

FIRST REPORT

Article 22 of the Constitution of the ILO

to 31 May 2016, made by the **Government of Finland**,

on the

Chemicals Convention, 1990, No. 170

(ratification registered on 21 January 2014)

I. Please give a list of laws, regulations, collective agreements and other documents which give effect to the provisions of the Convention.

- **Chemicals Act (599/2013)**
<http://www.finlex.fi/en/laki/kaannokset/2013/20130599>
- **Government Decree on exceptions for national defence in the application of chemical legislation (996/2010)**
- **Chemicals Decree (675/1993)**
<http://www.finlex.fi/en/laki/kaannokset/1993/19930675>
- **Occupational Safety and Health Act (738/2002)**
<http://www.finlex.fi/en/laki/kaannokset/2002/20020738>
- **Act on Safety in Handling Dangerous Chemicals and Explosives (390/2005)**
- **Act on the Transport of Dangerous Goods (719/1994)**
<http://www.finlex.fi/en/laki/kaannokset/1994/19940719>
- **Employment Contracts Act (55/2001)**
<http://www.finlex.fi/en/laki/kaannokset/2001/20010055>
- **Act on the Openness of Government Activities (621/1999)**
<http://www.finlex.fi/en/laki/kaannokset/1999/en19990621>
- **Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)**
<http://www.finlex.fi/en/laki/kaannokset/2006/20060044>
- (**repealed** as of 1 June 2015: Ministry of Social Affairs and Health Decree on the classification criteria and labelling rules for chemicals, 807/2001)
- **The Ministry of Social Affairs and Health Decree on the Chemicals Referred to in the CLP Regulation Annex VI (5/2010)** (Decree in force in (Chemicals Act, 599/2013) Section 62)
- (**repealed** as of 1 June 2015: Ministry of Social Affairs and Health Decree on safety closures for containers with dangerous chemical and tactile indications of danger for visually impaired people (414/2011), the Chemicals Act 599/2013 has replaced this Decree)
- (**repealed** as of 1 June 2015: Ministry of Social Affairs and Health Decree on the classification criteria and labelling rules for chemicals (807/2001), the Chemicals Act 599/2013 has replaced this Decree)
- **Government Decree on Chemical Agents at Work (715/2001)**
<http://www.finlex.fi/en/laki/kaannokset/2001/20010715>
- **Government Decree on the safety requirements of industrial handling and storage of dangerous chemicals (856/2012)**

- **Government Decree on amending the Government Decree on the safety requirements of industrial handling and storage of dangerous chemicals (686/2015)**, entered into force on 1 June 2015
- **Government Decision on containers containing dangerous goods and their labelling (421/1989)**
- **Government Decree on the Prevention of Work-Related Cancer Risks (716/2000)**
<http://www.finlex.fi/en/laki/kaannokset/2000/20000716>
- **Occupational Health Care Act (1383/2001)**
<http://www.finlex.fi/en/laki/kaannokset/2001/20011383>
- **Waste Act (646/2011)** (lays down the provision on the recycling and disposal of chemicals that have been removed from use)
<http://www.finlex.fi/en/laki/kaannokset/2011/20110646>
- **State Civil Servants' Act (750/1994)**
- **Act on the Employment Security of Municipal Officeholders (304/2003)**

EU legislation:

- Regulation (EC) No. **1907/2006** of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (**the REACH Regulation**), establishing the European Chemicals Agency, amending Directive 1999/45/EC
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1907-20140410>
- Regulation (EC) No. **1272/2008** of the European Parliament and of the Council on the classification, labelling and packaging of substances and mixtures (**the CLP Regulation**)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:en:PDF>
- Regulation (EC) No. **528/2012** of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (**the Biocidal Product Regulation**)
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32012R0528>
- **Regulation (EC) No. 649/2012 concerning the export and import of hazardous chemicals** (entered into force 1 March 2014) (Replaced Regulation (EC) No. 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals)
<http://publications.europa.eu/en/publication-detail/-/publication/cf21ef82-9619-4145-af79-f2d70fbbbaeb/language-en>

II

See the answers below for each article.

1. Article

The Chemicals Convention aims to ensure that safety at work is promoted while chemicals are used, and its purpose is to protect workers from the hazardous effects of chemicals.

"Around one million workers are still exposed to chemicals in some way, and half of these can be considered at least moderate (Work and Health 2012 survey). Except in some individual cases of exposure, the change in exposure levels has been small compared to the previous evaluation in 2009.

The ILO Convention on the use of chemicals in work has entered into force in Finland via national legislation, which is based on EU legislation. Every industry is included in the scope of application.

The legislation below ensures that the Convention is applied within every field of economic activity where chemicals are used.

- Chemicals Act (559/2013)
- Chemicals Decree (675/1993)
- Government Decree on exceptions for national defence in the application of chemical legislation (996/2010)
- Employment Contracts Act (protecting confidential information) (55/2001)
- Act on the Openness of Government Activities (621/1999)
- Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)
- REACH Regulation (EC) No. 1907/2006
- CLP Regulation (EC) No. 1272/2008

The administrative system for chemicals has been supervised during 10,928 occupational safety and health inspections.

The Act on the Openness of Government Activities (621/1999) lays down the provisions on the right of access to official documents in the public domain, officials' duty of non-disclosure, document secrecy and any other restrictions of access that are necessary for the protection of public and private interests, as well as on the duties of the authorities for the achievement of the objectives of this Act. According to Section 24(17) of the Act, secret documents are documents that contain information on any business or professional secret or other comparable business information, if access would cause economic loss to the corporations, institutions or foundations. The employee's obligation to secrecy is laid down in Chapter 3, Section 4(1) of the Employment Contracts Act (55/2001), according to which an employee may not utilise or express to others their employer's professional or business secrets during their employment.

Article 2

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Article 3

Finland has a National Chemical Programme (KELO) that has presented recommendations for reducing negative health and environmental impacts caused by chemicals.

The central labour market parties have been heard in connection with the safe use of chemical in, for example, the Advisory Committee on Occupational Safety Regulations, the Advisory Committee on Occupational Safety, the Advisory Committee on Chemicals, as well as in the ILO Committee in connection with the implementation of this Convention.

Article 5

The legislation below ensures that, for the sake of ensuring safety and health, an authority may for safety or health reasons forbid or limit the use of certain dangerous chemicals or require advance notification or authorisation for their use.

- Chemicals Act (599/2013)
- Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)
- Act on safety in handling dangerous chemicals and explosives (390/2005)
- REACH Regulation (EC No. 1907/2006)

Provisions on prohibiting or restricting the manufacture, placing on the market and use of chemicals are laid down in the REACH Regulation and in the Act on safety in handling dangerous chemicals and explosives. The REACH Regulation contains provisions on the licence procedure for certain substances that can cause special harm. Depending on the scale of the activity, the industrial handling and storage of dangerous chemicals requires providing a notice to either the rescue authorities or Tukes.

The competent authorities that are associated with this Article are Tukes, the occupational health and safety authority, the rescue authority, and the Finnish Safety and Chemicals Agency (Tukes). Tukes maintains the Chemical Products Register (KETU) that contains the information on dangerous chemicals.

However, the provisions on chemical regulations in Articles 5–9 of the Convention cover more than just occupational safety. They cover e.g. the right to require advance notification and authorisation before the use of certain chemicals due to health and safety reasons (Article 5), the classification of chemicals (Article 6), labelling and marking (Article 7), and safety data sheets (Article 8), as well as the responsibilities of suppliers in connection with these requirements (Article 9).

The provisions on similar requirements are laid down in detail in the EU's REACH and CLP Regulations. The classification utilised in the CLP Regulation is based on the work related to chemical safety on the UN-level (GHS) which cannot be deviated from nationally. The Convention regulations listed above fall within the scope of the EU's chemical legislation.

Article 6

The competent authority for REACH and CLP regulations in Finland is Tukes.

Chemicals, i.e. such substances and mixtures that can cause harm to a person or nature even in small doses, must be classified, labelled and packaged.

The classification of chemicals must take into account the chemical's fire and explosion hazard as well as its properties that are dangerous to one's health and the environment that can cause harm during the normal handling and use of the chemical. To determine its classification and markings, the chemical's properties are assessed by testing it as required by the CLP Regulation.

Provisions are laid down on the transport of dangerous substances in the Act on the Transport of Dangerous Goods. Legislation on the different modes of transportation in Finland (road, railway, air, and sea as general cargo) is based on the UN Model Regulations on the Transport of Dangerous Goods.

The legislation below ensures that the authorities draft a system and indicators that are in accordance with national or international norms to help classify chemicals according to the level and type of danger, as well the confirmation criteria that are used to classify a chemical as dangerous.

- Chemicals Act (559/2013)
- Chemicals Decree (675/1993)
- Act on the Transport of Dangerous Goods (719/1994)
- REACH Regulation
- CLP Regulation

Article 6(3) and Article 7(3)(2) of the Convention refer to the UN Model Regulations on the Transport of Dangerous Goods. The Model Regulations have been implemented in Finland with the Act on the Transport of Dangerous Goods (719/1994) and the regulations that have been issued under the Act. The classification criteria in Article 6 are presented in Chapter 2.2 of Appendix A of the regulation on the transport of dangerous goods on roads by the Finnish Transport Safety Agency. When a regulation in the Chapter requires that a classification is confirmed by an authority, it is done by Tukes. The competent authority for classification-based markings as specified by Article 7 is the Finnish Transport Safety Agency.

Article 7

The competent authority for REACH and CLP regulations in Finland is Tukes.

Every chemical must be marked in a recognisable way. The container markings for dangerous chemicals must provide workers with the essential information on the chemical's classification, dangers and required safety measures. The authorities must approve the requirements for the markings. Transportation takes into account the UN's recommendations on the transportation of dangerous goods.

The following legislation ensures that chemicals must be marked in a recognisable way.

- Chemicals Act (559/2013)
- CLP Regulation
- Chemicals Decree (675/1993)

Please also see the answer on Article 6 above.

Article 8

The competent authority for REACH and CLP regulations in Finland is Tukes. The competent authority in matters related to occupational safety and health is the occupational health and safety authority.

The following legislation ensures that the safety instructions for chemicals are issued appropriately.

- REACH Regulation
- Act on safety in handling dangerous chemicals and explosives (390/2005)
- Occupational Safety and Health Act (738/2002)
- Government Decree on Chemical Agents at Work (715/2001)

According to the Government Decree on Chemical Agents at Work (715/2001), in order to identify the hazards and assess the risks, the employer shall have adequate information on the properties and hazardousness of the chemical agents that are used or are present in the workplace. The employer shall ensure that the packages of hazardous chemicals have been labelled and appropriate safety data sheets for the chemicals have been provided to the workplace.

Article 9

Chemical suppliers are responsible for ensuring that the chemicals are classified according to the Convention or otherwise assessed and marked in a recognisable way. The suppliers of dangerous chemicals must provide employers with up-to-date labels and safety data sheets.

The following legislation ensures that the obligations of suppliers are taken into account.

- Chemical classification, labelling and safety data sheets (presented in the previous Articles 6, 7 and 8)
- Chemicals Act (559/2013)

Article 10

Employers must ensure that the chemicals used in the work are labelled and that the safety data sheets are provided for employees and their representatives.

The following legislation ensures that the employer's obligations are realised when labelling chemicals and providing safety data sheets.

- Occupational Safety and Health Act (738/2002)
 - The employer's general responsibility for identifying and assessing the hazards related to and caused by the work.
- Government Decree on Chemical Agents at Work (715/2001)

Article 11

The employer must ensure that, when chemicals are moved to other containers or equipment, their employees are informed about the nature of the substance, the dangers related to its use and the necessary safety precautions. The following legislation ensures that this is implemented.

- Occupational Safety and Health Act (738/2002)
- Government Decree on Chemical Agents at Work (715/2001)
- Government Decree on the safety requirements of industrial handling and storage of dangerous chemicals (856/2012)

Article 12

The employer must ensure that their employees are not exposed in a way that exceeds limit values. In addition, the employer must assess, monitor and register any information on exposure and ensure that the registered information on the exposure of the work environment and the employees who use

dangerous chemicals meet the authorities' requirements and are available for employees and their representatives. The following legislation ensures that this is implemented.

- Occupational Safety and Health Act (738/2002)
- Government Decree on Chemical Agents at Work (715/2001)
- Government Decree on the Prevention of Work-Related Cancer Risks (716/2000)
- Occupational Health Care Act (1383/2001)
- The Ministry of Social Affairs and Health Decree on Concentrations Known to be Harmful (268/2014)

The competent authority is the occupational health and safety authority.

The general responsibility obligation for employers according to the Occupational Safety and Health Act is that employers are required to take care of the safety and health of their employees while at work by taking the necessary measures.

According to the Occupational Safety and Health Act, the employees' exposure to chemical agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees' safety or health or reproductive health. The provisions for monitoring exposure are laid down in the Government Decree on Chemical Agents at Work (715/2001). The Decree requires that employers carry out measurements regularly for employee exposure if the employees' exposure cannot be reliably assessed in any other manner. In addition The Government Decree on the Prevention of Work-Related Cancer Risks (716/2000) requires that employers minimise their employees' level of exposure as much as possible so that it does not exceed the limit value laid out in the Decree. Provisions on preventing and assessing health and safety hazards presented by work and working conditions are also included in the Occupational Health Care Act (1383/2001).

Article 13

The following legislation is related to operational monitoring:

- Occupational Safety and Health Act (738/2002)
- Government Decree on Chemical Agents at Work (715/2001)
- Chemicals Act (559/2013)

According to the Occupational Safety and Health Act the employer's general duty of care is that employers are required to take care of the safety and health of their employees while at work by taking the necessary measures. The legislation is complemented by the Decree on Chemical Agents at Work that is about the general principles of minimising risks. According to the Decree, risks caused by hazardous chemical agents to the employees' health and safety can be reduced to a minimum with the design and organisation of systems of work at the workplace, with the use of appropriate installations and work equipment and maintenance procedures to ensure health and safety, and by reducing the number of employees exposed and the duration and intensity of the exposure to a minimum. The measures meet the requirements of the Article. According to the Occupational Safety and Health Act, the employees' exposure to chemical agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees' safety or health or reproductive health. The provisions for monitoring exposure are laid down in the Government Decree on Chemical Agents at Work (715/2001). The Decree concerns accidents as well as hazardous incidents and emergencies. The employer shall, in the event of accidents as well as hazardous incidents and emergencies, have an action plan which

includes procedures for employee protection, rescue operations, first aid treatment and for arrangement of relevant safety drills at regular intervals.

Employees must use personal protective equipment if the work-related hazard cannot be removed with technical solutions or arrangements. Personal protective equipment means tools, equipment and clothes that protect from accidents or illness during the work. These include for example protective goggles, safety shoes, protective gloves, helmets, hearing protectors, respiratory masks, harnesses and overalls.

Article 14

Article 14 of the Convention concerns the disposal of dangerous chemicals and empty containers. Section 133 of the Act on Safety in Handling Dangerous Chemicals and Explosives contains provisions on the obligations of the operator when a production plant ceases its activities or part of the production plant is decommissioned. The operator must ensure that the structures and areas of the production plant and decommissioned area are cleaned. In this type of situation, dangerous chemicals must be taken care of in a manner that does not cause any personal, environmental or property damage.

The disposal of the chemicals and empty containers must be done in accordance with national legislation and practices without endangering anyone's health or the environment. Central national legislation:

- Government Decree on Chemical Agents at Work (715/2001)
- Waste Act (646/2011).

Article 15

The Occupational Safety and Health Act (738/2002) contains provisions on the instruction and guidance for employees. According to the Act, 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 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. When necessary, the instruction and guidance given to the employees shall be complemented.

Correspondingly, the Government Decree on Chemical Agents at Work (715/2001) requires that the employer provides employees with instruction and guidance, which includes information required by risk assessment in accordance with the Decree and further information whenever the situation at the workplace changes, instruction and guidance on appropriate precautions, the names and risks of the hazardous chemical agents present in the workplace, and the required instruction and guidance on the safe use and handling of chemicals.

Article 16

The provisions on the cooperation between employer and employees in occupational safety matters are laid down in the Occupational Safety and Health Act (738/2002). According to the Act,

employers and employees shall cooperate in maintaining and improving safety in workplaces. 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.

In addition, the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) lays down the provisions on cooperation on occupational safety and health at workplaces. Its provisions are related to the tasks, nominating and selecting occupational safety and health managers, occupational safety and health representatives, vice representatives, and occupational safety and health committees.

Article 17

The Occupational Safety and Health Act (738/2002) concerns the employee's general duties. Employees shall follow the orders and instructions given by the employer within his or her competence. Employees shall also otherwise observe such order and cleanliness as well as care and caution that is necessary for maintaining safety and health necessitated by the work and working conditions. Employees shall without delay inform the employer and the occupational safety and health representative of any such faults and defects they have discovered in the working conditions or working methods, machinery, other work equipment, personal protective equipment or other devices which may cause hazards or risks to the employees' safety or health. Employees shall, in accordance with their experience as well as the instruction and guidance provided by the employer and according to their occupational skills and opportunities, eliminate faults and defects they have discovered which cause evident hazards.

Article 18

The Occupational Safety and Health Act contains provisions laying down an employee's right to leave off work. 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. The employer or his or her representative shall be informed of the employee leaving off 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.

For regulations that forbid causing detrimental consequences, the Employment Contracts Act (55/2001) lays down the provisions on the prohibited grounds for dismissal as well as the provisions prohibiting discrimination and the requirements for equal treatment, according to which the employer may not exercise any unjustified discrimination against their employees. Similar regulations are included in the State Civil Servants Act (750/1994) and in the Act on the Employment Security of Municipal Officeholders (304/2003).

Article 19

Regulation (EC) No. 649/2012 concerning the export and import of hazardous chemicals entered into force 1 March 2014 and replaced Regulation (EC) No. 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals. Regulation No. 689/2008 implemented the obligations in the Rotterdam Convention (Treaty Series 107/2004) on

the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade.

To protect the health of people and the environment, the export and import of dangerous chemicals in the EU area is subject to the provisions of the Regulation concerning the export and import of banned or severely restricted chemicals, which requires making an export notification or prior approval from the importing country before the chemicals that are specified in the Regulation can be exported from the Union.

With regard to dangerous chemicals, export refers to the export of chemicals that are subject to restriction to third countries. The notification is submitted to the Finnish Environment Institute which acts as the national authority in accordance with the Regulation. The Finnish Environment Institute submits the notification to the Commission, which then submits it to the authorities of the receiving country. In addition, the central national legislation also includes the Chemicals Act (559/2013).

III

Based on current information, there is nothing to report.

IV

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V

The responses in this report are largely based on the Government proposal on ratifying and implementing the ILO Convention.

Matters related to the use of chemicals in work have been discussed in the Committee on Chemicals and the matters related to the ratification of the Convention in the ILO Committee.

One million workers in Finland are exposed to chemicals in some way.

Since 2014, 9,743 targets have been inspected in connection with the management of chemical hazards. There have been 10,928 inspections in total. 3,649 inspected workplaces have been issued written advice as a result of the inspection. 412 workplaces have been issued an improvement notice and one inspection target was issued a temporary prohibition notice. 27 workplaces had obligations that were transferred to administrative preparation.

Since 1964, information on the patients who visited a doctor for an occupational disease or a suspected occupational disease has been collected into the Register of Occupational Diseases (TPSR) maintained by the Finnish Institute of Occupational Health. In 2013, a total of 4,602 cases of occupational disease and suspected cases of occupational disease were entered into the Register (see table below). The Finnish Institute of Occupational Health published a detailed annual report on the new cases that are entered into the Register of Occupational Diseases (http://www.ttl.fi/en/publications/electronic_publications/pages/default.aspx).

Table. Cases of occupational disease and suspected cases of occupational disease in 2013.

Noise traumata	number	Stress injuries	number	Respiratory allergies	number
	1040		461		882
construction	177	construction	83	public and other services	389
production of metal and metal products	123	public and other services	78	agriculture, forestry and fisheries	121
public and other services	115	trade, accommodation, and restaurant businesses; repair services	60	trade, accommodation, and restaurant businesses; repair services	86
Dermatopathies	number	Asbestos-related diseases	number	Others	number
	1036		721		462
public and other services	395	construction	280	public and other services	157
trade, accommodation, and restaurant businesses; repair services	169	financing, insurance and business services	77	trade, accommodation, and restaurant businesses; repair services	54
financing, insurance and business services	86	trade, accommodation, and restaurant businesses; repair services	60	construction	47

VI

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

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Salaried Employees (STTK)
4. The Confederation of Unions for Academic Professionals in Finland (Akava)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish Enterprises
8. The Commission for Church Employers

Statements of the labour market organisations

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

Finnish legislation and practices correspond to the ILO's criteria.