes in the organisation or workload;
- 5) need and arrangements for training, guidance and induction to be given to employees pursuant to acts enforced by the occupational safety and health authorities;
- 6) statistics and other follow-up information relating to the work, working environment and the state of the work community and describing safety and health at work;
- 7) follow-up of how the matters referred to in paragraphs 1-6 above have been carried out, and follow-up of their effects.

The matters referred to in paragraphs 1-7 above shall be dealt with in due time considering the objectives of the cooperation, taking account of the time schedule for their preparation and carrying them out.” (section 26 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

#### References

Occupational Safety and Health Act (738/2002). (17)

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

## 5.2 Obligation to implement a specific OSH management system or standard

### 6 Employers' duty to ensure availability of expertise and competence in health and safety

#### 6.1 OSH competence

##### Summary/citation

If the employer does not have adequate expertise to analyse and assess the risks at work he or she shall use external experts (Section 10(2) of the Occupational Safety and Health Act).

“The employer shall arrange occupational health care at his own expense in order to prevent and control health risks and problems related to work and working conditions and to protect and promote the safety, working capacity and health of his employees” (Section 4 of the Occupational Health Care Act 1383/2001)

#### References

Occupational Safety and Health Act (738/2002). (10)

Occupational Health Care Act (1383/2001). (4)

#### 6.1.1 Requirement to access expert advice and/or support in health and safety

##### 6.1.1.1 Qualifications of experts or professional services

##### Summary / Citation

The employer shall make sure that the experts have adequate competence and other qualifications needed for carrying out the task properly. Provisions on the use of occupational health care experts and professionals and on workplace surveys are contained in the Occupational Health Care Act (1383/2001). (section 10(2) of the Occupational Safety and Health Act)

#### References

Occupational Safety and Health Act (738/2002). (10)

## 6.2 Appointment of an OSH practitioner

### Summary/citation

Section 10 of the Occupational Safety and Health Act provides that “The employer shall, taking the nature of the work and activities into account, systematically and adequately analyse and identify the hazards and risk factors caused by the work, working hours, working premises, other aspects of the working environment and the working conditions and, if the hazards and risk factors cannot be eliminated, assess their consequences to the employees’ safety and health.” If the employer does not have adequate expertise for this action, he or she shall use external experts. The employer shall make sure that the experts have adequate competence and other qualifications needed for carrying out the task properly. Provisions on the use of occupational health care experts and professionals and on workplace surveys are contained in the Occupational Health Care Act (1383/2001).

### References

Occupational Safety and Health Act (738/2002). (10)

6.2.1 Workforce size threshold for the appointment of OSH practitioners

## 7 Workers' rights and duties

### 7.1 Duty to take reasonable steps to protect their own safety and health

#### Summary / Citation

“Employees shall follow the orders and instructions given by the employer within his or her competence. Employees shall also otherwise observe such order and cleanliness as well as care and caution that is necessary for maintaining safety and health necessitated by the work and working conditions.” (section 18(1) of the Occupational Safety and Health Act)

### References

Occupational Safety and Health Act (738/2002). (18)

### 7.2 Duty to take reasonable steps to protect the safety and health of others

#### Summary / Citation

“Employees shall also, in accordance with their experience as well as the instruction and guidance provided by the employer and according to their occupational skills, by available means take care of both their own and the other employees’ safety and health.” (section 18(2) of the Occupational Safety and Health Act)

### References

Occupational Safety and Health Act (738/2002). (18)

7.3 Supervisors’ duty to take reasonable steps to protect the safety and health of others

7.4 Senior officers’ duty to take reasonable steps to protect the safety and health of others

7.5 Self-employed persons’ duty to take reasonable steps to protect their own and other people’s health and safety

7.6 Duty to comply with OSH-related requirements

7.7 Right to enquire about risks and preventive measures

7.8 Right to remove themselves from a dangerous situation

#### Summary / Citation

“Employees shall without delay inform the employer and the occupational safety and health representative of any such faults and defects they have discovered in the working conditions or working methods, machinery, other work equipment, personal protective equipment or other devices which may cause hazards or risks to the employees’ safety or health. Employees shall, in accordance with their experience as well as the instruction and guidance provided by the employer and according to their occupational skills and opportunities, eliminate such faults and defects they have discovered which cause evident hazards. An employee must give the report referred to above also in the case that he or she has eliminated or remedied the fault or defect.” (section 19(1) of the Occupational Safety and Health Act)

“If the work causes a serious risk to an employee’s own or other employees’ life or health, the employee has the right to leave off such work. The employer or his or her representative shall be informed of the employee leaving off the work as soon as possible. The right to leave off work continues to exist until the employer has eliminated the risk factors or in some other way ensured that the work can be done safely.

Leaving off work shall not restrict working on a larger scale than what is necessary for safety and health. When leaving off work, it must be ensured that the danger that may be caused by this action is as low as possible. If an employee, in accordance with this section, leaves off work, he or she shall not be liable to compensate for the losses caused by this action.” (section 23 of the Occupational Safety and Health Act)

#### References

Occupational Safety and Health Act (738/2002). (19,23)

#### 7.9 Right to be reassigned to non-hazard work

7.9.1 Right to withdraw with compensation when workers are not reassigned to non-hazard work

### 8 Consultation, collaboration and co-operation with workers and their representatives

#### 8.1 National OSH committee, commission, council or similar body

8.1.1 Objectives, roles and/or functions

8.1.2 Constitution and chairmanship modalities

#### 8.2 Employers’ duty to consult workers on risks

##### Summary / Citation

“Employers must give their employees necessary information on the hazards and risk factors of the workplace and ensure, taking the employees’ occupational skills and work experience into consideration, that:

- 1) the employees receive an adequate orientation to the work, working conditions at the workplace, working and production methods, work equipment used in the work and the correct method of using it, as well as to safe working practices, especially before the beginning of a new job or task or a change in the work tasks, and before the introduction of new work equipment and new working or production methods;
- 2) the employees are given instruction and guidance in order to eliminate the hazards and risks of the work and to avoid any hazard or risk from the work jeopardising safety and health.” (section 14(1) of the Occupational Safety and Health Act)

“The employer shall in good time give the employees necessary information on any factors that affect safety and health in the workplace and other circumstances that have an effect on the working conditions as well as on any assessments and other analyses and plans concerning them. The employer shall also ensure that these matters are duly and in good time discussed between the employer and the employees or their representatives.” (section 17(2) of the Occupational Safety and Health Act)

“The employer shall provide occupational health care professionals and experts with information on the work, working arrangements, occupational diseases, occupational accidents, personnel and workplace conditions, and any changes in these, and other comparable factors, which is needed for assessing and preventing work-related health risks and problems for employees.” (section 15 of the Occupational Health Care Act)

References

Occupational Safety and Health Act (738/2002). (14,17)

Occupational Health Care Act (1383/2001). (15)

### 8.3 Workers' right to select their representatives for health and safety matters

**Summary / Citation**

“At workplaces where at least ten employees work regularly, the employees shall from among themselves choose an occupational safety and health representative and two vice representatives to represent them in the cooperation referred to in this chapter, and to keep contact with occupational safety and health authorities. In other workplaces, too, the employees can from among themselves choose the representatives mentioned above. Clerical employees at a workplace are entitled to choose their own occupational safety and health representative and two vice representatives from among themselves.” (section 29(1) of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

8.3.1 Workforce size conditions for workers' representation in health and safety

8.3.2 Conditions of eligibility to represent workers in health and safety

### 8.4 OSH representatives' functions, rights and powers

Reference:

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

8.4.1 Right to inspect the workplace

**Summary / Citation**

It is the duty of the occupational safety and health representative to become familiar, on his or her own initiative, with the environment of the workplace (section 31 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

The occupational safety and health representative must become familiar with the workplace conditions pertaining to safety and health at work by observing them on a regular basis and notify supervisors and the occupational safety and health manager and, if necessary, the occupational safety and health authorities of the defects and shortcomings that he or she has noticed.

References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

8.4.2 Right to access OSH information

**Summary / Citation**

"The occupational safety and health representative is entitled to have access to the documents and records the employer is obliged to keep in accordance with occupational safety and health provisions. The representative also has a right to become familiar with such documents in possession of the employer which concern safety and health at work and are connected with the state of the working environment and work community. Additionally, the occupational safety and health representative is entitled to receive from the employer any information necessary for his or her cooperational duties," (section 32(1) of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

(The following was more generally meant to 8.4)

The occupational safety and health representative represents the employees of the workplace when dealing with matters concerning the safety and health of the employees in cooperation with the employer, and in relation to occupational safety and health authorities. Additionally, it is the duty of the occupational safety and health representative to become familiar, on his or her own initiative, with the environment of the workplace, matters connected with the state of the work community and affecting the safety and health of employees, and with occupational safety and health legislation. The occupational safety and health representative shall also participate in inspections and expert investigations relating to occupational safety and health, if the expert or occupational safety and health authority considers the participation as necessary. The occupational safety and health representative shall also, for his or her own part, make the employees he or she represents pay attention to matters that promote safety and health at work. (section 31 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2007)

8.4.3 Right to be present at interviews

8.4.4 Right to receive professional assistance from OSH experts

8.4.5 Right to accompany inspectors

#### **Summary / Citation**

The occupational safety and health representative shall participate in inspections relating to occupational safety and health. (section 31 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2007)

8.4.6 Right to use facilities

#### **Summary / Citation**

The employer shall, free of charge, assign a room on its premises for the occupational safety and health representative and the occupational safety and health committee for keeping and studying the documents relating to their duties, and a room for meetings that are necessary with regard to their duties. (section 41 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2007)

8.4.7 Right to have time off work with pay to perform duties

#### **Summary / Citation**

The employer shall release the occupational safety and health representative from his or her regular work for carrying out his or her statutory duties for the reasonable period of time he or she needs to carry out the duties of an occupational safety and health representative, unless there is a sufficient reason that temporarily prevents the release. When defining the time for carrying out the duties of an occupational safety and health representative, the following factors shall be taken into

account: number of employees the representative represents, regional extent of the workplace, number of personal workplaces there, nature of work to be carried out at those workplaces, factors depending on the organisation of work and affecting the quantity of the duties of the occupational safety and health representative, and other factors, as referred to in the Occupational Safety and Health Act, relating to workload and hazards and risk factors affecting the safety and the physical and men

tal health of employees. (section 34 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

“The employer shall compensate occupational safety and health representatives for any loss of income incurred due to taking care of representative’s duties during working hours. The compensation is calculated according to the regular income the occupational safety and health representative would have earned during the time he or she was taking care of the occupational safety and health duties.

The employer shall pay a reasonable compensation for an occupational safety and health representative’s necessary duties carried out outside working hours of which the representative has informed the employer.” (section 35 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2009)

##### 8.4.8 Right to issue remedial notices

###### **Summary / Citation**

It is the duty of the occupational safety and health representative to become familiar, on his or her own initiative, with the environment of the workplace, matters connected with the state of the work community and affecting the safety and health of employees, and with occupational safety and health legislation. If the occupational safety and health representative notices defects or shortcomings he or she must notify supervisors and the occupational safety and health manager and, if necessary, the occupational safety and health authorities of the situation. (section 31 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2009)

##### 8.4.9 Right to resolve OSH issues in consultation with employers

##### 8.4.10 Right to direct that dangerous work cease

###### **Summary / Citation**

If work causes immediate and serious danger to an employee’s life or health, the occupational safety and health representative is entitled to interrupt such work in so far as persons represented by them are concerned. (section 36(1) of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2009)

## 8.5 Right of workers' representatives from outside the undertaking to address OSH issues at the workplace

- 8.5.1 Right to enter the workplace
- 8.5.2 Right to investigate suspected non-compliance with OSH legislation
- 8.5.3 Right to consult with workers
- 8.5.4 Right to advise workers
- 8.5.5 Right to initiate enforcement action

## 8.6 Joint OSH Committee

### Summary / Citation

At workplaces where at least 20 employees work regularly, an occupational safety and health committee shall be established for a period of two years at a time. Both the employer and the employees of the workplace are represented in the committee. (section 38 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2009)

### 8.6.1 Participation of workers' representatives in joint OSH committee

#### Summary / Citation

"When no other agreements are made on the number of members in the occupational safety and health committee, and on the representation of the parties, the number of committee members is four, eight or twelve, depending on the requirements set by the quality and extent of the workplace as well as other circumstances. A quarter of the members represent the employer, a half of the members represent the larger employee group (clerical or other employees), and a quarter represent the smaller employee group." (section 39 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

The occupational safety and health representatives are members of the occupational safety and health committee.

### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2009)

### 8.6.2 Conditions for establishing a joint OSH committee

#### Summary / Citation

At workplaces where at least 20 employees work regularly, an occupational safety and health committee shall be established for a period of two years at a time, unless another agreement has been made on the period. Both the employer and the employees of the workplace are represented in the committee. (Section 38 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2009)

- 8.6.3 Objectives, roles and/or functions of joint OSH committees
- 8.6.4 Keeping record of the work of joint OSH committees
- 8.6.5 Sharing the minutes of joint OSH committees meetings

## 8.7 Mandatory training for members of joint OSH committee(s)

### Summary / Citation

“The employer shall see to that it is possible for the occupational safety and health representative and the vice representative to receive appropriate training for carrying out their cooperational duties. The training shall cover provisions and instructions concerning occupational safety and health, as well as other matters within the duties, taking account of the representatives’ experience and any earlier training in occupational safety and health matters.” (section 33 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

## 8.8 Protection against reprisals

### Summary / Citation

An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts an applicant for a job or an employee in an inferior position because of industrial activity or a comparable circumstance shall be sentenced for work discrimination to a fine or to imprisonment for at most six months. (Chapter 47, section 3 of the Criminal Code)

An employer, or a representative thereof, who without a justification based on law or a collective employment or civil service agreement dismisses, otherwise discharges or puts on compulsory unpaid leave an occupational safety and health representative or puts him or her on part time, shall be sentenced, unless the act is punishable as work discrimination, for violation of the rights of an employee representative to a fine. (Chapter 47, section 4 of the Criminal Code)

### References

Penal Code of Finland (39/1889). (Chapter 47, 3 and 4)

## 8.9 Immunity from civil and criminal liability for exercising OSH related rights and duties

# 9 Specific hazards or risks

## 9.1 Biological hazards

### Summary / Citation

Under section 40(1) of the Occupational Safety and Health Act, employees’ exposure to biological agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees’ safety or health or reproductive health. (section 40(1) of the Occupational Safety and Health Act)

The Government Decision on Protecting Employees from Work-Related Risks Caused by Biological Agents (1155/1993) contains further provisions on biological agents and their identification, type and duration of exposure, exposure assessment, limit values and prevention.

The Decree of the Ministry of Social Affairs and Health on the Classification of Biological Agents (921/2010) contains further provisions on the characteristics of biological exposure agents known to be harmful.

### References

Occupational Safety and Health Act (738/2002). (40)

Decision of the Council of State respecting protection of workers exposed to biological agents at work (No. 1155 of 1993)

Decree of the Ministry of Social Affairs and Health on the Classification of Biological Agents (921/2010)

## 9.2 Chemical hazards

### Summary / Citation

Under section 38(1) of the Occupational Safety and Health Act, employees' exposure to chemical agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees' safety or health or reproductive health. Particularly, protective measures necessary for preventing poisoning, oxygen deficiency or other similar serious risks shall be ensured.

The Government Decree on Chemical Agents at Work (715/2001) contains further provisions on chemical agents and their identification, type and duration of exposure, exposure assessment, limit values and prevention, as well as on the handling, transport and storage of hazardous agents.

### References

Occupational Safety and Health Act (738/2002). (38)

Ordinance (No. 715 of 2001) of the Council of State respecting chemical substances at work.

Decision of the Ministry of Labour on carcinogenic agents (No. 838 of 1993)

9.2.1 Handling, storage, labelling and use

9.2.2 Duty of manufacturers, suppliers and importers of chemicals in relation to the safety and health of users

9.2.3 Pesticides

## 9.3 Ergonomic hazards

### Summary / Citation

Section 24 of the Occupational Safety and Health Act lays down the general requirements for the ergonomics of the workstation, work postures and work motions:

"The structures of a workstation and the work equipment used at work shall be chosen, designed and placed in an ergonomically appropriate way taking the nature of the work and the employee's capacities into consideration. As far as possible, the structures shall be adjustable and allow for flexible arrangement and have such operating qualities that the work can be done without causing a harmful or hazardous load on the employee's health. In addition it shall be ensured that:

(1) the employee has enough space for working and an opportunity to change work postures;

(2) the work is eased by auxiliary equipment, when necessary;

(3) manual lifting and moving operations detrimental to health are made as safe as possible if they cannot be avoided or eased by auxiliary equipment; and

(4) the hazard caused by repetitive strain

to the employee is avoided or, if this is not possible, it is minimized."

The Occupational Safety and Health Act also contains provisions on avoiding and reducing work-loads (section 25) and on work with display screen equipment (section 26). The Government Decision on Manual Lifting and Moving Operations at Work (1409/1993) and the Government Decision on the Safety of Work with Display Screen Equipment (1405/1993) also contain provisions on these matters.

### References

Occupational Safety and Health Act (738/2002). (24,25,26)

Decision of the Council of State respecting manual loads and lifting at work (No. 1409 of 1993)

Decision of the Council of State respecting work at computer screens (No. 1405 of 1993)

## 9.4 Physical hazards

### 9.4.1 Ionising radiation

#### **Summary / Citation**

Under section 39(1) of the Occupational Safety and Health Act, employees' exposure to thermal conditions, noise, pressure, vibration, radiation or other physical agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees' safety or health or reproductive health. The purpose of the Radiation Act (592/1991) is also to prevent and limit health hazards and other detrimental effects of radiation.

#### References

Occupational Safety and Health Act (738/2002). (39)

Radiation Act (592/1991)

### 9.4.2 Vibration and noise

#### **Summary / Citation**

"Employees' exposure to thermal conditions, noise, pressure, vibration, radiation or other physical agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees' safety or health or reproductive health." (section 39(1) of the Occupational Safety and Health Act)

The Government Decree on Protecting Workers from Hazards caused by Noise (85/2006) contains further provisions on such issues as calculating exposure to noise, assessing and measuring noise, medical examinations of workers exposed to noise and a noise control programme. Provisions on vibration are contained in the Government Decree on Protecting Workers from Hazards Caused by Vibration (48/2005).

#### References

Occupational Safety and Health Act (738/2002). (39)

Council of State Ordinance (No. 85 of 2006) respecting protection of workers against risks caused by noise.

Ordinance No. 48 of 2005 by the Council of State on the protection of workers from risks caused by vibrations.

### 9.4.3 Working at height

#### **Summary / Citation**

Chapter 4 of the Government Decree on the Safe Use and Inspection of Work Equipment (403/2008) contains provisions on the safety requirements for work at height. Provisions on construction work are also contained in the Decision of the Ministry of Social Affairs and Health on the use of Scaffolds and Guard Structures preventing Falls in Construction Work (156/1998).

#### References

Decision (No. 156 of 1998) of the Ministry of Social Affairs and Health respecting the use of scaffolds and fall protection system

Council of State Ordinance (403/2008) on the Safe Use and Inspection of Work Equipment.

9.4.4 Working in confined spaces

9.4.5 Risks arising from poor maintenance of workplace facilities

**Summary / Citation**

Workplace structures, materials and fittings and equipment shall be safe and healthy for employees. They must be safe to handle, repair and clean.

The means of access, passages, means of egress as well as rescue access routes, work platforms and other areas where employees move due to their work shall be safe and they shall be kept in a safe condition. (section 32 of the Occupational Safety and Health Act)

The order and cleanliness required by safety and health shall be ensured in workplaces. Cleaning shall be carried out in such a way that no hazard or risk is caused to the employees' safety or health. (section 36 of the Occupational Safety and Health Act)

References

Occupational Safety and Health Act (738/2002). (32,36)

9.4.6 Exposure to extreme temperatures

**Summary / Citation**

"Employees' exposure to thermal conditions, noise, pressure, vibration, radiation or other physical agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees' safety or health or reproductive health." (section 39(1) of the Occupational Safety and Health Act)

There are no statutory limit values for temperatures in working premises. When the temperature is determined, consideration must be given to the nature of the work, the manner in which the work is performed and the production methods, as well as any harm caused to the employee. If the temperature cannot be adjusted in accordance with health requirements, the exposure time must be shortened.

References

Occupational Safety and Health Act (738/2002). (39)

9.4.7 Fire risks

**Summary / Citation**

If the working conditions so require, workplaces shall be provided with the necessary alarm, fire safety, life saving and rescue systems and equipment. The employees shall be given necessary instructions on the use of such systems and equipment, as also in the case of fire, drowning or other risk. Instructions shall also be given regarding the measures to be taken in the case of fire, taking the conditions in the workplace into consideration. When necessary, the instructions shall be kept available in the workplace for inspection by the employees. When necessary, exercises shall be arranged. (section 45 of the Occupational Safety and Health Act)

References

Occupational Safety and Health Act (738/2002). (45)

9.4.8 Tobacco

### Summary / Citation

Provisions on the premises in which smoking is prohibited are contained in section 12 of the Tobacco Act (693/1976). Following negotiation with employees or their representative, employers are required to prohibit or restrict smoking so that employees are not involuntarily exposed to tobacco smoke on any working premises at the workplace where smoking is not prohibited. (section 13(4) of the Tobacco Act)

“In work that involves the danger of exposure to tobacco smoke, the employer must assess the nature, amount and duration of the exposure of the employees and the dangers to employees' health and safety and take the necessary measures.” (section 2(1) of the Government Decision on Environmental Tobacco Smoke and the Combating of the Associated Risk of Cancer at Work)

### References

Act No. 693 of 1976 on measures to restrict smoking (12,13)

Decision No. 1153 of 1999 by the Council of State concerning in-air tobacco smoke and combating the associated risks of cancer

#### 9.4.9 Asbestos

### Summary / Citation

The Act on Certain Requirements Concerning Asbestos Removal Work (684/2015) contains provisions on the qualifications of workers removing asbestos, asbestos removal licenses and the registers concerning them.

Further provisions on the occupational safety and health requirements concerning asbestos work are contained in the Government Decree on the Safety of Asbestos Work (798/2015). The purpose of the decree is to reduce and prevent exposure to asbestos at work.

### References

Act on Certain Requirements Concerning Asbestos Removal Work (684/2015)

Government Decree on the Safety of Asbestos Work (798/2015)

9.4.10 Risks related to nanotechnology

9.4.11 Contraction of HIV in the workplace

## 9.5 Psychosocial hazards

9.5.1 Psychosocial risks

### Summary / Citation

The objective of the Occupational Safety and Health Act is to improve the working environment and working conditions in order to ensure and maintain the work ability of employees as well as to prevent occupational accidents and diseases and eliminate other hazards from work and the working environment to the physical and mental health of employees. (section 1(1) of the Occupational Safety and Health Act)

Under section 13 of the Occupational Safety and Health Act, in designing and planning work, the physical and mental capacities of employees shall be taken into account in order to avoid or reduce hazards or risks from the workload factors to the safety and health of the employees.

Under section 25 of the Occupational Safety and Health Act, “if it is noticed that an employee while at work is exposed to workloads in a manner which endangers his or her health, the employer, after becoming aware of the matter, shall by available means take measures to analyse the workload factors and to avoid or reduce the risk.”

If harassment or other inappropriate treatment of an employee occurs at work, the employer, after becoming aware of the matter, shall by available means take measures for remedying this situation. (section 28 of the Occupational Safety and Health Act)

The Occupational Safety and Health Act also contains provisions on lone working (section 29), night work (section 30) and work pauses (section 31).

#### References

Occupational Safety and Health Act (738/2002). (1,13,25,28-31)

##### 9.5.2 Occupational violence

###### **Summary / Citation**

“The work and working conditions in jobs entailing an evident threat of violence shall be so arranged that the threat of violence and incidents of violence are prevented as far as possible. Accordingly, appropriate safety arrangements and equipment needed for preventing or restricting violence and an opportunity to summon help shall be provided at the workplace.” (Section 27(1) of the Occupational Safety and Health Act).

“The employer shall draw up procedural instructions for such jobs and workplaces as referred to in subsection 1. In the instructions, controlling threatening situations must be considered in advance and practices for controlling or restricting the effects of violent incidents on the employees’ safety must be presented. When necessary, the functioning of the safety arrangements and equipment must be checked.” (section 27(2) of the Occupational Safety and Health Act).

#### References

Occupational Safety and Health Act (738/2002). (27)

##### 9.6 Other hazardous substances

##### 9.7 Machineries

#### Reference

Occupational Safety and Health Act (738/2002). (41)

Government Ordinance (400/2008) on Machinery Safety.

Council of State Ordinance (403/2008) on the Safe Use and Inspection of Work Equipment.

##### 9.7.1 Risks related to machinery and tools

###### **Summary / Citation**

“The employer must systematically analyse and evaluate the safety of the work equipment. This has to be done especially in connection with changes in production or work methods. When carrying out the evaluation, attention must be paid to the hazards and risks caused by the work equipment and its moving parts, external structure, physical and chemical properties, automatic functions, electricity, and other hazards and risks caused by the work and working conditions.

If the use of the equipment causes any hazard or risk, the employer must immediately take any necessary measures to eliminate the hazard or risk. The hazard must primarily be eliminated through technological measures relating to the structure or environment of the work equipment, like with the help of devices preventing access to the danger zone, or devices stopping the movement of dangerous parts before the danger zone. When the hazards cannot be eliminated through technological measures, safe use of the work equipment must be ensured by using guidance, warning devices, safety signs and personal protective equipment.” (section 4 of the Government Decree on the Safe Use and Inspection of Work Equipment)

(The following was meant more generally to 9.7; the sources are under 9.7)

Provisions on the use of machines, work equipment and other devices are contained in section 41 of the Occupational Safety and Health Act:

“Only such machinery, work equipment and other devices may be used at work that comply with the applicable provisions and that are suitable and fit for the work and working conditions concerned. Their correct installation and necessary safety devices and markings shall also be ensured. The use of machinery, work equipment and other devices shall not in any other respect cause hazard or risk to the employees working with them or other people at the workplace.”

The Government Decree on the Safe Use and Inspection of Work Equipment (403/2008) and the Government Decree on the Safety of Machines (400/2008) also contain provisions on these matters.

## References

Council of State Ordinance (403/2008) on the Safe Use and Inspection of Work Equipment. (4)

9.7.2 Duty of designers and/or manufacturers of machineries in relation to the occupational safety and health of operators of machineries

### **Summary / Citation**

Provisions on the obligations of the manufactures of machinery, work equipment, personal protective equipment and other technical devices are contained in the Act on the Conformity of Certain Technical Devices to Relevant Requirements (1016/2004). Under section 4 of the act “the manufacturer shall design and manufacture a technical device with its structures, equipment and other properties so that the device is fitted for its function and, when used in the intended way, it does not cause a risk of accident or harm to health. If the risk of accident or harm to health cannot be eliminated adequately enough in any other way, appropriate protective measures shall be used in the manufacture. Effective warnings of the risks and harmful effects shall be given. Personal protective equipment must be effective against the dangers from which it is to provide protection.”

## References

Act No. 1016 of 2004 on the compliance with requirements of technical equipment.

9.7.3 Duty of designers, manufacturers, importers or suppliers of machineries to provide machineries information

### **Summary / Citation**

Before placing machinery on the market or putting it into service, the manufacturer or its authorised representative shall equip the machinery with the necessary information, such as instructions. (section 5(1)(3) of the Government Decree on the Safety of Machines)

#### References

Government Ordinance (400/2008) on Machinery Safety. (5)

9.7.4 Duty to purchase machineries from authorised/certificated suppliers or only if approved/certificated

9.7.5 Maintenance of machinery and equipment

#### **Summary / Citation**

"Machinery, work equipment and other devices shall be used, maintained, cleaned and serviced appropriately. Access to the danger zones of machinery or work equipment shall be restricted by means of their construction, placement, guards or safety devices or by other suitable means. Necessary preparations for servicing, adjustments, repairs, cleaning, disturbances and other exceptional situations shall be made to ensure that they do not cause any hazard or risk to the employees' safety or health." (section 41(2) of the Occupational Safety and Health Act)

#### References

Occupational Safety and Health Act (738/2002). (41)

9.7.5.1 List of equipment where applicable

### 9.8 Provisions to protect workers in specific condition of vulnerability

9.8.1 Protection of pregnancy at work

#### **Summary / Citation**

"If work or working conditions may cause a particular risk to a pregnant employee or the unborn child and the hazard cannot be eliminated, the employer shall aim to transfer the employee to suitable work tasks for the time of pregnancy." (section 11(2) of the Occupational Safety and Health Act)

"The assessment of factors causing danger to fetal development or pregnancy must already take place in connection with the planning of the working environment and working conditions.

The workplace survey must involve the identification of the occurrence of factors causing danger to fetal development or pregnancy at the workplace and the work tasks in which such dangers occur. If necessary, occupational hygiene measurements, biological exposure measurements and other identification methods commonly used in occupational health care shall be used." Section 5 of the Decision of the Ministry of Social Affairs and Health on Factors Causing Danger to Fetal Development and Pregnancy and Assessment of the Danger.

#### References

Occupational Safety and Health Act (738/2002). (11)

Decision of the Ministry of Social Affairs and Health on Factors Causing Danger to Fetal Development and Pregnancy and Ass

9.8.2 Protection of lactating women at work

9.8.3 Limits to women's access to specific occupations, undertakings or shifts

9.8.4 Limits to workers' access to specific occupations, undertakings or shifts by reason of age

#### **Summary / Citation**

Provisions on the protection of young workers under the age of 18 are contained in the Young Workers' Act and the Government Decree on Work that is Especially Harmful and Dangerous to Young Workers (475/2006).

A person may be admitted to work if he or she has reached the age of 15 and is not liable to compulsory school attendance. (section 2(1) of the Young Workers' Act)

Further provisions on the protection of young workers are contained in the Government Decree on Work that is Especially Harmful and Dangerous to Young Workers (475/2006), Ministry of Social Affairs and Health Decree on a Non-Exhaustive List of Light Work Tasks suitable to Young Workers (189/2012) and the Ministry of Social Affairs and Health Decree on a Non-Exhaustive List of Work Tasks Dangerous to Young Workers (188/2012).

#### References

Ordinance (188/2012) respecting a register of examples of work that is considered particularly harmful and dangerous for young workers.

Ordinance (No. 475/2006) respecting work that is considered particularly harmful and dangerous for young workers.

Young Workers' Act (998/1993). (2)

Ordinance (189/2012) respecting a register of examples of light work that is considered particularly suitable for young workers

## 10 Recording, notification and investigation of accidents/incidents and diseases

### 10.1 Duty to record and/or investigate the causes of work accidents, near misses incidents and cases of occupational diseases

#### 10.1.1 Work-related accidents

##### **Summary / Citation**

The employer must immediately notify the police and the Regional State Administrative Agency of an occupational accident referred to in the Occupational Accidents, Injuries and Diseases Act (459/2015) causing death or severe injury. The police must carry out a police investigation at the accident site without delay. (section 46 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

The Workers' Compensation Center maintains a register of occupational accidents and occupational diseases, which contains information about loss events, insurance policies, the insured and compensations (section 235 of the Occupational Accidents, Injuries and Diseases Act).

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

Occupational Accidents, Injuries and Diseases Act (459/2015) (235)

#### 10.1.2 Near miss incidents

#### 10.1.3 Occupational diseases

##### **Summary / Citation**

If a doctor suspects, with justification, an occupational disease referred to in the Occupational Accidents, Injuries and Diseases Act, or other work-related illness he or she shall, secrecy provisions notwithstanding, notify the Regional State Administrative Agency of the matter without delay. (section 46a of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

The Workers' Compensation Center maintains a register of occupational accidents and occupational diseases, which contains information about loss events, insurance policies, the insured and compensations (section 235 of the Occupational Accidents, Injuries and Diseases Act).

## References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)

Occupational Accidents, Injuries and Diseases Act (459/2015) (235)

10.2 Employers' duty to notify OSH authorities of work related death and/or injuries to health

## 11 OSH inspection and enforcement of OSH legislation

11.1 Appointment of OSH inspectors

11.2 OSH inspectors' powers

11.2.1 Power to enter workplaces

### Summary / Citation

Provisions on the powers of occupational safety and health authorities and inspectors are contained in Chapter 2 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006).

To carry out enforcement activities, occupational safety and health authorities and inspectors have the right, to such an extent as is necessary for enforcement purposes, to have access to any place where work is performed or other sites to be inspected. (section 4(1) of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

## References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)

11.2.2 Power to inspect and carry out any examination, test or enquiry

### Summary / Citation

To carry out enforcement activities, occupational safety and health authorities and inspectors have the right, to such an extent as is necessary for enforcement purposes, to:

- receive from employers for inspection documents which they, according to provisions to be enforced by occupational safety and health authorities, shall draw up or keep, and to receive any other analyses of matters which employers, according to provisions to be enforced by occupational safety and health authorities, shall keep or have in their possession in some other way than in writing;
- discuss with a person working at the inspected site or with any other person otherwise occupied there, in private or in the presence of witnesses and from this person receive information necessary for their duties and documents required of the person by provisions to be enforced by occupational safety and health authorities;
- receive from employers a description of any other analyses, besides those made by the employee

- r which are related to the work, the working environment and the work community and which affect the employees' safety and health, as well as a description of any other essential plans which affect the structures of the workplace, the work and production methods and the employees' safety and health;
- receive from employers for inspection an agreement on the provision of occupational health care concluded between the employer and an occupational health care service provider or the employer's description of occupational health care services it has provided, as well as an occupational health care action plan, workplace analysis and any other description of occupational health care activities necessary for enforcement purposes;
  - take samples, after informing the employer of the matter, of raw materials or other materials used at the workplace, or of products manufactured or used at the workplace, for a separate analysis or investigation; a current price must be paid for a sample, unless its value is insignificant;
  - carry out hygiene measurements at the workplace and, by permission of the employer or for a cause justified by enforcement purposes, take photographs there;
  - receive from employers other information necessary for enforcement purposes and copies of documents. (section 4 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

## References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

11.2.3 Power to investigate

11.2.4 Duty to provide advice on OSH

## 11.3 OSH inspectors' enforcement powers

11.3.1 Power to issue orders or notices

### Summary / Citation

If an employer does not fulfil obligations imposed on it by provisions to be enforced by occupational safety and health authorities, the inspector shall issue to the employer written advice to eliminate or remedy the non-complying conditions.

If the hazard or harm arising from non-complying conditions is greater than minimal, instead of written advice, the inspector shall issue an improvement notice obliging the employer to eliminate or remedy the non-complying conditions. Likewise the inspector may issue an improvement notice if the employer does not follow the written advice. (section 13(1-2) of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

The inspector shall oversee that the employer has followed the improvement notice within the specified time limit. If the necessary measures have not been taken, the inspector shall without delay submit the matter to occupational safety and health authorities.

If the in

spector notices that issuing written advice or an improvement notice will obviously not lead to remedying or eliminating the non-complying conditions or the matter brooks no delay, the inspector may submit the matter to occupational safety and health authorities without issuing written advice or an improvement notice. (section 14 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

Occupational safety and health authorities may oblige an employer to remedy or eliminate non-complying conditions within a specified time limit. When setting a time limit, the authorities must take account of the time limit previously set in the improvement notice.

Occupational safety and health authorities may, as a sanction for an obligation imposed in the decision referred to in subsection 1, impose a default fine or threat that the non-complying conditions will be ordered to be remedied or eliminated at the defaulter's expense or t

he concerned activity will be stopped, as provided in the Default Fine Act (1113/1990). (section 15(1-2) of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

##### 11.3.2 Power to impose financial penalties

###### **Summary / Citation**

Occupational safety and health authorities may, as a sanction for an obligation imposed in the decision, impose a default fine as provided in the Default Fine Act (1113/1990). (section 15(2) of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

##### 11.3.3 Power to revoke or suspend licenses or authorisations

##### 11.3.4 Power to require the cessation of dangerous work

###### **Summary / Citation**

“If a defect or shortcoming at the workplace causes a risk to the life or health of an employee, the competent occupational safety and health authority may prohibit the use of a machine, work equipment or other technical device, a product or a work method or the continuation of work until the non-complying conditions have been remedied or eliminated. The occupational safety and health authority may order a default fine as a sanction for the prohibition notice, as provided in the Default Fine Act.”

The inspector may promptly issue the prohibition notice as a temporary prohibition notice if the risk to life or health is immediate. A temporary prohibition notice shall be complied with immediately. The inspector shall without delay submit the matter to occupational safety and health authorities. (section 16 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces)

#### References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2002)

##### 11.3.5 Power to initiate prosecutions

###### **Summary / Citation**

If there are probable grounds for suspecting that an act has been committed that is punishable under any act enforced by the occupational safety and health authority or under Chapter 47 of the Criminal Code (39/1889), the occupational safety and health authority shall notify the police of the act for preliminary investigation. However, there is no need for a notification if the act is minor considering the circumstances, and the public interest does not require a notification. (section 50 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces).

The occupational safety and health authority shall have an opportunity to be heard in the preliminary investigation of an act referred to above. The public prosecutor shall provide the occupational safety and health authority with an opportunity to give a statement before the consideration of charges is completed. When the case is handled in court, the occupational safety and health authority has a right to be present and speak.

## References

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2001)

11.3.6 Power to conduct prosecutions

11.3.7 Other enforcement powers

### 11.4 Application of sanctions by courts

11.4.1 Financial penalties for legal persons

#### **Summary / Citation**

Under the Criminal Code, a corporation acting as an employer may be sentenced to a corporate fine if a person who exercises actual decision-making authority in the corporation has been an accomplice in an offence or allowed the commission of the offence or if the care and diligence necessary for the prevention of the offence have not been observed in the operations of the corporation. (Chapter 9, section 2 of the Criminal Code)

## References

Penal Code of Finland (39/1889). (Chapter 9, section 2)

11.4.2 Financial penalties for natural persons

#### **Summary / Citation**

A fine is the mildest form of punishment. In addition to a court of law, a police may also impose a fine by issuing a summary penal order, which must be approved by the prosecutor.

A fine is imposed as day fines. The number of the day fines depends on the objectionability of the act. The maximum number of day fines under the Criminal Code is 120 or (if more than one offence has been committed) 240. There are no provisions in the Criminal Code for an overall lower limit of the day fines. The size of a day fine depends on the income of the person fined. (Chapter 2a of the Criminal Code)

## References

Penal Code of Finland (39/1889). (Chapter 2a)

11.4.3 Non-financial sanctions

11.4.4 Criminal liability

#### **Summary / Citation**

Provisions on work safety offences are contained in Chapter 47, section 1 of the Criminal Code. The section is as follows: "An employer, or a representative thereof, who intentionally or negligently

(1) violates work safety regulations, or

(2) causes a defect or fault that is contrary to work safety regulations or makes possible the continuation of a situation contrary to work safety regulations by neglecting to monitor compliance with them in work that he or she supervises, or by neglecting to provide for the financial, organisational or other prerequisites for work safety, shall be sentenced for a work safety offence to a fine or to imprisonment for at most one year."

Provisions on the allocation of liability are contained in Chapter 47, section 7 of the Criminal Code. Under the section, the person into whose sphere of responsibility the act or negligence belongs shall be sentenced for conduct of an employer or representative thereof that is punishable. In the allocation of liability due consideration shall be given to the position of said person, the nature and extent of his or her duties and competence and also otherwise his or her participation in the origin and continuation of the situation that is contrary to law.

## References

Penal Code of Finland (39/1889). (Chapter 47, sections 1 and 7)

#### 11.4.5 Terms of imprisonment for natural persons

##### **Summary / Citation**

The punishment for a work safety offence is a fine or imprisonment of a maximum of one year.

##### References

Penal Code of Finland (39/1889). (Chapter 47, section 1)