

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

Asbestos Convention, 1986, No. 162
ratification of which was registered on 20 June 1988.

Direct request 2010

Article 3 of the Convention. National legislation.

Please see section I.

Article 17, paragraph 1. Demolition work

The work to reform legislation concerning asbestos is currently under way. A Government proposal on certain regulations concerning asbestos removal work (323/2014) and a draft proposal for a decree containing more specific provisions on the occupational safety requirements concerning asbestos work have been prepared in the tripartite-based Advisory Committee on Occupational Safety Regulations. Both the Act and the Decree are due to enter into force on 1.1.2016. During this legislation work, the questions raised earlier by SAK have been taken into consideration.

In the asbestos project, completed in 2011, contained a total of 288 inspections targeted at companies that have a licence to remove asbestos and their work sites. A total of 332 pieces of written advice and improvement notices were issued during the inspections. Below a more detailed report on the observed defects.

ASBESTOS PROJECT	OBSERVED DEFECT
ASBESTOS SURVEY	30
ASBESTOS REMOVAL WORK PLAN	71
IMPLEMENTATION OF PARTITIONING	23
UNDERPRESSURISING	16
MACHINERY AND EQUIPMENT	35
CAUTION INDICATORS	14
PERSONAL PROTECTION	22
ASBESTOS WASTE	29
AUTHORISATION	4
OCCUPATIONAL HEALTH CARE	22
EQUIPMENT MAINTENANCE	25
CONDITIONS OF PERFORMING WORK	109
OTHER APPROVED WORK METHODS	22
METHODS UNDER EXEMPTION	7
TOTAL	288

The most shortcomings were observed in the section "conditions of performing work", where the implementation of asbestos removal workers' health monitoring and the workers' competences as to the removal work were inspected. The remarks were caused by negligence in organising periodic occupational health checks and by the lack of a certificate proving the completion of an asbestos removal training.

Article 20, paragraphs 2 and 3. Record keeping and access to records.

For workers of companies registered to other countries working in Finland, it is appropriate that the workers' exposure information is gathered collectively to the origin country's system. This way, a correct picture of the total exposure can be seen.

Article 20, paragraph 4. Workers' and their representatives' right to request monitoring of the working environment

This is not a specific law on asbestos work, but an Act on Occupational Safety and Health Enforcement (44/2006), Section 5.

Article 21. Medical examinations

The Government Decree on medical examinations in work that presents a special risk of illness (1485/2001) requires that when an employment contract ends and the employee changes job, becomes unemployed or retires, consideration shall be given to arranging a medical examination upon the termination of the employment. During the examination, guidance on the need for further medical examinations shall also be provided. The statutory health monitoring concerns also temporary agency workforce and posted workers (the Posted Workers Act (1146/1999), Section 2). Compliance with regulations is monitored. In addition, informative guidance is used in attempting to improve awareness.

Article 21. paragraph 4. Provisions of other means of maintaining income

Occupational health care experts assist employers and employees in matters related to health at the workplace. Occupational health care monitors the health of those exposed to asbestos by performing periodic medical examinations, and, if stopping the exposure is necessary due to health detriments, gives a recommendation of that to the employer. If the employer has no clear solution how the worker could continue working without compromising their health, it is common practice now to organise a consultation with the worker, the employer and an expert of occupational health care, as well as a safety and health representative or a shop steward or some other support person. If the workplace is unable to offer a task where the worker could continue without exposure to asbestos, the accident insurance company can compensate for costs incurred from vocational rehabilitation, for example from retraining for a work where there is no exposure. If vocational rehabilitation is not an option due to for example age or other illnesses limiting a person's ability to work, disability pension is a possible solution. During the inspections, the occupational safety and health authority monitors that the statutory periodic medical examinations have been performed on the workers at risk of exposure.

Part V of the report form. Application in practice

The ILO Committee of Experts on the Application of Conventions and Recommendations asks for additional information on the legislative actions taken in order to protect workers from asbestos.

Also other citizens need to be aware of the asbestos risks and their management, so enough information must be available both at schools and education institutes and in media. New training material is being drafted for example in an international ABClean project also the Finnish Institute of Occupational Health participates in. In addition, the Institute of Occupational Health is preparing guidelines for recognising and managing the possible asbestos risks in mines.

The Committee also asks to take a stand on the fact that medical examinations are not always arranged to those workers exposed to asbestos that have already terminated their work careers. After the employment relationship is terminated, the occupational health care of a worker exposed to asbestos instructs the worker to go to follow-up examinations for those exposed to asbestos. The Organisation for Respiratory Health in Finland has also prepared a related publication 'Guide for people exposed to asbestos and those suffering from the related diseases' (in English).
http://www.hengitysliitto.fi/sites/default/files/guide_for_people_exposed_to_asbestos_and_those_suffering_from_the_related_diseases.pdf.

The potential risks of exposure to asbestos occur in work tasks related to asbestos removal, garbage disposal and mining work.

The numbers of workers at risk of exposure to carcinogenic substances and processes reported to the register (ASA register) on different years are the following:

Year	Men	Female	Total
2008	1321	30	1351
2009	1009	28	1037
2010	962	29	991
2011	900	59	959
2012	976	49	1025

Illnesses caused by asbestos have been added to the Register of Occupational Injuries and Diseases in Finland maintained by the Finnish Institute of Occupational Health as follows:

Year	Cancer	Asbestosis	Pleura-plaques	Other	Total
2008	158	58	498	46	760
2009	152	85	529	64	830
2010	149	91	647	46	933
2011	138	58	481	35	712
2012	121	62	509	34	726

I Legislation and regulations.

- On 24.5.2013, a new Section 52b was added to the Occupational Safety and Health Act (738/2002), containing provisions on keeping a list of workers working on the same construction site. Maintaining a list also promotes safety, including monitoring of asbestos exposure.

Section 52b (364/2013) List of workers working on the same construction site

The main contractor or other main realiser must keep an up-to-date list of workers and self-employed constructors working on the same construction site to ensure occupational safety and to monitor the provisions of this Act. The List must include the following information:

- 1) the person's first and last names, date of birth and tax number;
- 2) the start and end date of working at a construction site;
- 3) the name and business ID or the equivalent foreign ID of the worker's employer;
- 4) the name and contact information in Finland of the representative referred to in the Posted Workers Act (1146/1999), Section 4a.

Those who temporarily carry goods to the construction site can be omitted from the list.

The employer must give the necessary information of their workers to the main constructor or other main realiser in order to maintain the list as referred to in Subsection 1.

The main constructor or other main realiser must store the list referred to in Subsection 1 for six years after the end of the year when the construction site was completed.

The handling of collected data and the rights of the registered person are otherwise governed by the Personal Data Act (523/1999).

That which is provided in this section on main constructor or other main realiser does apply to developer, if there is no main constructor or other main realiser on the construction site.

The list as referred to in Subsection 1 does not have to be stored at the work site where a building or part of a building is being constructed or renovated for the personal use of the developer.

II.

Articles 1-16

Nothing new to report

Article 17

Please see Direct request 1.

Article 20

Please see Direct request 2. and 3.

Article 21

Please see Direct requests 4. and 5.

Article 22

Nothing new to report

III

Nothing new to report

IV-V.

The Institute of Occupational Health seems it positive that the legislation concerning asbestos removal is being clarified and modernised with a new Act and a Decree. The Institute of Occupational Health considers the proposed register for asbestos removal workers and increasing training requirements to be especially good things in the Act, both of which will lead to reducing the exposure to asbestos of workers.

Please also see direct request 6.

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