

REPORT

Article 22 of the Constitution of the International Labour Convention

Report for the period 1 June 2022 to 31 May 2025

made by the Government of Finland

on the

LABOUR INSPECTION CONVENTION, 1947 (No. 81)

(ratification registered on 20 January 1950)

Observation, 2022

The Committee refers the Government to its 2006 General Survey on labour inspection, paragraph 78, and underlines that the objective of labour inspection can only be met if workers are convinced that the primary task of the inspectorate is to enforce legal provisions relating to conditions of work and protection of workers. The Committee also notes the observations of the SAK, indicating that the current resources for occupational safety and health (OSH) enforcement are inadequate, and that addressing that enforcement in relation to labour abuses in the shadow economy should not be achieved at the expense of OSH enforcement. The Committee therefore urges the Government to take the necessary measures to ensure that labour inspectors' participation in joint inspections does not interfere with the effective discharge of their primary duties under Article 3(1) of Convention No. 81 and Article 6(1) of Convention No. 129. The Committee requests the Government to provide further information on the measures taken to ensure that labour inspectors' participation in joint inspections does not prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers. In addition, the Committee requests the Government to provide further detailed information on the procedure for enforcing employers' obligations arising from the statutory rights of undocumented migrant workers for the period of their effective employment relationship, including information on the labour inspectorate's advisory role in directing such workers to the ELY Centre and to social security authorities."

Response concerning measures guaranteeing labour inspectors' impartiality in joint inspections:

It is worth noting that most of the Finnish inspectors dealing with tackling labour exploitation and grey economy have been recruited for specially designated inspection vacancies. These vacancies have been created and funded separately with the earmarked funding received in the political process. Therefore, the inspections dealing with tackling labour exploitation and the grey economy are not carried out at the expense of OSH enforcement.

Concerning joint inspections with other authorities, it should be noted that most of these inspections are carried out not only from the point of view of tackling the grey economy, but also from the perspective of tackling labour exploitation. The selection of inspection targets for these joint inspections is mostly based on tips received or prior analysis of high-risk workplaces where the phenomena occur – this already guarantees the impartiality of labour inspectors to large extent. It also should be taken into account that over recent years, the focus of joint inspections between the labour inspectors and the police have shifted more and more to the direction of tackling labour exploitation and locating potential cases of human trafficking.

Regarding the inspections concerning the use of foreign labour, it is worth mentioning that the terms of employment (labour law aspect) are often evaluated – in these situations, the inspectors are also trying to evaluate foreign workers' salary and working hours at the inspections. From the point of view of an inspector, this is carried out with migrant workers in general – there is no difference in the evaluation of these matters whether the migrant worker is staying and working in Finland legally or illegally. Labour inspectorates' inspectors dealing with foreign labour carry out a lot of cooperation with relevant organisations and labour exploitation NGOs, especially with 'Victim Support Finland' (in Finnish 'Rikosuhripäivystys', often abbreviated as 'RIKU'). Many inspection cases concerning labour exploitation have been brought to the knowledge of labour inspectors by 'Victim Support Finland'. The migrant workers are also directed to ELY Centres if their employer becomes insolvent due to financial challenges.

Direct Request, 2022

*“Articles 3, 4, 5(a), 6, 7, 10, 11, 16, 20 and 21 of Convention No. 81 and Articles 6, 7, 8, 12, 14, 15, 21, 26 and 27 of Convention No. 129. Impact of the reform of the administration services on the organization and effective functioning of the labour inspection services. The Committee notes the 2020 Annual Report of the Occupational Safety and Health (OSH) Administration in Finland (Annual Labour Inspection Report), indicating that the Ministry of Social Affairs and Health is responsible for steering the OSH Divisions of the Regional State Administrative Agencies (labour inspectorate), and that their activities are based on a four-year framework plan. The 2020 Annual Labour Inspection Report also indicates that the labour inspectorate is moving from sector-based inspection activities towards phenomenon-based enforcement and is currently focusing on issues related to working conditions, fragmented working life and workload. In response to the Committee’s previous comments, the Government indicates in its report that, in order to facilitate the effective use of resources, a division was established to deal with all of the administrative tasks of the labour inspectorate. The Government further indicates that the Ministry of Finance launched a project in the period 2015–19, for the development of customer-centred activities at the Regional State Administrative Agencies, with the objective of increasing self-service and the use of electronic services. **The Committee requests the Government to provide information on the impact of this project on the functioning of the labour inspection system, and to continue to provide information on any reforms affecting the organization of the labour inspectorate and its operations.**”*

Information on labour inspection system and on reforms related to it:

The new phenomenon-based enforcement is widely accepted and considered a good approach – it has reduced siloing between the inspection activities of different

branches. This has helped to adopt new matters in the enforcement of certain branches – for example, psychosocial work environment matters in the construction sector from the foreman’s perspective.

Starting from 2026, there will be a national agency (Finnish Supervisory Agency) dealing with permit and enforcement matters, and the activities of labour inspectorates will come under this agency. The organisation of this agency is currently in the planning process. After this change, there will be just one national labour inspectorate dealing with inspection activities compared to the current situation where there are still five autonomous regional labour inspectorates.

*‘According to the observations of the SAK, however, there is minimal reporting by physicians of occupational diseases and work-related illnesses to the labour inspectorate, and, consequently, there are few inspections related to cases of occupational disease. The SAK, the STTK and AKAVA, in their observations, further indicate that, according to a study by the Finnish Institute of Occupational Health, a diagnosed occupational disease seldom leads to changes in working conditions or work practices. In this respect, the Committee notes the indication of the Government regarding the measures taken to ensure cooperation with occupational health services, including training occupational healthcare physicians and nurses by representatives of the labour inspectorate. **The Committee the Government to continue to provide information on the measures taken to ensure that the labour inspectorate is notified of cases of occupational disease, and information regarding the impact of such measures on the labour inspectorate’s efforts to conduct inspections related to occupational disease and to recommend changes in work practices in order to reduce incidents of occupational disease.**’*

Information on measures taken to ensure the notifying of cases of occupational disease and on labour inspectorates’ efforts to carry out inspections related to occupational diseases:

Concerning the notifying of cases of occupational diseases, an electronic register on registering occupational diseases will be introduced in the near future. The inspections related to occupational diseases are carried out also based on other approaches than only investigating the occupational diseases. It is also important to remember that occupational diseases are usually noticed with a long delay and therefore investigating them later isn’t necessarily that useful.

*“Nevertheless, the Committee notes the observations of the SAK, that there needs to be greater cooperation between the labour inspectorate and trade unions, and that such cooperation had begun to decrease even before the COVID-19 pandemic. The Committee also notes the concerns of the SAK regarding police and prosecution proceedings that do not progress with sufficient dispatch, leading to a danger of exceeding limitation periods. The trade unions and employers’ organizations, in their observations, also express divergent views as regards the effectiveness of penalties for OSH violations, with the SAK, STTK and AKAVA considering that such penalties are too low, while the SY and EK consider that certain corporate fines are very large and that a guidance-based approach to inspections is more effective. **The Committee requests the Government to indicate the measures taken or envisaged to improve the cooperation arrangements with authorities in charge of prosecutions, to ensure that adequate penalties for violations are***

effectively enforced. The Committee also requests the Government to indicate the measures taken to assess the adequacy of the penalties for OSH violations over time and to provide further information on measures taken to ensure collaboration between the labour inspectorate and the social partners.”

Response on indicating measures taken to improve the cooperation arrangements with authorities in charge of prosecutions to ensure adequate penalties for violations:

When it comes to administrative sanctions imposed by the labour inspectorates, it is important to remember that the starting point of Finnish OSH legislation and OSH enforcement is the way in which these sanctions are used to oblige the employer to develop the OSH level at the workplace if needed. This means that the administrative fines are mainly used as a leverage to make the employer comply with the OSH legislation in the near future. There are some exceptions, however – with the Finnish Act on Contractor’s Obligations and Liability and the Act on Posting of Workers, the labour inspectorates can impose a negligence fee for an infringement that has already happened. However, most of the infringements that have happened in the past are rather a matter of criminal procedure from the labour inspectorates’ perspective.

The labour inspectorates and especially their lawyers have meetings on a regular basis with other relevant actors dealing with the criminal procedure: more precisely with the police investigating the violations observed by labour inspectorates and with the prosecutors taking these cases to the court. At these meetings, there are discussions on real-life cases and challenges concerning them in the criminal procedure.

A frequent bottleneck for the cases originating from the labour inspectorates is still the police taking care of investigating these cases. Therefore, the focus of the cooperation with the police has shifted more to the direction where the potential cases (e.g. concerning potential human trafficking/labour exploitation) are started with a joint inspection. This often seems to be a more efficient and streamlined manner of getting the matter investigated efficiently and without long delays.

GRAPH 1: STATISTICS RELATED TO CRIMINAL PROCEDURE IN 2024

Demands for investigation to police from labour inspectorates by crime title themes, total	398
Occupational safety and health offence/violation of occupational health and safety	174
Working hours protection offence/working time violation	42
Discrimination	56
Use of foreign labour	133
Human trafficking	6
Other demands for investigation to	46

police	
Statements to police/prosecutors from labour inspectorates	
Occupational safety and health offence/violation of occupational health and safety	524
Working hours protection offence/working time violation	18
Discrimination	85
Use of foreign labour	6
Other statements	33

GRAPH 2: STATISTICS RELATED TO CRIMINAL PROCEDURE IN 2023

Demands for investigation to police from labour inspectorates by crime title themes, total	503
Occupational safety and health offence/violation of occupational health and safety	220
Working hours protection offence/working time violation	43
Discrimination	34
Use of foreign labour	99
Human trafficking	5
Other demands for investigation to police	32
Statements to police/prosecutors from labour inspectorates	
Occupational safety and health offence/violation of occupational health and safety	566
Working hours protection offence/working time violation	6
Discrimination	91
Use of foreign labour	8
Other statements	40

GRAPH 3: STATISTICS RELATED TO CRIMINAL PROCEDURE IN 2022

Demands for investigation to police from labour inspectorates by crime title themes, total	489
Occupational safety and health offence/violation of occupational health and safety	410
Working hours protection offence/working time violation	9

Discrimination	26
Use of foreign labour	153
Human trafficking	1
Other demands for investigation to police	34
Statements to police/prosecutors from labour inspectorates	
Occupational safety and health offence/violation of occupational health and safety	566
Working hours protection offence/working time violation	6
Discrimination	91
Use of foreign labour	8
Other statements	40

It is worth paying attention to the fact that rather often, there can be various crime title themes in the same demand for investigation. Concerning statements to police/prosecutors, they are often also given in cases where the investigation or prosecution does not originate from labour inspectorates – in these cases, the labour inspectorates are still often contacted as they have expertise in work-life matters. Finally, it is worth mentioning that in the field activities, the labour inspectorates indirectly encounter more cases where the investigation is started by the police – this happens especially related to joint inspections made in cooperation between the police and labour inspectorates.

Response on measures taken to ensure collaboration between the labour inspectorate and the social partners.

The tripartite collaboration between social partners and labour inspectorates is rather extensive in Finland. Especially in certain sectors of work – for example, in the construction industry. The bigger guidelines of labour inspection activities in Finland are defined in four-year period plans for OSH enforcement. These plans are based on the needs arising from tripartite discussions concerning the focuses and emphases of the enforcement in the big picture. The comments of the social partners have a great importance, as focusing on psychosocial work environment issues during recent years in the enforcement shows – this focus is mostly based on trade unions' observation on the increasing psychosocial workload at the workplaces.

Regarding tripartite cooperation in general, it must be noted that this needs to happen in the big picture with both sides of the social partners represented. Therefore, on some occasions cooperation might be lacking if one side of the social partners is not that keen to cooperate on the matter even though the other side would be willing to do so.

Social partners, especially trade unions, often give relevant tips to labour inspectorates on potential inspection targets for enforcement and many inspections

are carried out based on these. At the same time, it must be mentioned how social partners (especially the trade unions) quite often express how they would like to cooperate more on real-life cases with labour inspectorates. However, from the labour inspectorates' perspective this is often impossible due to issues related to privacy issues and data protection.

*“The Committee notes the Government’s indication that the number of labour inspectors has increased from 400 in 2018 to 414 in 2021, and that, according to the observations of the EK, the labour inspection system is of high quality, comprehensive and equipped with sufficient resources. The Committee nevertheless observes that, according to the data of Statistics Finland, there were 368,622 enterprises in Finland in 2020. **With respect to the coverage of labour inspection visits, the Committee requests the Government to provide further information on the measures taken to ensure that the number and frequency of labour inspections is sufficient to ensure the effective discharge of inspection duties and compliance with the respective legal provisions in all workplaces. In particular, the Committee requests the Government to provide statistics on the number of inspections carried out, disaggregated between regular and unannounced inspection visits, remote inspections and in-person visits, as well as planned inspections and inspections undertaken as a result of a complaint.”***

Response on ensuring effective discharge of inspection duties and compliance with legal provisions in all workplaces:

In general, the ratio between the number of inspectors and workplaces is high in Finland. Partially, this can be explained due to Finnish labour inspectorates' large mandate.

When comparing the number of the inspectors to the number of enterprises from Statistics Finland, one should note that, in practice, many of those enterprises are not active ones. More than that, many of them do not have any employed workers. Inactive enterprises or enterprises without any employees are not inspected except in some exceptional situations (e.g. related to subcontracting) – labour inspectorates prefer to use their enforcement resources for enterprises and workplaces where there are employees.

Concerning the number of inspections, labour inspectorates in Finland consider that there has to be a good balance between quantity and quality. Therefore, the inspections vary rather a lot on how they are resourced. Some of them are not as resource-consuming as others and they are made more from the perspective of screening. Then, on the other hand, there are also resource-consuming inspections where the effectiveness is ensured in terms of resources (e.g. most of the inspections dealing with psychosocial workload).

Over recent years, there has been a common understanding that focusing solely on inspections is not always the best approach for effective enforcement. Due to this, some resources are also used for other forms of influencing workplaces (e.g. seminars, press releases and podcasts concerning OSH-enforcement).

Statistics of inspections carried out (the number of inspections carried out, regular and unannounced inspection visits, remote inspections and in-persons visits, planned inspections and inspections undertaken because of a complaint)

GRAPH 4: INSPECTIONS CARRIED OUT IN 2024

	In-place inspections	Document-based inspections	Remote inspections	Total number of inspections
Planned inspections	15 144	2 864	634	23 328
Customer-based inspections	1 440	529	84	2 053
Total	16 584	3 393	718	20 695

GRAPH 5: INSPECTIONS CARRIED OUT IN 2023

	In-place inspections	Document-based inspections	Remote inspections	Total number of inspections
Planned inspections	16 935	4 384	1 009	22 328
Customer-based inspections	1 523	501	104	2 128
Total	18 458	4 885	1 113	24 456

GRAPH 6: INSPECTIONS CARRIED OUT IN 2022

	In-place inspections	Document-based inspections	Remote inspections	Total number of inspections
Planned inspections	14 615	4 604	1 844	21 063
Customer-based inspections	1 310	585	151	2 046
Total	15 925	5 189	1 995	23 109

It is worth mentioning that the division between the planned inspections and customer-based inspections is not entirely as clear as it is in the graphs above. In practice, many customer-based initiatives are also taken care of in the inspection projects of planned inspections.

Unfortunately, there are no statistics on the division of regular and unannounced inspection visits. Both types of inspection visits are used extensively – often depending on the approach of the inspection.

Here is a link to annual reports in English between 2022–2024:

- Annual report of 2024 still only available in Finnish: [Työsuojeluhallinnon vuosikertomus 2024](#)

Annual report of 2024 in Swedish and in English will soon be published here (publication is currently in progress): [Publications - Työsuojelu.fi - Occupational Safety and Health Administration](#)

- [Annual Report of the Occupational Safety and Health Administration in Finland 2023](#)
- [Annual Report of the Occupational Safety and Health Administration in Finland 2022](#)

Legislative changes

- **Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)**
 - o 748/2022, section 13, subsection 3 has been amended with regard to issuance of written advice and improvement notices concerning the employer's obligation to provide a written and justified response regarding lengthening of regular working hours or the duration of an employment contract.
 - o 1195/2022, section 13, subsection 3 has been amended. The provision has been amended with regard to issuance of written advice and improvement notices with regard to enforcement of the Equality Act.
 - o 336/2023, section 13, subsections 2 and 3 have been amended; in addition, section 49, subsection 3 and section 50, subsection 1 have been amended.

The provisions of section 13 have been amended with regard to issuance of written advice and improvement notices: with regard to previously issued written advice, the obligation to provide information under the Act on Posting Workers, and the payment of wages and salaries under a generally applicable collective agreement. Section 49 has been amended with regard to notification to other authorities so that no notification is required on matters regarded as unnecessary. Section 50, subsection 1 has been amended with regard to notification of criminal cases in situations where an act is minor considering the circumstances and the public interest does not require a notification.

- Link to the unofficial English version of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces: [No](#)

- **Occupational Safety and Health Act (738/2002)**

- 614/2022, section 40a, subsection 3 has been amended.

The provision on the list of employees exposed to biological agents has been amended with regard to the right to have access to the list.

- 222/2023, section 8, subsections 1 and 4, section 10, subsection 1, section 11 and section 14, subsection 1 have been amended.

The provision has been amended with regard to employers' general duty to exercise care, analysis and assessment of hazards at work, work causing particular hazard, and instruction and guidance to be provided for employees.

- Link to the unofficial English version of the Occupational Safety and Health Act: [main.pdf](#)

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

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 (SY)
8. The Commission for Church Employers

Statements of the labour market organisations

The Central Organisation of Finnish Trade Unions (SAK), the Confederation of Unions for Professional and Managerial Staff in Finland (Akava) and the Finnish Confederation of Professionals (STTK) comment as follows:

Convention No. 81 Labour inspection in industry and commerce

Dialogue and cooperation between occupational safety and health (OSH) enforcement and organisations of wage and salary earners is highly necessary and useful. Cooperation with trade unions was, however, already becoming less extensive before COVID-19. In addition, the Finnish central government reform in effect from 2026 will abolish five Regional State Administrative

Agencies, and these will be replaced by a single national agency, the Finnish Supervisory Agency. This will involve the abolition of the OSH boards specific to each Regional State Administrative Agency where the region's social partners have been represented. This means a discontinuation of dialogue with the social partners at the regional level in particular. There is a great risk of the boards and committees structure of the new agency not featuring a sufficient regional perspective. The central organisations of wage and salary earners find that there is a need to increase the dialogue between enforcement personnel and trade unions.

OSH enforcement should pay stronger attention to the realisation of OSH cooperation in the workplace so that it will genuinely fulfil the objectives of the law. There are often shortcomings in the competence and other capacities of OSH representatives and OSH managers. The concept of 'workplace' under the law requires more guidance from the authorities. It should be understood as intended by the law, that is, as a whole that is appropriate for cooperation where the parties to cooperation have actual opportunities to attend to their role. Working life is changing, fragmenting and making OSH cooperation challenging. It must be ensured through enforcement that direct and indirect OSH cooperation and the operating capacities of the parties involved are realised as required by the law.

Workplace inspections

The central organisations of wage and salary earners regard that workplace inspections are essential and must be carried out to a sufficient extent. Under Article 16 of the Convention, workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions. Due to insufficient resources, inspections are increasingly often conducted solely on the basis of documents, with no workplace visit necessarily carried out at all, whereby important aspects may go unnoticed and consultation of employees may not take place. Inspectors should carry out enforcement in the workplace visibly and interactively with employer and employee representatives.

The attendance of OSH representatives during inspections should be the basic starting point. For certain aspects, enforcement can justifiably take place by means other than workplace visits. Diverse and appropriate enforcement measures resulting in efficient and comprehensive enforcement are worthy of support. It should be ensured in remote enforcement and transactions on digital platforms that employees and/or employee representatives have the opportunity be heard and to express their views. The central organisations of wage and salary earners continue to be concerned about whether this is realised systematically. The enforcement methods must, however, be balanced so that enforcement does not inappropriately focus excessively on remote and digital enforcement.

Qualifications and training needs

Physicians operating in healthcare submit a minimal amount of reports on cases of occupational and work-related diseases to OSH enforcement. Cases or suspected cases of occupational disease often go inadvertently unreported to the OSH authorities. Provision of information and training on this obligation must be continued.

It may also be that occupational diseases of those working under atypical contracts in particular may be underdiagnosed. More attention must be paid in workplaces and in OSH enforcement to the realisation of health checks in occupational healthcare and the investigation of suspected cases of occupational disease. Those working under brief employment contracts and temporary agency work in particular may miss out on statutory services.

With regard to this, the qualifications requirement under Article 7 must be taken seriously and it must be ensured that the OSH authorities have diverse, sufficient and appropriate competences for the needs of the various industries. Where necessary, OSH inspectors must be provided with additional training and/or upskilling and the opportunity to specialise in a specific topic.

Sanctions and criminal processes

The central organisations of wage and salary earners are concerned about matters not making sufficient or sufficiently speedy progress in the police and prosecutor processes. Consideration of cases is at risk of becoming time-barred, in addition to which there are cases that have become time-barred. The punishment level is also too low, and therefore the level of maximum punishment must be raised. For example, compared with Sweden, the level of corporate fines for OSH offences is very low.

It is further our view that the sanctions currently imposed on employers and the inspectors' rights to impose these in a speedy manner are insufficient and must be made stronger. The powers of the OSH authorities must be developed to better respond to the accelerating pace of enforcement needs seen in working life. The current practice where the authorities, as a general rule, address various irregularities in workplaces first by means of recommendatory advice and only after that by means of more binding measures does not support the speedy eradication of OSH hazards in workplaces. Enforcement measures should include speedier measures by the authorities, such as administrative charges, in cases involving clear irregularities.

The central organisations of wage and salary earners emphasise that, as regards psychosocial workload, our OSH legislation is not precise enough for the opportunities of the OSH authorities to guide and enforce the prevention and management of the risk in workplaces to be realised as required by conventions. Regardless of efforts made in a tripartite working group to make the legislation more precise, the project has been blocked by the employer side and the Government has not taken the project further.

OSH resources

Since 2010, the number of OSH inspections has at its highest been almost 30,000 per year and the personnel of the OSH divisions has amounted to around 450 full-time equivalent (FTE) person-years. Central government savings measures have affected and the forthcoming productivity programme will affect OSH enforcement resources. There were 23,105 inspections in 2022, 24,150 in 2023 and only 20,600 in 2024. In 2024, the personnel of the OSH divisions totalled 425 FTEs – economic adjustment measures required personnel expense savings and new personnel were not recruited to replace retirees, for example.

The central organisations of wage and salary earners find that OSH enforcement resources are currently at a critical level and likely to be just about sufficient to allow attendance to the current obligations. Should any more enforcement tasks be assigned, enforcement should also be given more resources. The latest new task assigned is enforcement of local agreements. Enforcement must be sufficient for the terms of contractual employment relationship to be implemented in compliance with the set of rules and for the eradication of the grey economy and abuse of labour, but this must not be to the detriment of enforcement concerning the safety and health aspects of work. Last year, 50% of enforcement was targeted at working conditions, including psychosocial workload. The central organisations of wage and salary earners find that the State should not cut OSH enforcement appropriations. Efficient enforcement has positive productivity impacts, in addition to which it prevents phenomena that are harmful to the Finnish economy and distort competition.

The central organisations of wage and salary earners also note that the time use regulations, training rights and access to information of OSH representatives should be updated to meet the needs of the changed working life. The OSH representatives should have actual opportunities to attend to the duties specified for them in the Act. In practice, OSH representatives are usually not released from their own work duties to attend to their elected role. Their use of time should be increased, or the employer should be more obligated to provide OSH representatives with time to attend to their elected role. It should be possible to agree more extensively on their use of time based on the actual number of personnel and the amount of work, and the power to decide on the amount of time used should not rest solely and unilaterally on the employer. OSH representatives should receive regular upskilling training for their OSH duties. As regards the above, the central organisations of wage and salary earners also refer to their comments on ILO Convention 155.

Suomen Yrittäjät ry (The Federation of Finnish Enterprises SY) comments as follows:

Suomen Yrittäjät notes that the implementation of Convention No. 81 in Finland is based largely on the provisions of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) and the activities of the occupational safety and health (OSH) authorities. In the inspection activities of OSH authorities Suomen Yrittäjät, which represents small and micro enterprises in particular, regards it as very important that the enforcement activities of occupational safety and health (OSH) authorities are not only targeted at detecting negligence but that the approach is to provide instruction and guidance. It is important to note that employers in micro enterprises in particular do not usually neglect compliance with OSH standards on purpose. Instead, negligence is often due to a lack of understanding and competence. As a general rule, this is achieved as the OSH authorities mostly issue advice which does not include a binding administrative decision. It would therefore be good for the approach of the OSH authorities to be as instructive and guiding as possible. In addition to enforcement, the authorities' activities should focus on employers knowing how to act in the right way.

Suomen Yrittäjät finds that the targeting of OSH inspections should primarily be based on risk assessments, that is, inspections should be targeted at workplaces where negligence typically occurs or that otherwise involve the highest risk of negligence. Inspections must not, however, be

targeted formulaically based on the size or industry of the enterprise. On the other hand, inspections should not take place repeatedly on the same enterprises without a justified reason.

Suomen Yrittäjät remarks, however, that at times the OSH authorities also issue advice on the determination of the collective agreement to be applied. If the employer does not comply with any collective agreement, the OSH authority may establish by means of an inspection whether the employer should, based on the industry of the employer or the tasks of the employees, comply with a collective agreement that has been confirmed as generally applicable.

In practice, when issuing advice, the OSH authority requests comments from the employer associations and employee unions party to a specific collective agreement on whether the employer being inspected should comply with a collective agreement. Although not bound by the views of these organisations, in practice the OSH authorities often rely on them and issue advice on the employer. The procedure may be problematic, as advice concerning the collective agreement to be applied is not necessarily based on the assessment of the employer's actual activities but, instead, on the subjective views of the organisations.

As regards the use of authority by the OSH authorities, Suomen Yrittäjät points out that the authorities use significant public authority. This is why the legal provisions enforced and applied by the OSH authorities should also be clearly circumscribed and precise so that the sanctions resulting from the enforcement activities of the OSH authorities would comply with the principle of legality. In this regard, Suomen Yrittäjät points out that Finland's OSH provisions as a whole, including decrees subordinate to acts and other OSH regulations, are within the scope of the employer's criminal liability. Consequently, all negligence of provisions enforced by the OSH may result in the employer's criminal liability. This emphasises the need for precise provisions concerning the use of authority by the OSH authorities.