

Article 22 of the Constitution of the ILO
 Report for the period 1 June 2018 to 31 May 2022
 made by the Government of Finland
 on the measures taken to give effect to the provisions of the
LABOUR INSPECTION CONVENTION, 1947 (No. 81)
 (ratification registered on 20 January 1950)

I LEGISLATION AND REGULATIONS

Occupational Safety and Health Act (738/2002)

870/2019 Amended section 6, subsection 2
 474/2021 Amended sections 7, 52 a ja 63; added 52 c.
 755/2021 Amended 10, 30, 40 a and 52 b.

Link to the Occupational Safety and Health Act (738/2002), amendments up to 755/2021 included
https://www.finlex.fi/fi/laki/kaannokset/2002/en20020738_20210755.pdf

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

379/2018 Amended section 13
 613/2018 Amended section 43
 920/2021 Amended sections 4 b, 4 d; subsection 1, paragraph 2 and sections 19, 19 a, 20, 44, 48 and 50.
 1345/2021 Amended section 49

Link to the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)
https://www.finlex.fi/fi/laki/kaannokset/2006/en20060044_20060701.pdf

II REPLIES TO THE COMMENTS BY THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS

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III APPLICATION OF THE ARTICLES IN FINLAND

Article 10

During the years 2018-2020 the amount of personnel has been approx. 400 man years in total of which approx. 80 % are inspectors. However, in 2021 there was an increase of inspectors for inspection of foreign workforce.

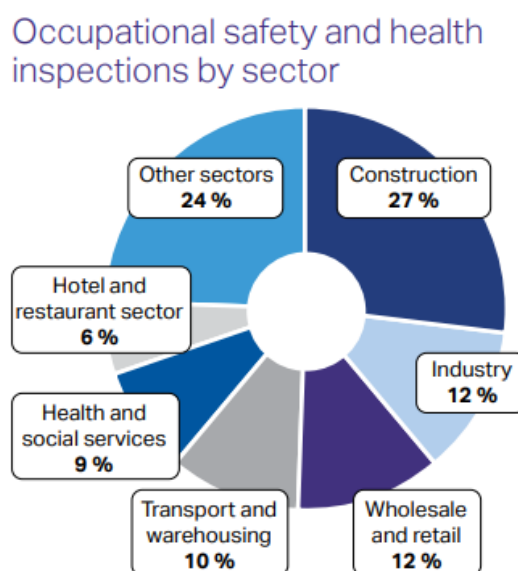
Personnel (man years) in 2018-2021	
2018	400
2019	394
2020	404
2021	414

Article 16

The amount of inspections has been over 20,000 per year during the last years. Due to the Covid-19 pandemic, the amount of inspections decreased significantly in 2020.

Inspections in 2018-2021		
Year	Inspections in total	Inspected workplaces in total
2018	26.239	21.409
2019	23.977	19.472
2020	14.596	12.472
2021	20.268	16.588

When examined by sector, enforcement predominantly focuses on the construction industry. The chart below is from year 2020.



Article 17

Due to the Covid-19 pandemic the amount of inspections decreased significantly in 2020 and in 2021. Accordingly, the amount of written advice, improvement notices and coercive measures decreased.

Written advice and improvement notices				
Year	2018	2019	2020	2021
Written advice	57.095	51.419	26.293	34.163
Improvement notices	7.400	7.225	4.110	4.912

Coercive measures				
Year	2018	2019	2020	2021
Prohibition notices confirmed by the OSH authority	83	63	57	43
Binding decisions	295	178	160	163

Coercive measures				
Year	2018	2019	2020	2021
Periodic penalty payments to be paid (qty)	37	37	31	33
Penalty payments to be paid (EUR)	372.000	185.000	263.500	314.500
Negligence fee for contractor's obligations and liability (qty)	105	75	84	55
Negligence fees for contractor's obligations and liability (EUR)	522.900	301.700	449.500	327.000
Negligence fees related to posted workers (qty)	-	14	18	35
Negligence fees related to posted workers (EUR)	-	65.000	99.500	173.500

Article 18

The OSH authorities make investigation requests to the police and give statements to the police and the prosecutors. For example in 2021 the OSH authorities made 403 investigation requests to the police and in total 764 statements to the police and the prosecutors.

Investigation requests and statements				
Year	2018	2019	2020	2021
Investigation requests to the police	333	288	371	403
Statements to the police/prosecutors	473	488	547	764

Articles 20-21

Links to the Annual Reports of the OSH administration in Finland

2018 https://www.tyosuojelu.fi/documents/95118/2556216/Vuosikertomus_2018_EN

2019 https://www.tyosuojelu.fi/documents/95118/2556216/TSH_vuosikertomus_2019_EN.pdf/

2020 https://www.tyosuojelu.fi/documents/95118/2556216/TSH_vuosikertomus2020_EN.pdf/

2021 Report not published yet

P081 - Protocol of 1995 to the Labour Inspection Convention, 1947

Nothing new to report.

IV

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

The Confederation of Finnish Industries (EK)
The Central Organization of Finnish Trade Unions (SAK)
The Finnish Confederation of Professionals (STTK)
The Confederation of Unions for Professional and Managerial Staff in Finland (Akava)
The Commission for Local Authority Employers (KT)
The State Employer's Office (VTML)
The Federation of Finnish enterprises (SY)

Statements of the labour market organisations:

The Central Organization of Finnish Trade Unions (SAK)

2020 and 2021 were exceptional years, owing to the COVID-19 pandemic. This situation was manifest as a clear decline in labour inspections. The Occupational Safety and Health Authorities nevertheless took the opportunity over this period to develop digital approaches to discharging their enforcement functions. Remote enforcement was also conducted at this time.

Dialogue and cooperation between occupational safety and health enforcement and employee organisations is highly necessary and valuable. Cooperation between occupational safety and health enforcement and trade unions had already begun to decrease even before the COVID-19 pandemic struck. We accordingly find that there is a need for greater cooperation between inspectors and employee organisations.

SAK stresses the importance of on-site inspection at workplaces. These should be conducted with sufficient frequency. Inspectors should be a visible presence at workplaces, talking directly to employer and employee representatives in person. The attendance of occupational safety and health representatives at inspections must be the basic starting point.

There are also aspects that should be enforced otherwise than by visiting the workplace. Diverse and appropriate monitoring measures leading to effective and comprehensive enforcement are welcome. Transactions over telemonitoring and digital platforms must ensure that employees or their representatives have an opportunity to be heard and to express their views. We are concerned to ensure that this is realised systematically.

Occupational health and safety enforcement should pay greater attention to realising occupational health and safety cooperation in order to genuinely fulfil the purpose of the Act. Operating conditions are often inadequate, not only for occupational safety and health representatives, but also for occupational safety and health managers. The notion of a workplace under the Act also requires official guidance to ensure that it is correctly understood, so that the parties to cooperation have effective opportunities to discharge their functions. The changing and increasingly fragmented nature of the world of work is causing problems for occupational safety and health cooperation. Enforcement must ensure that both direct and indirect occupational safety and health cooperation and the operating conditions of the parties thereto are realised as required by law.

Reporting of occupational disease and work-related illness by physicians to occupational health and safety authorities is minimal. There are consequently also few inspections related to cases of occupational disease. This must be rectified as a matter of urgency.

We are concerned that police and prosecution processes do not progress adequately or with sufficient dispatch. There is a danger of exceeding limitation periods. Penalties are also too small, and maximum penalties should be increased.

The number of occupational safety inspections since 2010 peaked at nearly 30,000, with annual staffing of occupational safety and health divisions standing at approximately 450 person-years. The 414 staff members last year represent an increase from lower staffing in recent years. The target is to conduct 22,000 inspections this year. It is our view that the current resources of Occupational Safety and Health Authorities are at a critical level that should probably somehow suffice to discharge present obligations. Additional resources should also be allocated if any further functions are assigned to enforcement. While enforcement must be adequate to eradicate the grey economy and abuse of labour, this should not be achieved at the expense of overseeing health and safety at work.

The structure of regional administration will obviously be reviewed over the next few years. We stress that the organisation of occupational health and safety enforcement must always ensure effective, impartial and independent enforcement. Enforcement must be uniform nationwide. The work of tripartite regional boards must also be appropriately ensured.

We also refer to our statement on ILO Convention No. 155 in this context.

The Confederation of Unions for Professional and Managerial Staff in Finland (Akava) and The Finnish Confederation of Professionals (STTK)

Akava and STTK agree with the SAK's statement.