

REPORT

to be made no later than 29 February 2016, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of Finland, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the questionnaire.

ARTICLE 19 REPORT FORM CONCERNING OCCUPATIONAL SAFETY AND HEALTH INSTRUMENTS

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

Safety and Health in Construction Convention, 1988 (No. 167), and Safety and Health in Construction Recommendation, 1988 (No. 175)

Safety and Health in Mines Convention, 1995 (No. 176), and Safety and Health in Mines Recommendation, 1995 (No. 183)

Safety and Health in Agriculture Convention, 2001 (No. 184), and Safety and Health in Agriculture Recommendation, 2001 (No. 192)

Safety and Health in Construction Recommendation. 1988 (No 175)

(based on the Safety and Health in Construction Convention (No. 167))

Part I. Legal and policy framework

3(i)

(b) construction

1. Government Decree on the Safety of Construction Work (No 205/2009);

to be found in English at <http://www.finlex.fi/en/laki/kaannokset/2009/en20090205.pdf>

2. Occupational Safety and Health Act (No. 738/2002);

to be found in English at <http://www.finlex.fi/en/laki/kaannokset/2002/en20020738.pdf>

3. Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (No 44/2006);

to be found in English at <http://www.finlex.fi/en/laki/kaannokset/2006/en20060044.pdf>

3(ii) construction

all included in the Finnish Decree (No 205/2009) with compliments concerning the whole working life with application of the OSH Act (No. 738/2002) and the Act on OSH Enforcement and Cooperation on OSH Workplaces (No 44/2006);

Part II. Consultation and cooperation

5. general + (a) construction

Legislation and norms are prepared in tripartite cooperation. In addition, the periodic reviews, enforcement impact and development policies are carried out in collaboration with the employers and workers associations.

OSH authorities follow systematically, by means of certain indicators, together with partners and other actors how the policy objectives have been reached. The target state set for the year 2020 will be followed and specified when drawing up framework agreements and performance agreements, and when necessary, intermediate objectives will be set out. New indicators will be taken into use if they are considered to better describe working conditions that have changed. Follow-up takes place both in the long and short term. Labour market organizations play an important role as disseminators of information and creators of enforcement will.

The Ministry of Social Affairs and Health invites all partners that affect the working life to a goal-directed and successful cooperation for achieving the objectives set out in the tripartite collaboration. The purpose of these policies is to make the different parties work for the objectives set out observing the agreed principles. The regional occupational safety and health authorities enforce compliance with the relevant legislation in workplaces using diverse methods. In this enforcement, impact-oriented objectives are emphasized.

The quality of enforcement is guaranteed by uniform enforcement practices and by continually developing personnel's skills and enforcement methods. Productive and efficient occupational safety and health enforcement is also ensured by developing the data systems. The resources of the occupational safety and health administration and the competence required for the tasks are secured in order that the administration also in future will serve its clients (workplaces) as well and equally as possible.

(a) construction

The above mentioned in the sub-point 5a concerns also construction sectors. The Organizations of the Employers and Workers participated in the preparation of this Decree (No 205/2009) and they also accepted the final Decree (No 205/2009) in the tripartite decision.

6.

(a) general +(b) construction

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (No 44/2006)

Section 28 – Person representing the employer in the cooperation process

(1) 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 organize 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.

(2) 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, and

even otherwise have appropriate prerequisites for dealing with matters referred to in section 26 and for organizing the cooperation.

Section 29 – Occupational safety and health representative and vice representatives

(1) 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, and to keep contact with occupational safety and health authorities.

Section 30 – Selection of an occupational safety and health representative and vice representatives

(1) The occupational safety and health representative and the vice representatives shall be selected through an election organised by the employees. The representatives shall be selected for a period of two calendar years

Section 31 – Duties of the occupational safety and health representative

The occupational safety and health representative represents the employees of the workplace when dealing with matters referred to in section 26 in cooperation with the employer, and in relation to occupational safety and health representatives. 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, 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 32 – Occupational safety and health representative's right to gain information

(1) 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. Additionally, the occupational safety and health representative is entitled to receive from the employer any information necessary for his or her co-operational duties.

(3) The occupational safety and health representative is entitled to obtain copies of the documents to the extent his or her co-operational duties require.

Section 33 – Occupational safety and health representative's and vice representative's right to receive training

(1) 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 co-operational 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. The employer and the occupational safety and health representative, and the vice representative, shall deal with the need for training and training arrangements within two months of the election. The training shall not entail any costs or loss of income for the occupational safety and health representative or vice representative.

(2) The training must take place during working hours, unless other agreements are made in accordance with section 23.

Section 34 – Time allocation of occupational safety and health representatives

(1) The employer shall release the occupational safety and health representative from his or her regular work for carrying out the duties referred to in section 31 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.

Section 43c – Cooperation parties in a shared workplace

(1) In co-operational matters, the parties of the cooperation in a shared workplace are the employer exercising the main authority or the employer's representative, and the occupational safety and health representative employed by the employer exercising the main authority. Other co-operational matters relating to occupational safety and health are dealt with between the employer in question and the occupational safety and health representative employed by this employer.

(2) If the shared workplace is a building construction site, the employees working for the several employers there have the right to select a joint occupational safety and health representative and two vice representatives for the construction site to represent the employees in the cooperation on occupational safety and health with all employers and self-employed workers of the construction site, as well as in relation to occupational safety and health authorities.

Part III. Responsibilities, duties and rights of employers and workers

7. (i)

(a) general, see the response in the sub-point 6; These obligations concerns also the construction.

(b) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 3 - General obligations of the parties to a construction project

(1) In a construction project, the client, the designer, the employer and the self-employed worker must together and each for their part ensure that no danger arises from the work to those working at the construction site or other persons in the zone affected by the work.

(2) The project supervisor must, through training and guidance, ensure that all those working at the shared construction site are sufficiently familiar with safe working practices and that they are familiar with the hazards and risks of the construction site in question and the measures required for eliminating them.

Section 13 - Execution of construction work

(2) The employer and the self-employed worker must observe the safety instructions for the shared construction site issued by the project supervisor. The project supervisor, the employer and the self-employed worker must, each for their own part and in cooperation, take care of the flow of information and communication on matters affecting the safety at the shared construction site.

7 (ii)

(b) construction

Occupational Safety and Health Act (No. 738/2002)

Section 52 – Obligations on a shared construction site

(1) On a shared construction site, the employer in main contractor position or, if such does not exist, the client or other person directing or supervising the construction project shall fulfil the obligations

referred to in section 51 and ensure that no danger arises from the work to those working on the site or other persons in the zone affected by the work.

(2) Further provisions on the obligations of the client, main contractor or other principal operator on a shared construction site and on the division of those obligations may be given by Government decree.

Government Decree on the Safety of Construction Work (No 205/2009)

Section 3 - General obligations of the parties to a construction project

(1) In a construction project, the client, the designer, the employer and the self-employed worker must together and each for their part ensure that no danger arises from the work to those working at the construction site or other persons in the zone affected by the work.

8(i)

(a) construction

Occupational Safety and Health Act (No. 738/2002)

Section 52 – Obligations on a shared construction site

(1) On a shared construction site, the employer in main contractor position or, if such does not exist, the client or other person directing or supervising the construction project shall fulfil the obligations referred to in section 51 and ensure that no danger arises from the work to those working on the site or other persons in the zone affected by the work.

(2) Further provisions on the obligations of the client, main contractor or other principal operator on a shared construction site and on the division of those obligations may be given by Government decree.

Government Decree on the Safety of Construction Work (No 205/2009)

Section 3 - General obligations of the parties to a construction project

(1) In a construction project, the client, the designer, the employer and the self-employed worker must together and each for their part ensure that no danger arises from the work to those working at the construction site or other persons in the zone affected by the work.

(2) The project supervisor must, through training and guidance, ensure that all those working at the shared construction site are sufficiently familiar with safe working practices and that they are familiar with the hazards and risks of the construction site in question and the measures required for eliminating them.

8(ii)

(a) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 13 -Execution of construction work

(1) The project supervisor must:

1) implement, carry out and follow the measures resulting from the planning referred to in sections 10 and 11;

2) update the plans referred to in sections 10 and 11 on the basis of the information provided by the employers and self-employed workers at the shared construction site;

- 3) take care of the division of labour and cooperation between the employers and self-employed workers in connection with preventing hazards that could jeopardise the safety or health of workers at the shared construction site and in informing of any potential hazards there;
 - 4) when necessary, inform the client of any changes in the work, work stages or circumstances, if the work cannot be carried out in accordance with the plans required by the client;
 - 5) take account of the prevention of hazards and risks when plans concerning technical plans and their implementation are carried out if they apply to work and work stages to be carried out simultaneously or in succession, or their scheduling, duration or manner of implementation.
- (2) The employer and the self-employed worker must observe the safety instructions for the shared construction site issued by the project supervisor. The project supervisor, the employer and the self-employed worker must, each for their own part and in cooperation, take care of the flow of information and communication on matters affecting the safety at the shared construction site.

9(i)

(a) construction

Occupational Safety and Health Act (No. 738/2002)

Section 45 – Alarm, safety and rescue equipment and instructions

- (1) If the working conditions so require, workplaces shall be provided with the necessary alarm, fire safety, life saving and rescue systems and equipment.
- (2) The employees shall be given necessary instructions on the use of such systems and equipment as referred to in subsection 1, 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.

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (No 44/2006)

Section 36 – Occupational safety and health representative’s right to interrupt dangerous work

- (1) 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, subject to the restrictions laid down in this section.
- (2) The occupational safety and health representative shall inform the employer of any interruption of work, in advance if possible in view of the type of danger and other circumstances, and in any case immediately when this is possible without any danger. After making sure that no danger as referred to in subsection 1 exists, the employer may order the work to be continued.
- (3) Any interruption of work shall not restrict workplace operation in a wider scale than is needed to protect safety and health at work. When work is interrupted, any hazards and risks caused by the interruption must be minimised.
- (4) If an occupational safety and health representative has interrupted work in accordance with this section, he or she is not liable to compensate any losses caused by the interruption.

10(i)

(a) construction

note the answers in the sub-point 7 under the following section of the

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (No 44/2006)

Section 28 – Person representing the employer in the cooperation process
Section 29 – Occupational safety and health representative and vice representatives
Section 30 – Selection of an occupational safety and health representative and vice representatives
Section 31 – Duties of the occupational safety and health representative
Section 32 – Occupational safety and health representative’s right to gain information
Section 33 – Occupational safety and health representative’s and vice representative’s right to receive training
Section 34 – Time allocation of occupational safety and health representatives
Section 43c – Cooperation parties in a shared workplace

Occupational Safety and Health Act (No. 738/2002)

Section 17 – Cooperation between employers and employees

- (1) Employers and employees shall cooperate in maintaining and improving safety in workplaces.
- (2) 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.
- (3) The employees for their part shall act in cooperation with the employer and the employees’ representatives in order to achieve the objectives of this Act. The employees have the right to submit proposals on safety and health in the workplace and other matters mentioned in subsection 2 to the employer and get a response to them.

10(ii)

(a) general, concerning also construction

Occupational Safety and Health Act (No. 738/2002)

Section 23 – Employees leaving off work

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

Part IV. Prevention and protection measures

11(ii)

general, concerning also construction

Occupational Safety and Health Act (No. 738/2002)

Section 14 – Instruction and guidance to be provided for employees

(1) 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.

(a) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 44 - Training and guidance in construction with prefabricated elements

(1) The employer must provide employees with induction and sufficient information and instructions concerning the risks of the construction with prefabricated elements and on how to prevent them. The employer must also ensure that the employees are adequately familiarised with the following:

- 1) instructions provided by the manufacturer of the prefabricated elements;
 - 2) work stages in construction with prefabricated elements;
 - 3) working methods such as storage, lifts, installation and protection against falls;
 - 4) safe use of tools, such as the safe securing and use of lifting accessories;
 - 5) safe working methods, such as the measures implementing the plan concerning protection against falls.
- (2) In construction with prefabricated elements, comprehensive training and guidance must be provided in accordance with the working methods used, before the start of new work and work tasks, when work tasks change and before the introduction of new tools and working methods. Training and guidance must be supplemented when necessary.
- (3) Employees must observe the instructions issued by the employer.

Section 48 - Professional skills, training and guidance of the employees in formworking

- (1) Before the work is started, the employer must ensure that the persons installing and removing the formwork possess adequate competence and skills.
- (2) In formworking, comprehensive training and guidance must be provided in accordance with the formwork and working methods used, before the start of new work and work tasks, when work tasks change and before the introduction of new tools and working methods. Training and guidance must be supplemented when necessary.

12. design and planning of a construction project

Government Decree on the Safety of Construction Work (No 205/2009)

Section 7 - Design and preparation of the construction project

- (1) When a construction project is designed and prepared, the client must ensure that the practical construction work is taken into account in the architectural and constructional design, design of

technical systems, and design of arrangements for the practical construction work in a manner that allows the work to be carried out safely and without causing any harm to employees' health.

(2) The client must ensure that the prevention of hazards and risks is taken into account when the timetables, duration and coordination of work and work stages are planned

(3) The client must coordinate the implementation of the plans referred to in subsections 1 and 2.

(4) When giving the design assignment, the client must require that the designers give consideration to occupational safety and health in the construction and the design assignment must contain the information that the designers need in order to meet their responsibilities under section 57 of the Occupational Safety and Health Act. In construction with prefabricated elements, the responsible structural engineer must ensure that the structural plans and special plans are in accordance with the safety requirements laid down for installation work and that they meet all occupational safety and health requirements laid down for construction with prefabricated elements.

(5) Before the conclusion of the construction project, the client must draw up written instructions for the use, maintenance and repair of the building, containing sufficient data on occupational safety and health matters.

Section 10 - Safety planning of the construction work

(1) The project supervisor must present to the client the plans concerning occupational safety and health in the construction work referred to in this section.

(2) Before the start of the construction work, the project supervisor must draw up written occupational safety and health plans according to which the work and work stages are organised and scheduled in such a way that they can be carried out with maximum safety and that no danger arises from them to those working at the site or other persons in the zone affected by the work. Therefore the project supervisor must, as systematically as necessary, analyse and identify the hazards and risks arising from the general work tasks, working conditions and the work environment at the site. Hazards and risks must be eliminated by appropriate means or, when it is not possible to eliminate them, their significance must be evaluated with regard to the health and safety of those working at the site and other persons in the zone affected by the work.

(3) The project supervisor must also take into account the information contained in the client's safety document and make the client the necessary proposals for changes in the safety document as the work progresses so that the necessary safety measures are carried out. In connection with the design, the project supervisor must also take account of safety measures for work that causes special safety and health risks, referred to in Annex 2.

(4) In addition to the provisions of subsection 2 and 3 above, special attention must also be paid to at least the following matters in the design:

- 1) arrangements at the construction site, and maintaining good order at the work sites and in material handling during the various construction stages;
- 2) blasting, quarrying and excavation work;
- 3) carrying capacity of the ground and support of excavations;
- 4) electrification and lighting during construction work;
- 5) working methods;
- 6) use of machinery and equipment;
- 7) lifting work and transfers;
- 8) protection against falls from heights;
- 9) work on work scaffolds and support scaffolds;
- 10) storing, lifting and installation of prefabricated elements, formwork and other large structures;
- 11) reduction of dust and preventing it from spreading;
- 12) procedures concerning industrial hygiene measurements;
- 13) demolition work;

- 14) scheduling and duration of the various work tasks and work stages and their coordination as the work progresses;
- 15) coordination of the various tasks and work stages at the construction site or their coordination with industrial activities taking place in the zone affected by the construction site and with other similar work activities and public traffic;
- 16) piping and electric cables causing risks;
- 17) where and when personal protective equipment must be used; and 18) action in connection with injuries and accidents.
- (5) The plans must be drawn up in writing. The plans must be revised if circumstances change, and they must also otherwise be kept up to date.

13

(a) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 14 - Safety of machinery, equipment and other tools

The structure and condition of the machinery, cranes and other lifting equipment, lifting accessories, scaffolds, movable formwork, temporary supports, personal protective equipment and other equipment using in the construction work must be checked at the construction site so that it can be determined whether they are appropriate for their purpose and in compliance with the requirements.

Section 15 - Taking lifting equipment, lifting accessories and scaffolds into use

- (1) The structure of work platforms, protective platforms and the means of access leading to the platforms must be checked before any scaffolds are taken into use at the construction site. In this connection, special attention must be paid to support and protective structures.
- (2) The inspection must be renewed if the scaffolds have been exposed to hard wind, heavy rain or other special stress, or if they have been unused for a long time considering the circumstances.
- (3) The scaffolds may not be taken into use until their parts to be used are ready and they have been inspected. When scaffolds are inspected the matters referred to in Annex 4 to this Decree must be taken into account.
- (4) In addition to what is provided on the inspection of cranes in the Government Decree on the Safe Use and Inspection of Work Equipment(403/2008), lifting equipment and accessories must be inspected at the workplace before they are taken into use.

14

(a) general, concerns also the construction

Occupational Safety and Health Act (No. 738/2002)

Section 10 – Analysis and assessment of the risks at work

- (1) 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, the 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. When doing so, the following matters must be taken into account among other things:
- (1) the risk of injury and other illness, paying special attention to such hazards and risks of the work or at the workplace concerned as mentioned in Chapter 5;

- (2) any accidents, occupational diseases and work-related illness and hazardous incidents at the workplace;
- (3) the employees' age, gender, occupational skills and other personal capacities;
- (4) factors related to workload; and
- (5) the potential risks to reproductive health.

(2) If the employer does not have adequate expertise for the action referred to in subsection 1, 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 laid down in the Occupational Health Care Act (1383/2001).

(3) 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 it must also otherwise be kept up-to-date.

(4) Further provisions on the written or other verifiable form and content of the analysis and assessment, and specifying how the matter shall be handled at the workplace, taking account of the employer's line of business, the nature of the activities and hazards and risks associated with them, and the size of the workplace, may be given by Government decree.

(b) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 7 - Design and preparation of the construction project

(2) The client must ensure that the prevention of hazards and risks is taken into account when the timetables, duration and coordination of work and work stages are planned.

Section 10 - Safety planning of the construction work

(2) Before the start of the construction work, the project supervisor must draw up written occupational safety and health plans according to which the work and work stages are organised and scheduled in such a way that they can be carried out with maximum safety and that no danger arises from them to those working at the site or other persons in the zone affected by the work. Therefore the project supervisor must, as systematically as necessary, analyse and identify the hazards and risks arising from the general work tasks, working conditions and the work environment at the site. Hazards and risks must be eliminated by appropriate means or, when it is not possible to eliminate them, their significance must be evaluated with regard to the health and safety of those working at the site and other persons in the zone affected by the work.

Section 11 - Design of the use of the construction site area

(2) The project supervisor must prepare a written plan concerning the use of the construction site area. The project supervisor must, as systematically as necessary, analyse and identify the hazards and risks concerning the general organisation and practical arrangements in the construction site area and the use of the area. In this connection, the information contained in the client's safety document must also be considered. Hazards and risks must be eliminated by appropriate means or, when it is not possible to eliminate them, their significance must be evaluated with regard to the health and safety of those working at the site and other persons in the zone affected by the work.

15 (i) (a) general concerns also the construction

Occupational Safety and Health Act (No. 738/2002)

Section 8 – Employers’ general duty to exercise care

(1) 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 shall consider the circumstances related to the work, working conditions and other aspects of the working environment as well as the employees’ personal capacities.

(2) Such unusual and unforeseeable circumstances which are beyond the employer’s control, and such exceptional events the consequences of which could not have been avoided despite the exercise of all due care, are taken into consideration as factors restricting the scope of the duty to exercise care.

(3) Employers shall 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. Accordingly, the following principles shall be observed as far as possible:

(1) preventing the creation of hazards and risk factors;

(2) eliminating the hazards and risk factors or, if this is not possible, selecting a less hazardous or harmful alternative;

(3) adopting safety measures which have a general impact before individual measures; and

(4) taking account of technological developments and other available means.

(4) Employers shall continuously monitor the working environment, the state of the working community and the safety of the work practices. Employers shall also monitor the impact of the measures put into practice on safety and health at work.

15 (ii)

(a) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 13 - Execution of construction work

(1) The project supervisor must:

1) implement, carry out and follow the measures resulting from the planning referred to in sections 10 and 11;

2) update the plans referred to in sections 10 and 11 on the basis of the information provided by the employers and self-employed workers at the shared construction site;

3) take care of the division of labour and cooperation between the employers and self-employed workers in connection with preventing hazards that could jeopardise the safety or health of workers at the shared construction site and in informing of any potential hazards there;

4) when necessary, inform the client of any changes in the work, work stages or circumstances, if the work cannot be carried out in accordance with the plans required by the client;

5) take account of the prevention of hazards and risks when plans concerning technical plans and their implementation are carried out if they apply to work and work stages to be carried out simultaneously or in succession, or their scheduling, duration or manner of implementation.

(2) The employer and the self-employed worker must observe the safety instructions for the shared construction site issued by the project supervisor. The project supervisor, the employer and the self-employed worker must, each for their own part and in cooperation, take care of the flow of information and communication on matters affecting the safety at the shared construction site.

(3) The project supervisor must ensure that it knows which workers and self-employed workers are working at the construction site and that any information needed for orientation purposes is available. The employers must supply to the project supervisor any necessary information concerning their employees at the construction site, and the self-employed workers must supply the corresponding information for their own part.

(4) When seeing to the measures referred to in subsections 1-3, the project supervisor must continuously monitor the activities of the employers and self-employed workers working at the workplace and their coordination, meeting of the obligations, level of occupational safety and health and the safety of the working practices. Therefore, the project supervisor must monitor the impact of the measures carried out on the safety of the work and health and implement more effective safety measures as necessary.

(5) The employers must, in accordance with the instructions given by the project supervisor, supply to the project supervisor any necessary information on the inspections referred to in sections 14-18.

15 (ii)

(a) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 69 - Physical loading and ergonomics

(1) Work must be planned in such a way that the dangers that arise when items are lifted and moved by hand are identified and eliminated. The plans referred to in sections 10 and 11 must contain the plans for using equipment intended for moving materials.

(2) Working methods, construction materials and tools must be selected in such a way that the hazards and risks arising from lifts and incorrect working positions are prevented. Heavy horizontal transfers of items must be carried out with suitable transport equipment. Work sites must be kept in good order so that transport equipment can be used. In vertical transfers of items, transfer equipment and accessories must be used to facilitate lifts and transfers. Mechanical equipment must be made available to the workers so that they do not need to support materials installed at great heights by hand.

(3) When tools are used, consideration must be given to the working conditions and working positions of the employees using them and the implementation of the ergonomic measures. The tools that employers select for the use of the employees must be safe, suited for the working conditions at a construction site and ergonomically appropriate.

(4) When necessary, the employer must use occupational safety and health experts for the assessment and reduction of ergonomic risks and loading, as separately provided in a statute.

Section 70 – Chemical, biological hazards and hazardous substances

(1) Such machinery and equipment must be used in construction work that cause as little risks and hazards as possible because of noise or other physical risks. The workers must be protected against chemical and physical risks and hazards primarily through measures focusing on machinery, work equipment, working methods and work environment.

(2) Before any work is initiated in a well, tunnel, container or similar space, it must be ensured that the air contains enough oxygen and the air is pure. The contents of oxygen and impurities in the air must be measured. Measurements must also be carried during work. The work space must be ventilated, when necessary.

16.

(a) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 70 - Chemical, biological hazards and hazardous substances

(3) Local exhaust equipment used to prevent risks caused by chemical factors and to combat dust must be effective enough. When necessary, the workplace must be divided into closed sections and

a ventilation system and equipment must be used to create a difference in air pressure levels. If mechanical local exhaust equipment is used, it must be kept in good working condition. The equipment must function in such a way that it does not cause any safety or health risks or hazard to the workers. When necessary regarding the safety and health of the workers, the local exhaust equipment must be fitted with a control system that informs of any malfunction.

(4) Chemical safety data sheets and lists of chemicals must be kept available for the employees at the construction site.

(5) At a shared construction site, instructions on the industrial hygiene measurement methods must be contained in the code of practice drawn up by the client referred to in section 8(3) and in the safety plan drawn up by the project supervisor referred to in section 10(4).

(6) If it is otherwise impossible to reliably ascertain the exposure of employees to hazardous dust and chemical agents the employer must carry out measurements on a regular basis and always when there are changes in the conditions that increase the exposure of the employees. The measurement results must be compared with the limit values laid down for chemical agents. Hazardous agents must be eliminated as separately provided on them.

(7) if the results of the industrial hygiene measurements show that the limit values are not exceeded, repeat measurements must be carried out as necessary so that it can be determined that the situation is of permanent nature. Closer to the limit values the results of the airborne pollutant measurements are, more frequently the measurements must be conducted.

17.

(a) general concerns also the construction

Occupational Safety and Health Act (No. 738/2002)

Section 15 – Providing personal protective equipment, auxiliary equipment and other devices for use

(1) 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.

(2) 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.

(b) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 71 - Need for personal protective equipment in construction work

(1) In addition to what is provided in the Government Decision on the selection and use of personal protective equipment (1407/1993), the provisions in subsections 2-8 of this section shall also be taken into account in construction work.

(2) The employer must select the personal protective equipment on the basis of the identification of the risks to the safety and health of the employees and the assessment of their significance.

(3) Safety helmets must be worn at the construction site. When necessary, a hood must be worn under the helmet.

(4) Personal eye protection equipment must be used in construction work, as required by the work and the working conditions. The employer must provided the employees with protective glasses in such work tasks that involve a substantial risk of eye accidents.

- (5) When a harness-type safety belt with rope is used, a safety rope with automatic length regulator must be used if the rope length has to be frequently adjusted.
- (6) Safety footwear must usually be worn at the construction site.
- (7) Knee protectors must be worn when floor work or similar tasks putting a strain on knees is carried out.
- (8) Reflective clothing must be worn at the construction site in order to ensure that the workers are highly visible. When work is carried out in road and street areas or other locations used by traffic, high visibility clothing must be worn, as provided separately.

18. construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 74 - First aid and rescue apparatus

- (1) Necessary first aid equipment and a necessary number of persons familiar with giving first aid must be in place where construction work is carried out. The space meant for giving first aid must be easily accessible with stretchers.
- (2) The sufficiency and type of the first aid equipment, as well as the place for storing them, must be arranged in case of accident or illness, and their suitability for the purpose must be followed up.
- (3) The workplace must be equipped with alarm, life-saving and rescue equipment and accessories when the circumstances so require. Rescue equipment must always be available in a suitable place on workplaces where there is danger to life or health because of the risk of falling into water. The workers must be provided with the necessary guidance for the use of such equipment and in case of drowning or other risk situations.
- (4) If the work includes special risks of accident, the worker must, in order to guarantee quick first aid, have eye or hearing contact with another person either continuously or regularly with short, repeated intervals. The contacts may also be arranged using communication equipment.
- (5) The requirements set by the occupational health care personnel in their workplace investigation must be taken into consideration when the first aid standby is organised.

Section 72 - Fire and explosion hazard

- (1) The construction site and construction work must be arranged in such a way that the risk of fire can be prevented in advance. Waste from work processes and other construction utilities and materials that are not needed for the work, as well as flammable substances, must be removed.
- (2) The construction site must be provided with appropriate fire fighting and fire alarm equipment and safety signs. Based on a risk assessment, it must be examined whether fire detection equipment must be acquired for the construction site. The first-hand extinguishing equipment must be easy to take into use. The responsible person referred to in section 12 above must ensure that there are enough persons familiar with first-hand extinguishing at the construction site.
- (3) When the need for fire fighting and fire alarm equipment and fire detection equipment is assessed, or when the adequacy of the equipment at the site is considered the hazards must be analysed and assessed as referred to in section 10 of the Occupational Safety and Health Act.
- (4) When substances that can form explosive gases or dust are handled and stored it must be ensured that sufficient safety measures are taken.
- (5) Warning of workers against fires must be arranged in such a way that the alarm is effectively noticed in danger areas and that at the same time it is possible to understand to whom the alarm is addressed.
- (6) The workers must be provided with the necessary protection instructions for handling of fire, work causing risk of fire, handling and storing flammable or explosive substances, emergency

alarm, alarming fire and rescue authorities, closing fire doors, quick exit when necessary, and other important measures depending on the circumstances in case of fire or during fire.

Section 73 - Escape and rescue routes

(1) In danger situations the workers must be able to leave all work sites quickly and as safely as possible. The escape and rescue routes must be kept clear from obstacles, and they must lead to a safe area as directly as possible. The doors to exits and on escape routes must be easy to open in emergency situations.

(2) The exits and escape routes to be used in emergency situations must be marked with appropriate signs when necessary.

19.

(a) construction

Government Decree on the Safety of Construction Work (No 205/2009)

Section 79 - Personnel rooms at construction sites

(1) Where necessary regarding the number of workers or the nature and continuity of the work, the employers must, each for their part, ensure that the supply of the following is large enough at the construction site or in its immediate vicinity:

- 1) clean drinking water and clean and suitable drinking equipment;
- 2) sufficiently warm washing water and washing equipment, and where special circumstances so require, the required amount of washing and drying accessories;
- 3) room space equipped with appropriate equipment for changing, storing and drying clothes; separate spaces must be provided for men and women for changing clothes;
- 4) separate room space reserved and furnished for having meals, and when there is no freshly cooked food available at the workplace, equipment for storing and warming up the food and water and other beverages brought in; and
- 5) appropriately equipped and cleaned toilets.

(2) Rooms reserved for having meals and storing clothes must have adequate ventilation and a temperature of at least +18 degrees centigrade. The rooms must be cleaned daily.

(3) Further provisions on the personnel rooms at construction sites are given in the Ministry of Labour decision on personnel rooms at construction sites (977/1994).

Section 80 - Residential facilities

Separate provisions shall be issued regarding the health requirements for any accommodation located at the workplace or in its vicinity and reserved by the employer for the use of the employees.

Part V. Recording, notification and statistics

22. construction

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (No 44/2006)

Section 46 – Notification of an occupational accident and occupational disease

(1) The employer is obliged to immediately notify the occupational safety and health authority of any accident causing death or severe injury which, according to the Employment Accidents Insurance Act (608/1948), shall be investigated by the police at the scene of the accident.

(2) If a doctor suspects, with justification, an occupational disease or other work-related illness referred to in the Act on Occupational Diseases (1343/1988), he or she shall immediately, secrecy provisions notwithstanding, notify the office of the Occupational Safety and Health Inspectorate of the matter.

(3) The notification shall contain the following information: 1) name, identity number and other contact information of the person who became ill; 2) employer's name, and contact information of the employer and workplace; 3) other necessary contact information; 4) quality and duration of exposure; 5) information on the quality of the illness, how the illness was discovered, and the harm caused by the illness.

(4) The office of the Occupational Safety and Health Inspectorate shall deliver the data contained in the notification referred to in subsection 2 to the Finnish Institute of Occupational Health, to be entered in the register on work-related illnesses.

A new Occupational Accidents, Injuries and Diseases Act (459/2015), in effect as from 1 January 2016, has replaced the above-mentioned Acts.

23.

The principal responsibility of the Federation of Accident Insurance Institutions (FAII) is to coordinate the practical application of statutory accident insurance. Pursuant to law, every insurance institution underwriting statutory accident insurance in Finland has to be a member of FAII. FAII has many responsibilities. These include

- developing statutory accident insurance and its implementation system,
- promoting cooperation between different stakeholders, the implementation system and the uniformity of the compensation system,
- acting as the cooperation body for insurance institutions,
- compiling statistics on accidents at work and occupational diseases as well as their reasons and consequences, and
- preventing accidents at work and occupational diseases.

A further responsibility of FAII is to pay accident compensation in cases where the employer did not have a valid insurance policy for the work provided.

One of the responsibilities of FAII is to compile statistic, as referred to in section 64 of the Employment Accidents Act, on accidents at work and occupational diseases and to perform other statistics-related tasks. FAII is the official Finnish statistics authority for accidents at work and occupational diseases.

Statutory accident insurance is based on two essentials:

1. employees' right to get compensation for losses caused by an accident at work or an occupational disease according to the Employment Accidents Act, and
2. employers' obligation to insure their employees by taking out an insurance policy with an insurance institution of their choice.

Regular publications and regularly maintained statistics include:

- Annual statistics book
- Continuously updated statistics
- Frequency of accidents at work sustained by wage earners
- Accidents at work sustained by wage earners, by professional category (task – part of body)

In addition, there are one-off analyses on various topics that are not updated:

- administration and assistance services industry
- concrete industry
- finger injuries
- eye accidents

24. construction

Frequencies (the number of accident/millions of the work hours) of employees' accidents at work in Finland in the construction sectors. These figures include accidents resulting in 4 or more days of incapacity for work

	2009	2010	2011	2012	2013
Building construction	39	39	39	36	34
Earth and water construction	11	14	12	12	14
Specialized construction	31	31	30	31	29

The Ministry of Social Affairs and Health has set a goal to extend employees' lifelong time at work by three years until the year 2020. Several actions are needed to reach this goal. The following objectives are set from the health and safety perspective. Target state in 2020, the figures show the difference as compared to the year 2010:

- The number of occupational diseases decreases by 10%
- The frequency of workplace accidents is reduced by 25%
- Work-related harmful strain is reduced:
- Perceived physical strain is reduced by 20%
- Perceived psychic strain is reduced by 20%.

Part VI. Enforcement

25.

(a) general

(b) construction, see details after (a)

(a) general, concerns also the construction

Annual Report of the Occupational Safety and Health Administration in Finland (2014);
to be found in English at http://www.e-julkaisu.fi/tyosuojeluhallinto/annual_report/2014/

OSH authorities ensure that the occupational safety and health legislation is complied with. The most important legislations concerning occupational safety and health are: Occupational Safety and Health Act, Employment Contracts Act, Working Hours Act, Occupational Health Care Act, and the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces.

In all, the OSH administration is responsible for enforcing more than one hundred statutes.

The methods of enforcement vary from motivation and advice to coercive means. Written advice can be issued in all matters that are within the OSH authority's enforcement powers. However, an improvement notice, and after that a binding decision, can only be issued in certain matters defined by law. In 2014, OSH inspectors gave written advice in about 55.200 cases at inspected workplaces.

The number of improvement notices issued during the year in review was 7.900. The number of written advice notices increased and the number of improvement notices decreased compared with 2013. That year a total of about 49.700 written advice and about 8.200 improvement notices were issued.

The OSH authority may oblige the employer and other parties involved to remedy the non-complying conditions. In such cases the workplace is issued with a binding decision and a deadline for compliance. A total of about 230 binding decisions were issued during the year in review.

The OSH authority may also make decisions prohibiting the use of a machine, work equipment, other technical devices or work methods, or the continuation of work, if these endanger the life or health of any person. In such cases the authority gives a prohibition notice. In the year in review, 50 prohibition notices were given.

The enforcement of the Contractor's Liability Act resulted in a negligence fee process in 64 cases. Negligence fees imposed in 2014 totalled 355.500 euros.

The OSH authorities reported 405 cases to the police for pre-trial investigation in 2014. The corresponding figure in 2013 was 513. The number of statements given to the police and prosecuting authorities was 542. Of them, 206 concerned an occupational safety and health crime or offence.

The operational entities of the policies are:

- Leadership is the cornerstone of well-being at work.
- Occupational health care service provider becomes an efficient partner of the workplace.
- Knowledge, will and competence are created through cooperation.
- Successful information and communication enhance the effectiveness of measures.
- Good legislation provides the foundation for the minimum standard of working conditions.
- Competent occupational safety and health administration is in charge of the enforcement of legislation.

The main task of the occupational safety and health administration is to monitor compliance with the provisions and regulations on occupational safety and health. Enforcement activities are directed so as to achieve the highest possible impact. Enforcement is mainly carried out by means of workplace inspections. Other measures include issuing of licences and submitting of statements to other authorities. In addition to enforcement, the occupational safety and health administration gives guidance and advice on questions related to health and safety at work and the terms of employment relationships.

Occupational safety and health enforcement aims to achieve improvements both at the societal and the workplace level. Enforcement is carried out both by authority and client initiatives. According to the enforcement observations, membership in sectoral and employer organisations, participation in training events, providing information on enforcement projects, and enforcement cooperation with other organisations in the sector act as incentives for companies to give better consideration to occupational safety and health matters.

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

According to the Constitution of Finland, the public authorities shall take responsibility for the protection of the labour force. Legislation and norms are prepared in tripartite cooperation.

The consequences of new legislation are evaluated. Legislation is being simplified and clarified by removing overlapping and outdated provisions. The level of a regulation is raised to the level of an act always when it concerns significant matters that affect occupational safety and health or setting an obligation. Occupational safety and health legislation will be prepared in close cooperation with labour market parties so as to make legislation up-to-date and meet the needs of working life.

All actors participating in improvement of working conditions influence the development of well-being at work through communication. Effective communication enhances competence and strengthens positive attitudes in workplaces as well as disseminates knowledge of occupational safety and health legislation and of such methods of action and good practices that authorities expect of workplaces. Communication is linked to authority enforcement and national projects. Part of the communication is targeted and interactive, whereas part of it includes campaigns intended for the public.

Creating good work environments and well-being presupposes that people in the workplaces have adequate and proper knowledge, will and competence needed for reaching the goals. Improving well-being at work ultimately depends on the actions taken in the workplace. The first step in fulfilling the vision and reaching the objectives is that the workplaces meet the minimum requirements of legislation and get the basic conditions in order. The regional occupational safety and health administration is responsible for supervising that employers fulfil their statutory obligations.

The Ministry of Social Affairs and Health is acting with and through other social institutions and influential actors when directing the policy for well-being at work.

Leadership affects the person's ability and will to work. Challenges for leadership are posed by the many changes in the work environment and changing ways of working but also by the continuously specialising workforce and training needed by employees. Leadership has an important role in the simultaneous development of well-being at work, the quality of working life and the productivity of work.

Maintaining employees' work ability is a central challenge for occupational health care cooperation. Responsibility for ensuring a healthy workplace and for the conditions affecting work ability rests with the employer.

(b) especially concerning construction

In the enforcement in 2014, the OSH inspectors have focused in the construction sectors e.g. 1) the obligations of the client in the design and preparation of the construction project, 2) the obligations of the project supervisor of the main-contractors, 3) inspections and enforcement regarding of the grey economy, 4) developing enforcement by the safety competitions, 5) enforcement concerning work scaffolds and safe use of scaffolds, 6) prevention of the risks in renovation work regarding asbestos and dust.

In the enforcement of the rules of working life a high priority is given to the combating of the shadow economy. During the year in review, the OSH administration played an active role in the various working groups for developing legislation and cooperation between the authorities in the action programme for intensified fight against the shadow economy and economic crime. The OSH administration also participated in the extensive communication campaign for fighting the shadow economy (“mustatulevaisuus.fi”). There was enforcement cooperation in the combating of the shadow economy, especially with the Finnish Tax Administration, the police and Regional State Administrative Agencies. As part of the Government action plan to reduce economic crime and the shadow economy, different authorities have been allocated additional funding for combating the shadow economy in 2012–2015. The additional funding received by the OSH administration has been spent on employing inspectors specializing in the supervision of compliance with the Contractor’s Liability Act and the supervision of the use of foreign labour. A total of 15 inspectors have been employed for the former task and five for the latter.

The OSH Divisions monitored foreign employees’ right to work and compliance with the minimum terms of employment in selected target sectors. Some of the inspections were carried out as joint inspections with other authorities (police, Finnish Tax Administration, Finnish Border Guard, alcohol inspectors). Breaches of law detected during the inspections are often connected with compliance with working hours legislation and underpayment. The enforcement in the construction sector was in accordance with the plan for fighting the shadow economy prepared by the construction sector coordination group. Ensuring compliance with the provisions on the ID card and the tax number was one priority area in the enforcement. The OSH Division of the Regional State Administrative Agency for Southern Finland was responsible for nationwide enforcement of the Contractor’s Liability Act (Act on the Contractor’s Obligations and Liability when Work is Contracted Out; 1233/2006). The Grey Economy Information Unit of the Finnish Tax Administration, the Finnish Centre for Pensions, the police and the Customs have been the main partners in the enforcement of the Contractor’s Liability Act. In 2014, priority in supervision was on the construction sector, technology industries, logistics, primary production and chemical industries.

Part VII. Impact of ILO instruments

26. construction

Finland has established more detailed legislation than ILO Conventions and Recommendations. The Finnish legislation measures concern the additional obligations directed e.g. to the following g. 1) the client in the design and preparation of the construction project, 2) the detailed responsibilities of the safety coordinator nominated by the client, 3) the project supervisor in the design, management and execution of construction work, 4) on-site inspections, 5) machinery, tools and lifting equipment, 6) arranging site-internal traffic and areas for unloading, loading and storage, 7) guard structures and equipment preventing falls, 8) construction with prefabricated elements, 9) the additional obligations concerning form working, 10) demolition work and demolition methods, 11) work scaffolds and safe use of scaffolds, 12) organising the working conditions, physical loading and ergonomics.

27. construction

No obstacle and no delaying.

Finland has ratified the ILO Conventions , and the Finnish legislation implements the ILO Recommendations.

29.

The following representative organizations of employers and workers have been consulted before finalizing the report:

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

The Commission for Church Employers

30.

Statements of labour market organisations:

The Confederation of Finnish Industries (EK)

The Confederation of Finnish Industries (EK) points out generally that the ILO Recommendations are non-binding guidelines, even according to the training material of the organization itself. Finland must take this fact into account in its reporting. It is irrelevant to analyse whether Finland has complied with individual Articles of the Recommendations or not.

In reply to the questions on the report form, the Confederation of Finnish Industries reports the following:

Finland has comprehensive occupational health and safety legislation in place. Labour market organisations contribute to the drafting of this legislation. If it is necessary to describe the legislation in more detail in the report, the responsible ministry of the Government, i.e. the Ministry of Social Affairs and Health, is the right authority for describing it. The Ministry is also the right actor for describing the Finnish policy on occupational health and safety and the practice of involving labour market organisations in the preparation of the national occupational health and safety strategy. Labour market organisations also take a stand on such issues as the priorities of the annual inspections conducted by occupational health and safety authorities.

The Centre for Occupational Safety, administered by labour market organisations, provides training on occupational safety issues. The Centre has working groups consisting of labour market parties of different sectors for dealing especially with the occupational safety risks in each sector and the response to the risks by means of training and materials. The Federation of Accident Insurance Institutions (entitled Workers' Compensation Center as from 1 January 2016), which is also administered by labour market central organisations, gathers information from workplaces concerning accidents and occupational diseases that have occurred and investigates the causes of fatal accidents. This information is analysed and used comprehensively in the Finnish labour market. Employers have a mandatory obligation to insure their employees against occupational accidents and occupational diseases.

The Confederation of Finnish Industries considers that the comprehensive Finnish occupational safety and health legislation, the provisions of collective agreements concerning occupational safety and health, the tripartite preparation of occupational safety and health issues, and other related measures cover sufficiently also the issues addressed in the ILO Recommendations.

The Confederation of Finnish Industries does not see any need for new or updated ILO instruments concerning occupational safety and health. Instead of new instruments, the ILO should focus on raising the overall standard of occupational safety and health, especially in developing countries.

The Central Organization of Finnish Trade Unions (SAK)
The Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)
The Finnish Confederation of Professionals (STTK)

I.

Recommendation No. 175, section I, Scope and Definitions:

g) the concept of *competent person*

This definition could be improved by formulating that, for certain occupations, a person should complete a degree or part of it before they can prove their competence. Furthermore, the maintenance of related records by authorities would be more than advisable (cf. the new legislation on asbestos demolition).

II. General Provisions

5.2. The principal contractor must have the ultimate responsibility for the co-ordination of safety and health measures. The principal contractor must be understood to refer to a company, not only to an individual person, which the recommendation refers to. A reference to an individual person would give too narrow an interpretation and would not be sufficiently strong to make subcontractors comply with the common playing rules. It is extremely important that also foreign employees and company representatives understand the obligation.

6.d. The training of safety delegates is positive but it would also be advisable to strengthen the training of the supervisory staff / representatives of employers, in the common interest.

7. The recommendation that those concerned with the design and planning of a construction project should take into account construction work and its risks means a requirement of risk management. Those concerned with planning and timetables should also perform risk management in practice.

8. Protective equipment must always be personal and correctly chosen in terms of ergonomics.

III. Preventive and protective measures

11. It is very positive that workers have the right and the duty at any workplace to participate in ensuring safe working conditions and to express views on the working procedures adopted as they may affect safety and health.

Scaffolds

21. The competent persons must be defined and the inspections must be genuine and authenticated.

Lifting appliances and lifting gear

29. The requirement of qualification and training

When persons are lifted, attention must be paid to equipping them with a safety harness and to securing them correctly.

Health hazards

44. New products are mentioned in this paragraph. A reference can be made to the REACH Regulation. Note: The new nano materials and the related health risks are not yet widely known.

Dangerous atmospheres

45. In this context, health risks caused by mould spores, epoxies and other chemicals must be taken into account. In this respect the recommendation is very unclear and fails to provide any guidance.

Welfare

52. Men and women workers must absolutely be provided with separate sanitary, washing and sleeping facilities.

Safety and Health in Mines Recommendation, 1995 (No. 183)

Introduction

In the replies to a number of questions, reference is made to chapters and sections of the Occupational Safety and Health Act (738/2002) and the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006). These provisions are not cited in the text. Instead, links are provided to the translations of the Acts in English.

Occupational Safety and Health Act: <http://www.finlex.fi/en/laki/kaannokset/2002/en20020738.pdf>

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces:
<http://www.finlex.fi/en/laki/kaannokset/2006/en20060044.pdf>

I. Legal and policy framework

1.

Occupational safety and health authorities have no actual national policy on occupational safety in mines. The different divisions responsible for occupational safety and health decide independently in what manner and how often to supervise occupational safety in mines. In 2014, the authorities started to coordinate the supervision of occupational safety and health in mines nationwide. All divisions responsible for occupational safety and health are represented in this work. In the context of the coordination, joint inspections have been conducted in order to standardise the activities. A general check-list for inspections has been introduced for the mining sector.

II. Consultation and cooperation

5.

Messages from employers are brought for consideration through the Finnish Mine Safety Advisory Board (KTN). The Advisory Board is part of the Finnish Mining Association, which is the lobbying and cooperation organisation for Finnish companies operating in the mining extractive industry. The occupational safety and health representatives participating in safety and health inspections are usually employees organised in trade unions. Both employer and employee unions may issue statements on law drafting matters.

6.

Workplaces in mines usually have more than 20 employees. Such workplaces have a statutory occupational safety and health committee as a cooperation body. The activities of occupational safety and health committees are supervised by means of occupational safety and health inspections. The occupational safety representative of the Regional State Administrative Agency of Northern Finland participates in the activities of the Finnish Mine Safety Advisory Board (KTN). The Advisory Board is part of the Finnish Mining Association.

III. Responsibilities, duties and rights of employers and workers

7.

The Occupational Safety and Health Act (738/2002) and the subordinate legislation adopted under the Act define the responsibilities and obligations of employers. Chapter 6 of the Act defines the responsibilities and obligations of contractors and subcontractors.

10.

Chapter 4 of the Occupational Safety and Health Act (738/2002) defines the responsibilities and obligations of employees. One or more representatives of employees usually participate in the identification of hazards, risks assessments and the preparation of working instructions at the workplace. Risk assessments and their results must be discussed in cooperation with the employees.

Employees and officials have the statutory right to elect an occupational safety and health representative from among themselves.

Mines have in place practices for reporting safety observations and risk situations. Such practices are also mandatory under the relevant legislation. Mines systematically monitor the number and type of such reports and the measures to correct deficiencies and to improve safety on the basis of the reports. Occupational safety and health inspections have addressed the accidents and risk situations that have taken place and the possible investigations of such incidents.

IV. Prevention and protection measures

11.

The instruction and orientation of employees and the right of occupational safety and health representatives to training are supervised by means of occupational safety and health inspections. Many mining operators require an occupational safety card. Employees performing hot work are required, also by insurance companies, to have a hot work card. Employees making electrical installations are subject to section 9 of the Decision of the Ministry of Trade and Industry on Electrical Works (516/1996).

Basic requirement

Section 9

Persons carrying out work in the electricity sector must be sufficiently oriented or instructed in the electrical work in question and the related electrical safety requirements.

Essential legislative provisions:

Occupational Safety and Health Act (738/2002), section 10 on the analysis and assessment of risks at work

Occupational Safety and Health Act (738/2002), section 14 on the instruction and guidance to be provided for employees

Occupational Safety and Health Act (738/2002), section 49 on the duty of those operating at a shared workplace to exercise care

Occupational Safety and Health Act (738/2002), section 50 on information and cooperation at a shared workplace.

The orientation of employees in mines usually takes place in three stages, the content of which becomes gradually more specific: 1) Overall mine-specific orientation, 2) mine section-specific orientation ja 3) work-specific orientation.

13.

Machines must have been placed on the market in accordance with Machinery Directive 42/2006/EC. The directive has been transposed into Finnish legislation by Government Decree on Machinery Safety (400/2008). The Decree of the Ministry of Employment and the Economy on Hoisting Installations in Mines (1455/2011) is a special statute applicable to mines. The Decree contains provisions on structural requirements set for hoisting installations, and requirements for the fitting, use, maintenance and inspection of such installations.

According to the above-mentioned legislation, machines and devices must be maintained in safe working order throughout their useful life. Sections 41 and 43 of the Occupational Safety and Health Act (738/2002) and section 5 of the Government Decree on the Safe Use and Inspection of Work Equipment (403/2008) contain provisions to this effect.

Section 5 – Ensuring the functional condition of work equipment

(1) Any work equipment must be kept safe throughout its whole operational life by regular service and maintenance. Any hazard or risk caused by failure, damage or wear must be eliminated. The control system and safety devices must function faultlessly. If the work equipment has a maintenance manual, it must be kept up to date.

(2) Before the work equipment is taken into use, and after any alterations affecting its safety, it must be particularly ensured that the work equipment has been installed correctly and that it is in safe working order.

(3) The employer must continuously monitor the working order of the work equipment by carrying out inspections, tests, measurements, and using other suitable ways. A qualified person that is familiar with the structure and use of the work equipment can carry out the inspection and testing necessary to ensure the working order of the work equipment. When necessary, an outside expert must be used.

In practice, mine vehicles moving at mining sites are maintained in accordance with a planned maintenance programme, which specifies the parts and functions to be checked and serviced by shift, week and month.

14.

Occupational safety and health authorities investigate serious occupational accidents and obligate employers to improve occupational safety, if necessary. Mining employers make safety observations, give risk situation reports and, when necessary, update risk assessments on the basis of the observations and reports. By agreements, operators obligate contractors to report their observations on hazards and safety. The reports (on e.g. safety observations) are subject to a quantitative target, and the operators follow the achievement of the targets. The relevant legislation requires employers to identify and assess hazards systematically and comprehensively, and to hold the results of the assessments in their possession.

15.

The Government Decree on Chemical Agents at Work (715/2001) defines the identification of hazards and the assessment of risks of chemical agents, which must be documented in writing. Moreover, the Government Decree on the Prevention of Work-Related Cancer Risks (716/2000) contains provisions on the identification of hazards and the assessment of risks. The two decrees also stipulate on the necessary hygienic measurements. In practice, the measurements must be conducted by the employer (operator) in order to be aware of the hazards at the workplace for assessment. By means of occupational safety and health inspections, authorities verify that the employer has assessed the chemical risks and that the assessments are based on examined information.

Biological risks are addressed by the Government Decision on the Protection of Workers from Risks related to Exposure to Biological Agents at Work (1155/1993). In light of the information currently available, cutting fluids of mining workshops are the major biological hazard in mines.

Noise is a major physical hazard in mines, and hearing protectors must be worn in the vicinity of mining machines. The cold circumstances of open pits expose employees to the risk of freezing, but the risk has been recognised and examined and the employees are provided with appropriate clothing. Legislation exists on the physical risks of excavation and blasting. Explosives may be used by trained employees only, and detailed requirements regulate the performance of such work.

The Radiation and Nuclear Safety Authority measures radon concentrations in underground mines. By means of occupational safety and health inspections, authorities verify that the radon measurements have been conducted.

16.

In assessing risks caused by chemical agents in accordance with the Government Decree on Chemical Agents at Work (715/2001), a position must also be taken on the handling of hazardous materials.

The Decree of the Ministry of Social Affairs and Health on Safety in Producing Explosives at Working Sites (125/2002) regulates the handling of explosives and intermediate products at working sites.

17.

Employers must, at their own expense, acquire the necessary personal protective equipment for their employees. Employers (operators) have determined that anyone moving at a mining area must wear clearly visible protective clothing, and the employers acquire such clothing for the employees. Employers often also acquire thermal clothing for their employees at their own expense, to protect them against cold. In underground mining work, employees must have a personal rescue device available for themselves. Section 23 of the Government Decree on Safety in Blasting and Excavation Work (644/2011) contains a provision to this effect.

18.

Sections 44–47 of the Occupational Safety and Health Act (738/2002) contain provisions on the risk of accident, on alarm, safety and rescue equipment and instructions, on first aid and on appointing first aid and rescue personnel. Section 23 of the Government Decree on Safety in Blasting and Excavation Work (644/2011) regulates rescue arrangements.

Section 23 – Rescue arrangements

(1) The supervisor of the work and the employee must have a communication and warning system between them to make it possible to verify the location of the employee.

(2) In long-term excavation work, an emergency exit must be organised in accordance with the safety plan. If significant physical effort is needed for moving, another passage with a transport device must be organised.

(3) Appropriate fireproof shelters must be organised for long-term excavation sites. A shelter or other underground space must have a sufficient number of appropriate compressed-air tanks and persons who know how to use them.

(4) Employees who work in an underground space must carry a personal rescue device, which, in the case of an emergency, enables the employee to enter a space referred to in subsection 3 or above ground, unless otherwise provided in the safety plan.

(5) Rescuing and the use of rescue equipment must be practised regularly to the necessary extent. If the work is estimated to take more than half a year, at least one practice must be held.

19.

Section 48 of the Occupational Safety and Health Act (738/2002) contains provisions on personnel rooms. The subject is also covered by the following sections of the following Government Decrees:

Sections 4–6 of the Government Decree on Safety and Health Requirements in the Workplace (577/2003):

Section 4 – Spaces for taking meals and resting

Spaces for taking meals and resting and rest rooms intended for use by employees must be suitable for the purpose and sufficiently commodious. Any space or room reserved for this purpose must have a sufficient number of tables and seats with backrest considering the number of employees. If necessary, appropriate equipment must be provided for storing and warming up foods and drinks brought along by employees.

Section 5 – Changing rooms

(1) Changing rooms must be easily accessible and sufficiently commodious considering the nature of the work and the number of employees. Changing rooms must be equipped with seats.

(2) The employees must have an opportunity to keep their clothes in a locked space. Separate storage rooms must be provided for work clothes and other clothes, if this is necessary because of the use of hazardous materials, humidity, dirt and other similar circumstances. If necessary, a space for drying clothes must be provided.

Section 6 – Washrooms and toilet facilities

If necessary, washrooms must be equipped with heating and warm washing water. They must also have the necessary number of wash equipment and, if necessary, bath or shower equipment or a sauna. If the washrooms are separate from changing rooms, an easy passage must exist between them. If necessary, washrooms, changing rooms, rest rooms and toilet facilities must be provided for men and women separately.

Section 28 of the Government Decree on Safety in Blasting and Excavation Work (644/2011):

Section 28 – Personnel room in mining work

- (1) Any space for taking meals and resting intended for use by employees must have a sufficient number of tables and seats with backrest considering the number of employees. If necessary, appropriate equipment must be provided for storing and warming up foods and drinks brought along by employees.
- (2) Employees must have an opportunity to keep their clothes in a locked space. Separate storage rooms must be provided for dirty work clothes and other clothes. If necessary, a separate space for drying clothes must be provided.
- (3) If necessary, washrooms must be equipped with heating. They must be equipped with warm washing water and appropriate wash equipment. An easy passage must exist between the washrooms and changing rooms.
- (4) Men and women must be provided with separate washrooms, changing rooms, rest rooms and toilet facilities or an opportunity to use them separately.

Section 12 of the Government Decree on the Prevention of Work-Related Cancer Risks (716/2000):

Section 12 – Hygiene and individual protection

- (1) The employer is obliged, in the case of all activities where there is the potential for exposure to carcinogens, to take appropriate measures to ensure that:
 - (1) employees do not eat, drink or smoke in areas where there is the potential for exposure to carcinogens;
 - (2) employees are provided with appropriate protective clothing or other adequate special clothing; separate storage places are provided for work clothing and protective clothing and for street clothes;
 - (3) employees are provided with appropriate washing and toilet facilities;
 - (4) protective equipment is properly stored in a well-defined place; it is checked and cleaned if possible before, and in any case after, each use; defective equipment is repaired or replaced before further use.

Section 5 of the Government Decree on Asbestos Work Safety (798/2015):

Section 5 – Service spaces

- (1) For any service and other maintenance of tools used in asbestos work which produces dust, separate service spaces must be available for performing the work safely.
- (2) The service spaces must be cleaned regularly.

V. Recording, notification and statistics

Nothing new to report.

VI. Enforcement

25.

Occupational safety and health authorities conduct inspections at mines, as obligated by the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006).

VII. Impact of ILO instruments

29.

The following representative organizations of employers and workers have been consulted before finalizing the report:

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

The Commission for Church Employers

Statements of the labour market organisations:

The Confederation of Finnish Industries (EK)

Please see the answer on R. 175.

Safety and Health in Agriculture Recommendation, 2001 (No. 192)

I. Legal and policy framework

Question 1, concerning Para. 3 of the Recommendation on national policy

Finland has no separate occupational safety and health policies for different sectors of industries. Agriculture is subject to the general national objectives of occupational safety and health. The policies on the working environment and well-being at work aim to achieve the following improvements by 2020, compared with the situation in 2010:

- to reduce the occurrence of occupational diseases by 10 %
- to reduce the occurrence of occupational accidents by 25 %
- to reduce harmful stress caused by work:
 - to reduce experienced physical stress by 20 %
 - to reduce experienced mental stress by 20 %.

The achievement of the objectives regarding occupational diseases and accidents is monitored by compiling annual statistics. Stress indicators are being developed for monitoring the developments.

II. Consultation and cooperation

Question 5, concerning the participation of organizations of employers and workers

Labour market parties have an institutional position in the preparation and implementation of legislative projects, programmes on occupational safety and health, and the supervision of occupational safety and health. At national level, labour market parties participate in the preparation and implementation of policy programmes and the supervision of occupational safety and health through the Advisory Committee on Occupational Safety and Health and its section for agricultural industries. In legislative projects, labour market parties are represented in the Advisory Committee for Drafting Legislation on Occupational Safety, whose position is regulated by a Government Decree.

III. Responsibilities, duties and rights of employers and workers

Question 7, concerning the duties and responsibilities of employers relating generally to occupational safety and health and specifically to welfare and accommodation facilities in agriculture

In Finland, all employers are subject to the same basic requirements for occupational safety and health, irrespective of field of activity.

On the basis of the Occupational Safety and Health Act, employers have a comprehensive general duty to exercise care. As an expert in its own field of activity, an employer is assumed to be aware of the hazards and risk factors typical of the field and workplace, and of how to combat them. If the employer has no such expertise, it must be acquired from external actors. 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.

The Occupational Safety and Health Act (738/2002) regulates the arrangement of personnel rooms at workplaces. Subordinate statutes on personnel rooms have been adopted on the basis of the Act. Moreover, some special statutes regulate certain fields of activity and types of work. Many collective agreements also contain detailed requirements on personnel rooms.

Sufficient and appropriate washrooms, changing rooms and walk-in closets, spaces for taking meals, rest rooms and toilet facilities as well as other personnel facilities (e.g. drying rooms for clothes) must be available for employees at the workplace or its immediate vicinity. Employees must also have sufficient access to drinkable water. Pregnant and breastfeeding women must, if necessary, have an opportunity to use a rest room or other suitable space for resting.

If Para. 10 e) of the Recommendation refers to transportation to and from work, such transportation mainly remains at the employee's own risk.

IV. Prevention and protection measures

Question 11, concerning preventative and protective measures

As stated in answer 1, Finland has no separate occupational safety and health policies for different sectors of industries. Agricultural workplaces are subject to the same national legislation on occupational safety and health as any other workplace. The Occupational Safety and Health Act and the Occupational Health Care Act obligate employers to identify and prevent risks and hazards caused by work. Furthermore, employers are obliged to orient their employees into the work and supervise their safe performance of the work. Occupational safety and health authorities supervise employers' compliance with their obligations by inspections.

Questions 14, 15 and 16, concerning the assessment and prevention of risks

According to the Occupational Safety and Health Act, employers must design and choose the measures necessary for improving the working conditions, decide the extent of the measures and put them into practice. Accordingly, the following principles must be observed as far as possible:

- 1) preventing the creation of hazards and risk factors;
- 2) eliminating the hazards and risk factors or, if this is not possible, selecting a less hazardous or harmful alternative;
- 3) adopting safety measures which have a general impact before individual measures; and
- 4) taking account of technological developments and other available means.

Compliance with the Act at workplaces is monitored by means of occupational safety and health inspections, the annual target number of which is approx. 30,000. The emphasis of combating chemical, biological and physical risks lies on their prevention. The key authorities providing instructions for the prevention are the Ministry of Agriculture and Forestry and the Finnish Food Safety Authority Evira. Organisations of industries and entrepreneurs, such as Animal Health ETT and the Finnish poultry farming association (Siipikarjaliitto), train and inform entrepreneurs on the prevention of risks. In Finland the National Institute for Health and Welfare issues instructions for protection against avian and swine influenza. Occupational safety and health authorities distribute

this information further to workplaces and, when conducting inspections, supervise the availability of protective equipment.

In Finland many actors promote occupational safety in agriculture. TTS Work Efficiency Institute, the Finnish Institute of Occupational Health and universities carry on relevant research. The practical safety work is based on training provided in educational institutions. It is supplemented with activities targeted to workplaces by the Farmers' Social Insurance Institution, ProAgria organisations, and organisations of both employers and employees.

The occurrence of occupational accidents and diseases is monitored in Finland. At national level, the responsibility for maintaining statistics on accidents and occupational diseases lies with the Federation of Accident Insurance Institutions and the Finnish Institute of Occupational Health (maintaining a register of occupational diseases). The Farmers' Social Insurance Institution monitors the occurrence of accidents and occupational diseases among farmers.

Question 17, concerning personal protective and work equipment and clothing

Employers must acquire and provide for use by employees appropriate personal protective equipment in compliance with requirements separately provided by statute (Occupational Safety and Health Act (738/2002), section 15). Compliance with this provision is supervised in the context of occupational safety and health inspections.

Question 18, concerning accidents and emergencies

Section 46 of the Occupational Safety and Health Act obliges employers to maintain preparedness for first aid at workplaces. The preparedness consists of appropriate first aid kits and equipment, persons capable of giving first aid, and information about the measures to be taken in the case of an accident or illness in order to get urgent aid.

Question 19, concerning access to safe drinking water, and facilities for taking meals and resting

The question has been answered in the context of question 7.

Question 21, concerning the health and safety of women during pregnancy and breastfeeding

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 must aim to transfer the employee to suitable work tasks for the time of pregnancy (Occupational Safety and Health Act, section 11).

Furthermore, section 10 of the Occupational Safety and Health Act provides the following:

Section 10 – Analysis and assessment of the risks at work

(1) 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, the 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. When doing so, the following matters must be taken into account among other things:

...

(5) the potential risks to reproductive health.

V. Recording, notification and statistics

Question 22, concerning the recording of and statistics on occupational accidents and diseases

In Finland, the responsibility for compiling statistics on accidents and occupational diseases lies with the Federation of Accident Insurance Institutions and the Finnish Institute of Occupational Health (maintaining a register of occupational diseases).

Since 2005 the compensation for medical treatment under the statutory accident insurance is based on full cost liability. Full cost liability means that insurance institutions compensate for all medical treatment provided in health care facilities because of an occupational accident or disease. Moreover, compensation is paid for the client fees paid by the injured party. Finland has one of the most comprehensive statistical system in Europe regarding occupational accidents or diseases.

VI. Enforcement

Question 25, concerning measures to ensure compliance with national laws and regulations

In Finland occupational safety and health inspections cover agricultural employers as any other employer undertaking. The inspections are carried out by inspectors in five independent divisions responsible for occupational safety and health. In recent years, the target numbers of inspections have been achieved well in relation to the number of occupational accidents in agriculture. If the inspectors identify deficiencies, the workplaces in question are given appropriate instructions or orders, compliance with which is supervised afterwards. If a work safety offence is suspected at a workplace during an inspection or the investigation of an occupational accident, the occupational safety and health authority reports the suspicion to the police, who conduct an actual criminal investigation.

Occupational safety and health inspections are either risk-specific or client-specific. Client-specific inspections are mostly based on reports from employees.

VII. Impact of ILO instruments

Question 29.

The following representative organizations of employers and workers have been consulted before finalizing the report.

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

The Commission for Church Employers

Question 30.

Statements of the labour market organisations:

The Confederation of Finnish Industries (EK)

Please see the answer on R. 175.

Promotional Framework for Occupational Safety and Health Recommendation, 2006
(No. 197)

I. Legal and policy framework

Questions 1 and 2

According to section 1 of the Occupational Safety and Health Administration Act (16/1993), the occupational safety and health administration is, under the leadership of the Ministry of Social Affairs and Health, responsible for ensuring the regional direction and supervision of occupational safety and health. Section 2 of the Act provides that the occupational safety and health administration must promote occupational safety and health by such means as developing the safety and healthiness of work, ensure any measures necessary for the planning and development of occupational safety and health, and co-operate closely with employer and employee organisations in the field of occupational safety and health. According to section 4 of the Act, an Advisory Committee on Occupational Safety and Health must work in connection with the Ministry of Social Affairs and Health to consider questions of principle regarding occupational safety and health, standardise and promote occupational safety and health activities, and conduct co-operation in the field. In assembling the Advisory Committee, account must be taken of the representation of the most representative labour market organisations and other actors responsible for developing occupational safety and health. In connection with the Regional State Administrative Agencies, corresponding duties are the responsibility of an occupational safety and health board.

According to the Occupational Safety and Health Strategy of the Ministry of Social Affairs and Health for 1998 (1998:10), the objective of the administrative sector of the Ministry is to maintain and promote the population's working ability and functional capacity so as to reduce premature retirement from working life. The primary goal of the occupational safety and health strategy is, by developing working conditions, to maintain and improve the employees' health, safety and working ability as well as to reduce occupational accidents and diseases and other work-induced deterioration of health. For this purpose, the strategy aims at strengthening the workplaces' capabilities, skills and will to handle their health and safety issues on their own initiative in order to increase the workers' job satisfaction and the productivity of work. The purpose is also to increase the knowledge and resources of the district administration of occupational safety and health. The strategy will be implemented in close cooperation with parties in the labour market, as part of regularly updated national policies. The whole occupational safety and health administration acts in the European environment and works for a good working environment. Strategic policy lines supplementing the Occupational Safety and Health Strategy of the Ministry of Social Affairs and Health are adopted annually in the State budget.

The implementation of the Occupational Safety and Health Strategy is monitored at three years' intervals. So far, four follow-up reports examined and adopted by the Advisory Committee on Occupational Safety and Health have been published, for the years 2001, 2004 (publ. in 2005), 2007 (publ. in 2008) and 2010 (publ. in 2011). The reports are available in Finnish, Swedish and English.

Finland has modern, comprehensive occupational safety and health legislation, which promotes and supports the systematic development of working conditions at workplaces. The Ministry of Social Affairs and Health has, by programmes and projects carried out jointly with different actors, developed networks for promoting well-being at work and thus endeavoured to spread good practices. The Forum for Well-being at Work, led by the Ministry of Social Affairs and Health, has

been active in 2008-2015. Many networks working to develop well-being at work are active in the Forum.

In 2012 Finland adopted a National Working Life Development Strategy. The Finnish Working Life 2020 project is based on this strategy. Further information in English is available at web address http://www.tyoelama2020.fi/files/104/Strategy_2020.pdf .

Finland develops its national occupational safety and health policies in a continuous process, in tripartite cooperation. Labour market organisations and other interest groups and actors are consulted at different stages of the process. The policies are reflected in the preparation and implementation of programmes, strategies and other measures adopted in response to the needs at the time in question. In the 1980s the Government adopted specific national working environment programmes. Thereafter occupational safety and health issues have been promoted by strategies of different ministries and by separate national programmes on working life and well-being at work. In 1998 the Ministry of Social Affairs and Health adopted its Occupational Safety and Health Strategy, the implementation of which has been monitored and assessed regularly. In 2006 Finland published its national occupational safety and health profile under ILO Recommendation No. 197 (National Occupational Safety and Health Profile of Finland, Ministry of Social Affairs and Health, Publications 2006:8).

II. Consultation and cooperation

Question 6

The Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) contains provisions on cooperation on occupational safety and health between employers and employees at workplaces. According to sections 26 and 27 of the Act, matters immediately affecting the safety and health of any employee, and any changes in those matters, must be handled in cooperation between the employer and the employees. Corresponding far-reaching issues and issues concerning the workplace in general must be dealt with by an occupational safety and health committee. The committee must also deal with, for instance, principles and manners of investigating risks and hazards at the workplace, development objectives and programmes relating to workplace health promotion or otherwise affecting the safety and health of employees, matters relating to the organisation of work or workload, needs and arrangements for training, guidance and induction to be given to employees and statistics and other follow-up information describing safety and health at work. Such a committee must be established at workplaces where at least 20 employees work regularly. When there is no occupational safety and health committee in the workplace, the issues are dealt with between the employer and an occupational safety and health representative. An occupational safety and health representative must be chosen at workplaces where at least ten employees work regularly. The employer must nominate its representative, i.e. an occupational safety and health manager, for the cooperation, unless the employer itself takes up the position. However, the employer and the employees at every workplace, irrespective of the number of employees, must cooperate to maintain and improve the safety of the workplace.

III. Responsibilities, duties and rights of employers and workers

Question 7

The Occupational Safety and Health Act (738/2002) requires systematic safety management. Employers must continuously monitor the working environment, the state of the working community, the safety of work practices and also the impact of the measures put into practice on safety and health at work (section 8 of the Act). Moreover, employers must ensure that safety and health measures are taken into account in an appropriate manner in the operations of each part of their organisations (section 8). According to section 9 of the Act, employers must have a policy for action needed in order to promote safety and health and to maintain the employees' working capacity. The policy must incorporate the need to develop the working conditions and the impact of the working environmental factors (occupational safety and health policy). Employers are also responsible for identifying and assessing the hazards and risk factors caused by the work as stipulated in section 10 of the Occupational Safety and Health Act, and for the design of the working environment in accordance with section 12 of the Act. Numerous subordinate statutes also belonging to the national occupational safety and health system have been adopted by virtue of the Occupational Safety and Health Act.

IV. Prevention and protection measures

Question 11

According to section 14 of the Occupational Safety and Health Act, 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; (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.

Section 17 of the Occupational Safety and Health Act stipulates that employers and employees must cooperate in maintaining and improving safety in workplaces. The employer must 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 must also ensure that these matters are duly and in good time discussed between the employer and the employees or their representatives. The employees for their part must act in cooperation with the employer and the employees' representatives in order to achieve the objectives of this Act. The employees have the right to submit proposals on safety and health in the workplace and other matters mentioned in subsection 2 to the employer and get a response to them.

The goal of the Centre for Occupational Safety is to improve well-being at work by developing the activities of working communities and co-operation between the parties, and by promoting occupational safety and health, productivity and good leadership. The Centre arranges many kinds of training on occupational safety for both employees and their superiors. Many associations and business firms, too, arrange training on occupational safety.

V. Recording, notification and statistics

Question 23

Finnish Register of Occupational Diseases

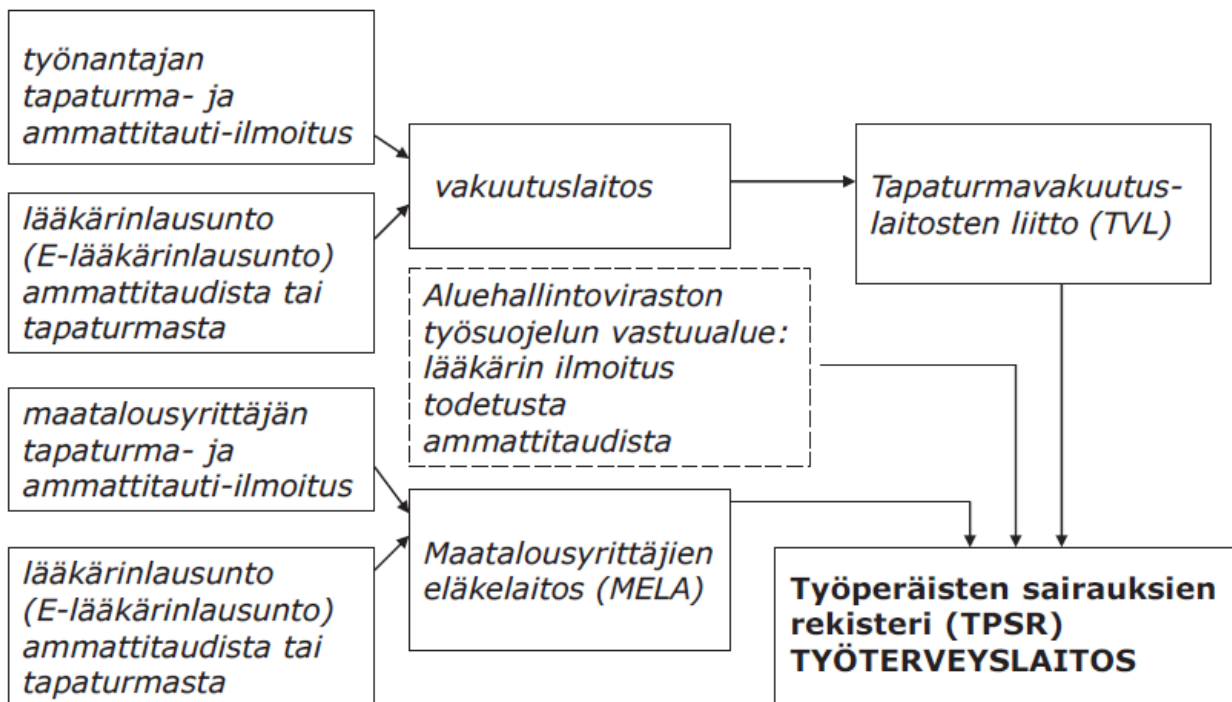
The Finnish Register of Occupational Diseases was established under the Finnish Institute of Occupational Health in 1964. This research register serves as the basis for annual reviews and is used for research of occupational health and diseases and for preventing them. The Finnish Institute of Occupational Health is not a statistical authority, and the publication on occupational diseases based on the register does not constitute official statistics. The official statistics on occupational accidents and diseases are kept by the Federation of Accident Insurance Institutions (entitled Workers' Compensation Center as from 1 January 2016). The statistics under the Accident Insurance for Farmers Act are kept by the Farmers' Social Insurance Institution.

On account of an amendment to the Employment Accidents Insurance Act (amendment 732/2002, section 64d), the Federation of Accident Insurance Institutions began to report data on the occupational diseases compensated for by insurance institutions and on suspicions of occupational diseases to the Finnish Register of Occupational Diseases in electronic format (the new Occupational Accidents, Injuries and Diseases Act (459/2015) took effect on 1 January 2016). At the same time, some data contents of the reports changed. Earlier the register had received the necessary data directly from the insurance institutions in electronic format or on separate cards of occupational diseases. The changes in the flow of data, in the gathered data and in the format of data transmission caused problems related to the coverage and reliability of the data. Such problems occurred for instance with definitions of cases, exposure data and diagnostic data. Because of the problems related to the reliability of this data during the transitional period, it was not considered meaningful to produce publications on occupational diseases on the basis of the register for the years 2003 and 2004.

Flow of data

The Finnish Register of Occupational Diseases contains all new occupational diseases and suspicions of occupational diseases reported to insurance institutions and the Farmers' Social Insurance Institution. The right of the register to receive data concerning occupational diseases compensated for from insurance institutions is defined in the Employment Accidents Insurance Act (608/1948, amendment 732/2002, section 64a). The right to receive data from the Farmers' Social Insurance Institution is defined in the Accident Insurance for Farmers Act (1026/1981, amendment 1317/2002, section 22).

The diagram below shows the flow of data to the Finnish Register of Occupational Diseases.



KUVA 30. Tiedon kertyminen Työperäisten sairauksien rekisteriin

Translations on diagram 30: Accumulation of data in the Finnish Register of Occupational Diseases:

Employer's report on accident or occupational disease

Insurance institution

Federation of Accident Insurance Institutions (TVL)

Medical certificate (certificate E) on occupational disease or accident

OSH division of Regional State Administrative Agency: doctor's report on diagnosed occupational disease

Farmer's report on accident or occupational disease

Farmers' Social Insurance Institution (MELA)

Medical certificate (certificate E) on occupational disease or accident

Finnish Register of Occupational Diseases (TSPR)
FINNISH INSTITUTE OF OCCUPATIONAL HEALTH

The Federation of Accident Insurance Institutions and the Farmers' Social Insurance Institution report the data on diagnosed and suspected occupational diseases to the Finnish Institute of Occupational Health. The Institute combines and corrects such data of insurance institutions received from the Federation to fulfil its own criteria for statistics. In certain situations, this combination and correction results in the summing of a number of individual accidents reported by the Federation as one case in the statistics of the Institute. The Institute records certain diagnosed or suspected occupational diseases of an individual only once. Such diseases include noise-induced hearing loss, asbestosis, pleural plaques, silicosis, asthma and allergic rhinitis. If reports from the Federation of Accident Insurance Institutions suggest more than one occurrence of the same disease for an individual, the extra cases are removed. If an individual is already recorded in the Finnish Register of Occupational Diseases with a disease that occurs only once, the disease is not recorded again. In order for a case to be admitted to the register, at least the following data is required: year of registration, personal identity code, diagnosis and cause. The entries in the register are supplemented and corrected if new data is received. Because the Finnish Institute of Occupational Health may adapt the reported data to fulfil its own criteria, the numbers of cases recorded by the Institute and the numbers of cases reported by the Federation of Accident Insurance Institutions are not commensurate with each other.

On the basis of section 46 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006), the Finnish Register of Occupational Diseases has the right to receive data also concerning occupational diseases and other work-related illnesses reported by doctors to divisions of Regional State Administrative Agencies responsible for occupational safety and health. However, such data is used in statistics only for supplementing data (e.g. exposure agent data) on cases reported through the Federation of Accident Insurance Institutions, if the data reported through the Regional State Administrative Agency is considered, with certainty, more reliable or more detailed than the data received through the Federation.

Data contents

Since registration year 2005, the Finnish Register of Occupational Diseases contains the following data on diagnosed or suspected occupational diseases:

points of time

Date of admitting, year of registration, year of occurrence of occupational disease

person and case

Personal identity code, age, gender

locality of work

Code of municipality

occupation

Occupational class (Classification of occupations for the statutory accident insurance 2004), some titles of occupation in plain language, code of occupation (Classification of occupations 2010, Statistics Finland)

industry

Code of industry (Industrial classification 2008, Statistics Finland)

exposure
Exposure agent

diagnosis
Code of diagnosis (International Classification of Diseases ICD-10)

categories of diseases

The most recent literature is also available at the website of the Finnish Institute of Occupational Health:

<http://www.ttl.fi/fi/verkkokirjat/ammattitaudit/Sivut/default.aspx>

Occupational accidents

The reporting system for accidents at work in Finland is based on the private insurance system. Pursuant to law, the employer is obliged to take statutory accident insurance from a insurance company. In the case of accident at work, the worker has the right to receive compensation. The employer has an obligation to make an accident report to the insurance company.

Pursuant to law, every insurance company underwriting statutory accident insurance in Finland has to be a member of the Federation of Accident Insurance Institutions (FAII), which is responsible of the compilation of occupational accident statistics of workers/employees. Private insurance companies give their information about accidents at work to FAII, which collects all information on accident at work for employees and it publishes statistics on occupational accidents and diseases.

Furthermore, FAII gives their data to Statistic Finland, which keeps official records of occupational accidents. Data of Statistic Finland covers also the occupational accidents of self-employed workers and agricultural workers as well as government workers. Statistic Finland reports annual statistics to the ILO and ESAW.

- In the case of a fatal or serious accident at work occurring in Finland, the employer has to report the accident immediately to the occupational safety and health inspectorate, police and insurance company. A serious accident is an event which causes a high probability of a permanent handicap and complicates the injured worker's normal life.
- FAII have the principal responsibility to coordinate the practical application of statutory accident insurance. FAII collects data on both fatal and non-fatal injuries, related to accidents at work and commuting accidents. FAII collects also occupational diseases including cases of suspected occupational diseases. Violence at work is reported when resulting in injuries that are compensated by statutory accident insurance. These are mainly physical injuries, but also shock after for example an armed robbery.
- The Farmers' Social Insurance Institution (Mela) handles the statutory earnings-related pension and occupational accident insurance of Finnish farmers, fishermen, reindeer breeders and forest owners. Mela collects data on all occupational, fatal and non-fatal injuries as well as occupational diseases data of agricultural entrepreneurs or grant/scholarship recipients.

- Entrepreneurs can take a voluntary accident insurance. FAII collects and records entrepreneurs' fatal and non-fatal occupational accidents and gives data to Statistics Finland.

All accidents at work, commuting accidents and occupational diseases (also suspected) are covered for wage earners and salaried workers in the FAII register. Entrepreneurs' and their family members' accident insurance is voluntary and so for them the coverage is not complete. FAII has estimated that about half of all entrepreneurs have an accident insurance. However, it is probable that entrepreneurs in high accident risk sectors are more likely to insure themselves. Farm owners and students as well as artists working with grants have separate accident register that is collected by Mela.

All workers of government organizations, regional administrative bodies and municipalities are covered by statutory accident insurance. Conscripts (non-salaried, non-professional soldiers) are not covered. Professional athletes are not covered by statutory accident insurance.

A separate law and system covers also the work of some non-salaried groups for example pupils, students and prisoners.

- Employee groups entitled to compensation under statutory accident insurance include wage-earners and officials, but there is also a separate law and system for farmers and certain special groups: trainees, family carers, informal carers, artists and researchers receiving a grant or a scholarship, persons in adult labour market training and persons in certain penal and other institutions.
- Family members (married spouses, children, parents or spouses of children or parents) living permanently in the same household as the employer are not entitled to accident compensation, even if they work for the employer and earn salary for their work. However, it is possible to take out a voluntary accident insurance for a family member. Siblings and unmarried partners are covered by statutory accident insurance.
- Self-employed persons are not covered by statutory accident insurance, because they do not have an employer. There are no legal provisions on the statutory occupational accident insurance of self-employed persons. However, self-employed persons can take out a voluntary accident insurance.

In Finland the reporting level is very high. Underreporting of cases for covered groups is estimated to be very low, because of the economic incentive. All compensated cases of accidents at work, commuting accidents, occupational diseases or suspected occupational diseases are registered. Also cases with first aid treatment only are registered. Some very few fatal accidents at work and fatal commuting accidents are not shown in yearly statistics as fatalities because of long time delays (several years between the date of the accident and the date of death).

Some overreporting is also possible due to attempts to receive compensation for accidents, which are not covered by the statutory insurance (outside work and not related to commuting).

Some informal activities and accidents related to unpaid (for example voluntary) work are not covered by the registers. Temporarily posted workers coming from other EU/EEA countries are also not covered by Finnish registers. Instead, temporarily posted workers are covered in the statistical system of the country of origin for example Estonia, Poland, Sweden, Germany, and Norway.

VI. Enforcement

Nothing new to report.

VII. Impact of ILO instruments

29.

The following representative organizations of employers and workers have been consulted before finalizing the report.

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

The Commission for Church Employers

30.

Statements of the labour market organisations:

The Confederation of Finnish Industries (EK)

Please see the answer on R. 175.

The Central Organization of Finnish Trade Unions (SAK)

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

Part I. 1 and 2 and Part. V. 23): Although Finland compiles statutory national statistics on occupational accidents and diseases, and although even more detailed statistics on occupational safety and health inspections are available at request, the statistics should, in general, be more specific and detailed, as required for instance by ILO Convention No. 81 (Article 21). Monitoring and assessing the activities of occupational safety and health authorities is difficult because of the lack of detailed statistical information, among other things.

Part III. 7 and Part IV. 11: The capacities and know-how of employers regarding occupational safety and health issues should be supervised more comprehensively. In this respect the Finnish legislation is defective. In addition to the current statutory obligations of employers, also the training of employers on occupational safety and health issues should be obligatory.

The central employee organisations state again, as in 2010 and 2015, that they are not aware of any measures or plans regarding the implementation of ILO Convention No. 187 or any concrete measures concerning the Convention.