

## REPORT

for the period 1 June 2017 to 31 May 2019, drawn up by **the Government of Finland**, in accordance with article 22 of the Constitution of the International Labour Organization, on the measures taken to give effect to the provisions in the

### **Marking of Weight (Packages Transported by Vessels) Convention, 1929, No. 27,**

the ratification of which was registered on 8 August 1932.

## I LEGISLATION AND REGULATIONS

The following is a list of amendments to the legislation mentioned in the previous report:

**1) Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) - > [English translation Unofficial](#), latest amendments not included**

Amendments:

*Act on the amendment of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (926/2017);*

The legislative amendment was to section 46 b of the Act, which brought matters previously instated with Government decisions into law.

#### *Section 46 b Notification of hazards*

The employer is obligated to immediately notify the occupational safety and health authority of any hazards and accidents as a result of which a biological factor that can cause a serious infection or illness to humans may have spread into the surrounding environment.

The notification must include the following information:

- 1) the time and place of the accident or hazard;
- 2) employer information;
- 3) information on the biological factor that has possibly spread into the environment;
- 4) information on the notifying party.

*Act on the amendment of section 50 and 51 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (216/2018);*

A reference to chapter 44, section 1, subsection 1(8–10) of the Criminal Code of Finland (Offences endangering health and safety, 39/1889) has been added to section 50, which applies to reporting of crimes and the processing of reports. This amendment may make the operations of some equipment manufacturers, importers, suppliers and other parties that make the equipment available punishable

as an offence endangering health regardless of whether the equipment in question is technical equipment used for work or personal protective equipment or machines intended for private use.

A reference to health offences on which there are provisions in chapter 44, subsection 1 of the Criminal Code of Finland has been added to section 51, which covers penal provisions. The amendment is a technical amendment.

*Section 50 Notification of a criminal offence, and handling of the notification*

If there are probable grounds to suspect that an act specified as punishable has been committed, under the law supervised by the occupational safety and health authorities or under Chapter 44, section 1, subsection 1(8–10) or Chapter 47 of the Criminal Code of Finland (39/1889), the occupational safety and health authorities must report this act to the police for pretrial investigation. However, such a notification can be waived if the act can be considered minor in view of the circumstances and the public interest does not require a notification.

The occupational safety and health authority shall be provided the opportunity to be heard in pretrial investigation of an action as referred to in subsection 1 above. The prosecutor shall provide the authorities with an opportunity to give a statement before the consideration of charges is completed. When the case is handled orally in court, the Occupational Safety and Health Authorities have a right to be present and be heard.

The provisions in subsections 1 and 2 do not apply to the unauthorised use of foreign labour referred to in Chapter 47, section 6 a of the Criminal Code. There are separate provisions on the notification obligation and consultation of Occupational Safety and Health Authorities related to foreign labour.

*51 § Penal provisions*

The penalty for breaching the obligation of secrecy or confidentiality laid down in section 10 or 43 shall be judged in accordance with chapter 38, section 2, subsection 2 of the Criminal Code, unless more severe punishment is provided elsewhere in legislation than in chapter 38, section 2, subsection 1 of the Criminal Code.

Provisions on the penalty for an offence that endangers health are given in chapter 44, section 1 of the Criminal Code, a penalty for an occupational safety offence is provided in chapter 47, section 1, and the penalty for the violation of staff representatives' rights are provided in chapter 47, section 4.

Anyone who intentionally or through negligence violates the notification obligation provided in section 46, 46 a or 48 of this Act must be sentenced to a fine for an occupational safety and health violation unless a stricter penalty is specified elsewhere in legislation.

An employer or their representative, who intentionally or through negligence, violates the obligation to provide access to information provided in section 53 shall also be sentenced for an occupational safety and health violation.

*Act on the amendment of section 13 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (379/2018):*

A new point b) has been added to the list contained in section 3, subsection 3, according to which an Occupational Safety and Health Inspector can issue an improvement notice on a matter that applies to a written description of criteria on the basis of which alternating working hours meet with the employer's labour needs. The section in question states the following:

Section 13 Issuing written advice or an improvement notice.

An improvement notice can be issued in a matter that concerns

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3) the issuance of such a pay calculation or work certificate as referred to in the Employment Contracts Act (55/2001) or in some other act to be enforced by occupational safety and health authorities

- a) a written report on the key conditions for working and additional information required on these;
- b) a written report on the reasons on the basis of which variable working hours meet with the employer's workforce needs;
- c) a payslip;
- d) a written certificate on being laid off;
- e) a written notice on the reasons for terminating an employment contract;
- f) an employment certificate;

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*Act on the amendment of section 43 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (613/2018),*

The legislative amendment that was caused by the legislation of the National Trade Secrets Act (595/2018), where the term "trade and professional secret" has been amended to "trade secret". This amendment has facilitated the harmonisation of the term used in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces and Trade Secrets Act. The amended section of the Act states as follows:

Section 43 *Confidentiality*

The person responsible for cooperation in occupational safety and health matters in accordance with this chapter or section 23, must keep secret information on their employer's financial standing, information on trade secrets and corporate safety and similar safety arrangement that they have learned during their work and the disclosure of which could harm the employer or its business or contractual partner as well as information on a private person's financial standing and other personal data, unless the person who is protected by confidentiality gives permission for the disclosure of the information. The obligation to confidentiality will continue even after a person has stopped working in the given position.

## **2) Government Decree on Regional State Administrative Agencies (906/2009)**

Amendments:

*Government Decree on amendments to sections 9 and 13 a of the Government Decree on Regional State Administrative Agencies (520/2017):*

The purpose of the amendment was to centre some tasks that the Regional State Administrative Agencies are responsible for to certain Regional State Administrative Agencies.

Section 9, subsection 1 of the Decree has been amended as follows:

*Section 9 The area of operation and authority of the Regional State Administrative Agency of Southern Finland in some tasks*

In addition, the area of operations specified in section 1, the Regional State Administrative Agency of Southern Finland carries out the following tasks assigned to the Regional State Administrative Agencies nationwide:

1) the registering and oversight tasks referred to in Act on Preventing Money Laundering and Terrorist Financing (444/2017);

Additionally, section 13, subsection 1(1) of the Decree, which included provisions on the task of the Regional State Administrative Agency of Western and Inland Finland to oversee the performance of administrative coercive measures-related matters referred to in the Highways Act (503/2005) and the Railways Act (110/2007).

**3) Occupational Safety and Health Act (738/2002) -> [Unofficial English translation](#), latest amendments are not included**

Amendments:

*Act on the amendment of the Occupational Safety and Health Act (927/2017)*

The legislative amendment brought decisions previously instated with Government decisions into law.

*Section 40 a List of employees who have been exposed to biological factors*

The employer must maintain a list of those employees who have been exposed to biological factors that can cause a serious hazard or serious illness to people. The list must be stored for at least ten years after exposure has come to an end.

However, a list of employees exposed to biological factors must be maintained for 40 years from the end of exposure, if exposure can lead to infections:

- 1) where the infected disease might be permanent or hidden;
- 2) that cannot be determined before the disease has developed, if the disease is such that its development can take years;
- 3) that has an exceptionally long germination period before the disease develops;
- 4) that can lead to diseases, which can be recurrent over a long period of time in spite of treatment; or
- 5) that can have serious long-term after-effects.

The Occupational Safety and Health Authority, occupational health care, the municipal doctor responsible for communicable diseases, the hospital district's doctor responsible for communicable diseases and occupational safety and health personnel have the right to view the list. Each employee has the right to view all information on the list that applies to them.

A list of employees exposed to biological factors must be given to the Occupational Safety and Health Authority when an employer discontinues their operations.

Further provisions on the information marked down on the list may be issued by government decree.

**5) Government Decree on the Safe Use and Inspection of Work Equipment (403/2008) -> [link](#)**  
to the Decree text (in Finnish only)

Amendments:

*Government Decree on amendment to section 37 of the Government Decree on the Safe Use and Inspection of Work Equipment and its appendices (286/2017):*

The amendment facilitates the performance of a scheduled lifting equipment inspection on the vessel in the harbour country in situations where the vessel is used for shipping between third countries and the vessel does not have a planned journey to Finland before the deadline for a scheduled lifting equipment inspection. The amended provision states as follows:

*Section 37 Commissioning and scheduled inspections*

A vessel that carries out shipping between third countries and does not have a planned journey to Finland before the deadline for the inspection of its lifting equipment can, contrary to what is laid down in subsection 1, have a lifting equipment inspector authorised by the harbour country carry out the inspection.

## **II-V**

Nothing to report

## **VI**

A copy of this report has been sent to the following labour market organisations:

1. The Confederation of Finnish Industries (EK)
2. The Central Organisation of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Professionals (STTK)
4. The Confederation of Unions for Professional and Managerial Staff in Finland (Akava)
5. Local Government Employers (KT)
6. The Office for the Government as Employer (VTML)
7. The Federation of Finnish Enterprises

**Statements issued by labour market organisations**

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