

## REPORT

for the period 1 June 2010 to 31 May 2015, made by the **Government of Finland**, in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

**Occupational Cancer Convention, 1974, No. 139**  
ratification of which was registered on 4 May 1977.

### **Direct Request, 2010**

#### **1. Article 1, paragraphs 1 and 3, of the Convention. List of carcinogenic substances and agents.**

The Act on the register for workers at risk of exposure to carcinogenic substances and processes (717/2001) contains provisions on the employers' obligations to submit information on the workers that have been exposed to carcinogenic substances and processes to a national register (ASA register). The current list of the carcinogenic substances that are under registering obligation is provided in the Decision of the Ministry of Labour on the factors causing a risk of cancer (838/1993), and updated with the Decree of the Ministry of Social Affairs and Health (1014/2003). A legislation reform work is about to begin in the tripartite-based Advisory Committee on Occupational Safety Regulations (Government Decree 1048/2003). The purpose of this work is to change the legislation in such a way that the new decree would lay provisions on registration obligation for all those chemicals that have a hazard statement (H-statement) indicating carcinogenic potential as defined in EU Regulation on Classification, Labelling and Packaging (1272/2008; CLP Regulation); these chemicals would not be listed by name in the Decree. In addition to these, those carcinogenic exposure agents that are not part of the chemicals regulated by the CLP Regulation should be separately listed in the decree. These include for example different dusts and fumes. As to the exposure agents (brought up by SAK) mentioned in the question, most of them would be covered through H-statements; other necessary measures will be taken into account during the preparation of the decree.

#### **2. Article 2. Carcinogenic substances and agents replaced by non-carcinogenic or less carcinogenic ones.**

The number of workers at risk of exposure to carcinogenic substances and processes reported to the (ASA) register maintained by the Finnish Institute of Occupational Health decreased significantly between 2007 and 2012, but now seems to have established. The number of workers reported to the register was 23,551 in 2007, and 16,854 in 2012.

The most notable change in exposure is related to the significant decrease of exposure to environmental tobacco smoke as a result of smoking ban in restaurants. In 2007, 6,986 workers were exposed to environmental tobacco smoke, but in 2012 only 69 exposed workers were reported to the register (mainly practical nurses and cleaners).

The exposure to asbestos has somewhat decreased. In 2007, 1,298 workers were exposed to asbestos, and in 2012, 1,022 workers were exposed to the substance. Most of the exposure to asbestos comes from renovation construction and from for example repairs of planes and motorised vehicles.

The use of certain carcinogenic substances has continued to decrease, as these substances have been replaced with less harmful substances. There has been no systematic information collection, but based on the information in the ASA register, the possible significant changes in the numbers or sectors of the exposed workers can be found. For example, the use of ethylenethiourea has significantly decreased. In 2007, there were 51 workers reported to the ASA register, and in 2012, there were only 4 reports. 243 workers were exposed to hydrazine in 2007, and in 2012 the number was 180. The number of workers exposed to o-Toluidine and its salts has halved from 2007 to 2012, from 65 to 32. Exposure to ethylene carbamate has also decreased: in 2007, 59 workers were reported to the register, and in 2012 the number was 27. In 2007, there were 66 reports on workers exposed to carbon tetrachloride, and in 2012, there were 44 reports. Also the number of workers exposed to 1,4-dioxane is still declining: in 2007, 83 workers were reported to the register, and in 2012 the number was 62.

According to the research data of the Institute of Occupational Health, carcinogenic substances, like for example formaldehyde, have in some cases been replaced with other chemicals. The use of formaldehyde in adhesives and varnishes has decreased and been replaced by for example aqueous acrylate and polyurethane varnishes and UV-curing varnishes. This can also be seen in the information from the Chemical Products Register of Finnish Safety and Chemicals Agency (Tukes), according to which 57,000 tonnes of formaldehyde was manufactured or imported to Finland in 2007, but only 33,000 tonnes in 2014. The number of products containing formaldehyde was 300 in 2007 and 190 in 2014. Trichloroethylene has mainly been abandoned, especially in metal degreasing, and replaced with less harmful solvents and aqueous detergents. Abandoning trichloroethylene is strongly related to REACH legislation that enters into force in 2016 and lays down provisions on licence requirements. According to Tukes' Chemical Products Register, 160 tonnes of trichloroethylene was manufactured or imported in 2010, but only 2 tonnes in 2014.

### **3. Article 3. Registration of workers exposed to carcinogenic substances and agents.**

As explained previously for the question 1, a legislation reform work is about to begin, the purpose of which is to change the legislation in such a way that the new decree would lay provisions on registration obligation for all those chemicals that have a hazard statement (H-statement) indicating carcinogenic potential as defined in EU's CLP Regulation (1272/2008). In addition to these, those carcinogenic exposure agents that are not part of the chemicals regulated by the CLP Regulation should be separately listed in the decree (like for example different dusts and fumes). As to these, classifications of different international organisations, such as IARC, will be taken into consideration.

SAK has expressed its concern over whether the workers that have been exposed in atypical employment are reported to the ASA register and whether statutory occupational health care is organised to them. SAK stated as their understanding that the workers who do not have periodic medical examinations will not be entitled to compensation (when contracting an occupational illness).

Regardless of their form of employment, workers that have been exposed to carcinogenic substances for most of their work time that year, for at least 20 work days or if their exposure has been found with occupational hygiene measurements should be reported for registration to the ASA-register. During their workplace visits, the health and occupational safety inspectors monitor that the employers have fulfilled this obligation.

The needs to regenerate so called ASA-legislation is to be examined.

In the same way, organising statutory occupational health care is the employer's obligation, regardless of the form of employment, and also this is monitored during occupational safety inspections.

Periodic medical examinations due to exposure are not a prerequisite for receiving compensation for an occupational illness. The main purpose of periodic examinations is to detect the possible health effects caused by exposure in as early a stage as possible, and to prevent their worsening by ending the occupational exposure or by reducing it. Sometimes a suspicion of an occupational illness can arise in a periodic examination, which means there is a need for more detailed examination. An occupational illness can also be found in other occasions, and the employer liable to compensation is the one, in whose service the employee's performed work might have last caused the illness (Occupational Diseases Act 1343/1988, Section 3) regardless of whether the periodic medical examinations were conducted or not.

Guidelines on medical examinations in work that presents a special risk of illness (Government Decree 1485/2001) has been written in a guidebook called Medical Examinations in Occupational Health Care, which is currently being updated in the Finnish Institute of Occupational Health. An updated memorandum of the Occupational Cancer Working Group was published in 2013, which contains a literary overview of carcinogenic substances according to exposure as well as recommendations regarding the compensation of occupational cancers and problems related to compensation.

#### **4. Article 6, paragraph c. National legislation and labour inspection.**

In 2014, the Department for Occupational Safety and Health completed guidelines for inspectors on the surveillance of chemicals in the workplace; the guidelines are available only in Finnish: [http://www.tyosuojelu.fi/upload/Kemiallisten\\_tekijoiden\\_valvonta\\_3\\_2014\\_a.pdf](http://www.tyosuojelu.fi/upload/Kemiallisten_tekijoiden_valvonta_3_2014_a.pdf)

#### **5. Part IV of the report form**

Workers added to the ASA Register between 2007-2012:

<b>Year</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Workers	23,551	18,802	17,388	16,063	16,732	16,854

#### **I Legislation and regulations**

No amendments essential to the Convention have entered into force during the time of reporting.

#### **II**

##### **Article 1**

Please see Direct request 1.

##### **Article 2**

Please see Direct request 2.

##### **Article 3**

Please see Direct request 3.

**Article 5**

Please see Direct request 3.

**Article 6**

Regarding Article 6 (c), please see Direct request 5.

Statistics: The following inspections have been carried out in the Regional State Administrative Agencies' occupational safety and health areas of responsibility:

	2011	2012	2013	2014
Total number of workplace inspections	22,283	22,517	22,340	24,145
Total number of inspected workplaces	15,983	18,700	20,741	21,779

Since 2011, inspections have been gradually entered in Vera system, which contains inspections from the years 2011-2015 on, for example, the following matters related to carcinogenicity:

The making of the ASA report to the ASA register had been inspected in 408 places. In 140 cases of these, a written advice was given to the employer to improve the situation, and in six cases, an improvement notice was issued. One case was transferred to the authorities' decision preparation.

Exposure to asbestos was monitored in a total of 85 inspections, where a written advice was issued in 35 cases, improvement notice in 6 cases and a temporary prohibition notice in one case. One case was transferred to the authorities' decision preparation.

Exposure to tobacco smoke was inspected in a total of 13,414 places. As a result of these inspections, 73 pieces of written advice and 32 improvement notices were issued, and one case was transferred to the authorities' decision preparation.

**III**

No court decisions were issued during the reporting period.

**IV**

Please see Direct request 5.

**V.**

Nothing to report

**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 Professionals (STTK)
4. The Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish enterprises

Statements of the labour market organisations:

### **Central Organisation of Finnish Trade Unions**

The number of workers reported to the ASA register decreased until 2010, but after that, the numbers have stayed practically the same. More work to decrease exposure and to replace harmful substances with less harmful ones is still needed. SAK is still not certain that every workplace knows how to report those workers that are exposed to carcinogenic agents to ASA register.

Occupational hygiene measurements are conducted in only some of the workplaces to gather reliable information on exposure agents. Later on this can cause problems when claiming possible compensation, in case the employee falls ill.

In 2013, the Finnish Institute of Occupational Health and the Ministry of Social Affairs and Health published a memorandum of the Occupational Cancer Working Group that discussed occupational cancers from the point of view of compensation. The memorandum also states that the substances in the ASA list do not differ somewhat from those classified as carcinogens by the EU.

SAK repeats its earlier view on the fact that the list of substances and agents that need to be reported to the ASA register should be updated by including workers that are exposed to for example formaldehyde and crystalline silica.