

REPORT

Article 22 of the Constitution of the ILO

Report for the period **1 June 2016 to 31 May 2024**, made by the Government of Finland

on the

Medical Examination of Young Persons (Underground Work)

Convention, 1965, No. 124

(ratification registered on 23 September 1968)

a) Legislation

Answers to questions concerning each Article are given below.

Article 1

The Mining Act has not been amended since the last report.

Article 2

Government Decree 1485/2001 on health examinations in work that presents a special risk of illness lays down provisions on the employer's obligation to organize health examinations in work that presents a special risk of illness for an employee or other person whose work is subject to the Occupational Safety and Health Act. A special risk of illness arises from working conditions where a physical, chemical or biological factor is likely to cause illness, excessive exposure or a risk to reproductive health. Under this Decree, young people aged 18 to 20 working underground are also covered by health examinations. No changes have taken place in this legislation or activity during the follow-up period.

Article 3

Paragraph 1

The activities are guided by the Occupational Health care Act and the Altist-based Occupational Health monitoring book, which provides detailed instructions on health examinations. No changes have taken place in this legislation or activity during the follow-up period.

Article 4

No changes have taken place in the legislation or activity during the follow-up period.

Article 5

b)

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

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)

3. The Finnish Confederation of Salaried Employees (STTK)
4. The Confederation of Unions for Academic Professionals in Finland (Akava)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish Enterprises

Statements of the labour market organisations

The central workers' organisations (SAK, STTK and Akava) state that, although the Convention is already old, it still has relevance to Finnish conditions. There are several well-functioning underground mines in Finland, and special challenges arise from the fact that asbestos occurs naturally in soil in Finland. Consequently, in addition to the general occupational safety and health issues in the mining sector, Finnish mines face specific occupational safety and health challenges relating to asbestos. As the upgrading of the equipment and machinery used in mines to newer electronic technology has been slow, inconvenience and occupational safety hazards are caused in mines by, for example, diesel exhaust gases and nitrous oxides.

The protection of workers, especially young workers, should therefore be a high priority to also effectively prevent the harm and occupational diseases caused by asbestos and other hazards.

Finnish occupational safety and health legislation assumes that a young worker means a minor under the age of 18. However, ILO Convention 124 Medical Examination of Young Persons (Underground Work) contains a different definition. Convention 124 considers 'young worker' to mean a worker under the age of 21. As such, the special protection for young miners referred to in the Convention is not being fully implemented in Finland.

Convention 124 seeks to ensure appropriate medical examinations at the beginning of work and at least every 12 months during the course of the work. This is not necessarily adhered to in Finland, and instead health examinations may be carried out significantly less frequently than annually. It should also be noted that the initial examination cannot always be scheduled for the start of work. There may be inconsistencies and gaps in the implementation of examinations, especially in various atypical employment relationships.

Article 3 of the Convention contains an entry on the conduct of X-ray examinations. This is partly based on outdated technology, and medical practices have changed in this regard. However, it is essential that the worker's state of health is monitored with sufficient precision using other up-to-date medical instruments and methods at least annually. This is not the case in Finland, and there is no legal obligation to do so.

The Government Decree on medical examinations in work that presents a special risk of illness, issued on the basis of the Occupational Safety and Health Act, does not precisely define the frequency and content of the examinations to be carried out, although underground mining undoubtedly falls within the scope of the decree.

The occupational safety and health examinations referred to in Article 4 of the Convention, as well as the right of the employee representative (in practice, the occupational safety and health representative) to access information, are also not being realised in the manner described in the Convention.