

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

MARITIME LABOUR CONVENTION, 2006

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The matters with which this Convention deals may be beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report on the Convention may necessitate consultation of other interested ministries or government agencies.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First report

1. If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on the way in which your country has given effect to its obligations under the Convention, including actions taken on each of the questions set out in this report form.

Subsequent reports

2. In subsequent reports, information need normally be given only on the following points:

(a) any new legislative or other measures affecting the application of the Convention;

(b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

(c) **replies to comments by the supervisory bodies** – The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

Use of this report form

3. This report form is divided into two parts. **Part I, “General questions”, asks for information and supporting materials. Part II, “Specific information”, indicates some questions that should be covered in the report. The report form has been designed to facilitate completion** from both a physical and a substantive point of view. Members are, in the first place, invited to use the electronic version of the report form and to insert the requested information in the expandable field beside each question. For those national administrations that are not in a position to use the electronic report form, a paper copy is also attached and responses may be provided by referring to the relevant questions.

4. From a substantive point of view, one of the innovations in the Convention is its emphasis on ensuring that there is not only compliance with its provisions but also documentary evidence of compliance. Consequently, in implementing the Convention, Members will already have produced documents such as the Declaration of Maritime Labour Compliance (DMLC), required by Regulation 5.1.3 and provided information that is also needed for reporting under article 22 of the Constitution. To take advantage of information already provided, a number of questions in Part II of this form suggest the following statement as a possible answer:

“Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II .

5. If the information in the DMLC, Part I and/or Part II, covers all the subject of the section concerned and fully complies with the requirements in Standard A5.1.3 paragraph 10(a) and/or (b), with due consideration being given to Guideline B5.1.3, one or both boxes at the end of this statement can be checked () in which case the individual questions in the section concerned need not be answered. However, additional information on how the Regulation concerned is implemented in your country may be provided in a section located underneath the questions concerned. If the information in the DMLC concerning national implementing measures is not also applicable to ships that are not subject to certification (see Regulation 5.1.3, paragraph 1), additional information should be provided concerning the measures applicable to those categories of ships. In addition, some of the Regulations or Standards envisage that the competent authority in each member State produce various kinds of documents related to implementation of obligations (for example, the standard medical report form for use on board ships flying the Member's flag as required by Standard A4.1, paragraph 2, and Guideline B4.1.2). Where relevant, copies of these particular documents are requested under the heading “Documentation”.

6. Furthermore, in order to avoid the need to refer in detail to the content of specific measures, reference can be made in this form to the relevant provisions of the legislation, collective agreement or other document concerned which has been provided to the Office in

English, French or Spanish (in connection with Part I, “General questions”).

7. Beneath the section for “Additional information”, there is a section headed “Explanations”. Explanations are required where a national implementing measure differs from the requirements set out in Standards found in Part A of the Code of the Maritime Labour Convention, 2006. This would include, for example, cases of substantial equivalence referred to in Article VI, paragraph 3, and of determinations that have been made regarding the application of differing national measures that are provided for on the basis of Article II, paragraph 6. Even though the substantial equivalence may have been referred to in the DMLC, Part I, an explanation should be provided, in particular, as to the ways in which the Member concerned was not in a position to implement the rights and principles concerned in the manner set out in Part A of the Code (Article VI, paragraph 3) and as to how the national measure complies in all material respects with the corresponding Part A requirement. In the case of a determination under Article II, paragraph 6, which is also to be reported to the Director-General of the International Labour Office (Article II, paragraph 7), an explanation should be provided as to the reason for a determination that it would not be reasonable or practicable at the present time to apply certain details of the Code to a ship or particular categories of ships (Article II, paragraph 6).

8. It should be noted that this report form takes account of the Articles and Regulations and the provisions of Part A of the Code of the Maritime Labour Convention, 2006, and also refers, where appropriate, to the Guidelines, which comprise Part B of the Code. These Guidelines are not mandatory. Their purpose is to provide guidance as to the way in which Members should implement the (mandatory) provisions in Part A of the Code. In accordance with Article VI, paragraph 2, Members are required to “give due consideration to implementing their responsibilities in the manner provided for in Part B of the Code”. The special status of the Guidelines in Part B of the Code is reflected in the example and the explanation set out in paragraphs 9 and 10 of the Explanatory Note to the Regulations and Code. Paragraph 10 states, in its last sentence, “... by following the guidance provided in Part B, the Member concerned, as well as the ILO bodies responsible for reviewing implementation of international labour Conventions, can be sure without further consideration that the arrangements the Member has provided for are adequate to implement the responsibilities under Part A to which the Guideline relates”. This statement is based on the 2003 Legal Adviser's opinion on the relationship between Parts A and B of the Code (see appendix to this report form for the full text of this Opinion).

Article 22 of the Constitution of the ILO

Report for the period 20 August 2013 to 31 May 2015

made by the Government of Finland

on the

MARITIME LABOUR CONVENTION, 2006

(ratification registered on 9 January 2013)

PART I. GENERAL QUESTIONS

I. Implementing measures

Please give a list of the laws and regulations and collective agreements implementing the provisions of the Convention, with particular reference to the seafarers' employment and social rights referred to in Article IV. Please provide a copy of those laws or regulations and collective agreements. If any of this material is available from the Internet, the link to the relevant document may be provided instead of the document itself.

If, in your country, ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect.

Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012)

<http://finlex.fi/en/laki/kaannokset/2012/en20120395>

Government Decree on Catering for Seafarers on Board Ships (820/2012)

<http://finlex.fi/en/laki/kaannokset/2012/en20120820>

Government Decree on the Living Environment for Seafarers on Board Ships (825/2012)

<http://finlex.fi/en/laki/kaannokset/2012/en20120825>

Government Decision on the Living Environment on Board Ships (417/1981). No translation in English available.

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) <http://finlex.fi/en/laki/kaannokset/2006/en20060044>

Occupational Safety and Health Act (738/2002) <http://finlex.fi/en/laki/kaannokset/2002/en20020738>

Seafarers' Employment Contracts Act (756/2011) <http://finlex.fi/en/laki/kaannokset/2011/en20110756>

Act on the Technical Safety and Safe Operation of Ships (1686/2009)

<http://finlex.fi/en/laki/kaannokset/2009/en20091686>

Act on Medical Fitness Examinations of Seafarers (1171/2010) <http://finlex.fi/en/laki/kaannokset/2010/en20101171>

Act on Certifying Physicians as Recognized Medical Practitioners (47/2009). No translation in English available.

Decree of the Ministry of Social Affairs and Health on the Standards of Eyesight and Hearing Required of Seafarers (244/2013) <http://finlex.fi/en/laki/kaannokset/2013/en20130224>

Occupational Health Care Act (1383/2001) <http://finlex.fi/en/laki/kaannokset/2001/en20011383>

Act on Ships' Crews and the Safety Management of Ships (1687/2009)
<http://finlex.fi/en/laki/kaannokset/2009/en20091687>

Health Care Act (1326/2010) <http://finlex.fi/en/laki/kaannokset/2010/en20101326>

Act on Ships' Medical Stores (584/2015) http://www.trafi.fi/en/maritime/regulations/national_legislation

Decree of the Ministry of Social Affairs and Health on Ships' Medical Stores (589/2015)
http://www.trafi.fi/en/maritime/regulations/national_legislation

Seamen's Working Hours Act (296/1976) <http://finlex.fi/en/laki/kaannokset/1976/en19760296>

Act on Working Hours on Vessels in Domestic Traffic (248/1982) <http://finlex.fi/en/laki/kaannokset/1982/en19820248>

Government Decree on the Manning of Ships and Certification of Seafarers (166/2013)
<http://finlex.fi/en/laki/kaannokset/2009/en20091797>

Act on Registering of Ship's Crew (1360/2006) <http://finlex.fi/en/laki/kaannokset/2006/en20061360>

Government Decree on Work Especially Harmful and Hazardous to Young Workers (475/2006). No translation in English available.

The Ministry of Social Affairs and Health Decree on the List of Work Hazardous to Young Workers (188/2012). No translation in English available.

Act on Public Employment and Business Service (916/2012) <http://finlex.fi/en/laki/kaannokset/2012/en20120916>

Criminal Code (39/1889) <http://finlex.fi/en/laki/kaannokset/1889/en18890039>

Young Workers' Act (998/1993) <http://finlex.fi/en/laki/kaannokset/1993/en19930998>

Collective Agreements Act (436/1946) <http://finlex.fi/en/laki/kaannokset/1946/en19460436>

Seamen's Annual Holidays Act (433/1984) <http://finlex.fi/en/laki/kaannokset/1984/en19840433>

Health Insurance Act (1124/2004) <http://finlex.fi/en/laki/kaannokset/2004/en20041224>

Act on the Application of Residence-Based Social Security Legislation (1573/1993)
<http://finlex.fi/en/laki/kaannokset/1993/en19931573>

Employment Accidents Act (608/1948) <http://finlex.fi/en/laki/kaannokset/1948/en19480608>

Government Decision on the Ordinance for Work Done on Board Ships (418/1981). No translation in English available.

Government Decree on the Safe Use and Inspection of Work Equipment (403/2008)
<http://finlex.fi/en/laki/kaannokset/2008/en20080403>

Seamen's Service Act (447/2007) http://www.tem.fi/en/work/labour_legislation

Decree of the Ministry of Labour on the Finnish Seamen's Service (720/2007). No translation in English available.

Ship Safety Control Act (370/1995) <http://finlex.fi/en/laki/kaannokset/1995/en19950370>

Safety Investigations Act (525/2011). No translation in English available.

Maritime Act (674/1994). No translation in English available.

Act on Enhancing the Competitiveness of Ships Engaged in Sea Transport (1277/2007)

<http://finlex.fi/en/laki/kaannokset/2007/en20071277>

Act on Compensation with State Funds for Travel Expenses for Seafarers (1068/2013). No translation in English available.

Seafarers' Employment and Social Rights (Article IV)

- Right to a safe and secure workplace that complies with safety standards: Occupational Safety and Health Act (738/2002), Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006).
- Right to fair terms of employment: Seafarers' Employment Contracts Act (756/2011).
- Right to decent working and living conditions on board ship: Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012), Government Decree on Catering for Seafarers on Board Ships (820/2012), Government Decree on the Living Environment for Seafarers on Board Ships (825/2012), Government Decision on the Living Environment on Board Ships (417/1981).
- Right to health protection, medical care, welfare measures other forms of social protection: Occupational Health Care Act (1383/2001), Health Care Act (1326/2010), Occupational Safety and Health Act (738/2002), Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006), Act on Seamen's Service (447/2007), Decree of the Ministry of Labour on the Finnish Seamen's Service (720/2007), Act on the Application of Residence-Based Social Security Legislation (1573/1993), Sickness Insurance Act (1124/2004), Employment Accidents Insurance Act (608/1948).
- Finland has implemented the Maritime Labour Convention with, for instance, the aforementioned national laws and the Act on the enforcement of provisions within the scope of the legislation of the 2006 Maritime Labour Convention (951/2012). According to the Act, provisions within the scope of the 2006 Maritime Labour Convention, signed in Geneva on 23 February 2006, are in effect, as law, in the manner in which Finland is committed to them (section 1).

II. Principal documents

Please provide, in English, French or Spanish (or the English translation required by Standard A5.1.3, paragraph 12), a copy of the standard Maritime Labour Certificate, including Part I of the Declaration of Maritime Labour Compliance (DMLC) as well as an example or examples of Part II of the DMLC which have been prepared by a shipowner and have been accepted by your country, when certifying a ship or ships. (Specific identifying information regarding the ship or shipowner should be removed from the example or examples.) Additional documentation on other matters will be requested in Part II of this report form.

See annex 6: *Interim Maritime Labour Certificate*.

III. Fundamental rights and principles

Please indicate how account has been taken, in the context of the Convention, of the following fundamental rights and principles referred to in Article III:

(a) unless your country has ratified Conventions Nos 87 and 98: freedom of association and the effective recognition of the right to collective bargaining;

Convention 87: Finland ratified the Convention in 1949; Treaty Series 45/1949

Convention 98: Finland ratified the Convention in 1951; Treaty Series 32/1951

(b) unless your country has ratified Conventions Nos 29 and 105: the elimination of all forms of forced or compulsory labour;

Convention 29: Finland ratified the Convention in 1935; Treaty Series 44/1935

Convention 105: Finland ratified the Convention in 1960; Treaty Series 17/1960

(c) unless your country has ratified Conventions Nos 138 and 182: the effective abolition of child labour;

Convention 138: Finland ratified the Convention in 1975; Treaty Series 87/1976

Convention 182: Finland ratified the Convention in 1999; Treaty Series 16/2000

(d) unless your country has ratified Conventions Nos 100 and 111: the elimination of discrimination in respect of employment and occupation.

Convention 100: Finland ratified the Convention in 1963; Treaty Series 9/1963

Convention 111: Finland ratified the Convention in 1970; Treaty Series 63/1970

IV. Competent authority and consultation

Please identify the competent authority or authorities having power to issue and enforce regulations, orders or other instructions in respect of subject matter covered by the Convention (Article II, paragraph 1(a)).

Finnish Parliament, the Government, the Ministry of Employment and the Economy

Please list the shipowners' and the seafarers' organizations that the competent authority or authorities consult in matters relating to the implementation of the Convention.

Finnish Shipowners' Association

Finnish Seamen's Union

Finnish Ships' Officers' Association

Finnish Engineers' Association

Finnish Employers' Association of Special Vessels

Finnish Port Operators Association

Finnish Passenger Ferry Association

V. Scope of application

Do the measures implementing the Convention cover, as a seafarer, any person who is employed or engaged or works in any capacity on board a ship to which the Convention applies (Article II, paragraphs 1(f) and 2)?

If no, please explain:

Yes. In Finnish legislation, the Convention is applied in accordance with the Seafarers' Employment Contracts Act (756/2011). According to Chapter 1, section 1, the Act is applied to contracts (*employment contract*) entered into by an employee agreeing personally to perform work for an employer under the employer's direction and supervision in return for pay or some other remuneration on board a Finnish ship or temporarily in some other location appointed by the employer. The Act applies regardless of the absence of any agreement on remuneration, if the facts indicate that the work was not intended to be performed without remuneration.

Following the Convention's scope of application, certain provisions on, for example, the application of a written contract on the performance of work, trips home, and medical care on board a ship and on land to work other than that done on the basis of an employment contract are laid down in Chapter 13, section 17a of the Seafarers' Employment Contracts Act.

Chapter 1, section 2 of the Seafarers' Employment Contracts Act excludes from the scope of application work undertaken only when the ship is at port; work considered merely temporary inspection, maintenance or piloting work or other similar work; and work carried out using timber floating equipment or work undertaken on board ships of the Finnish Defence Forces or Border Guard.

Have cases of doubt as to whether any categories of persons are to be regarded as seafarers arisen?

If yes, please provide full information on the consultation process and its result (Article II, paragraph 3):

No.

Have cases of doubt arisen as to whether a ship or a particular category of ship, or a similar navigating means, is covered by the Convention?

If yes, please provide full information on the consultation process and its result (Article II, paragraph 5):

No.

VI. Enforcement

Please summarize the provisions of laws or regulations or other measures which prohibit violations of the requirements of the Convention and, in accordance with international law, establish sanctions or require the adoption of corrective measures to discourage such violations (Article V, paragraph 6).

Act 738/2002 (Occupational Safety and Health Act), section 63

Act 756/2011 (Seafarers' Employment Contracts Act), Chapter 13, section 20

Act 296/1976 (Seafarers' Employment Contracts Act), sections 23-24

Act 1171/2010 (Act on Medical Fitness Examinations of Seafarers), section 17

Act 395/2012 (Act on the Working and Living Environment and Catering for Seafarers on Board Ships), section 20

Act 1686/2009 (Act on the Technical Safety and Safe Operation of Ships), sections 87-92

Act 1687/2009 (Act on Ships' Crews and the Safety Management of Ships), sections 35-40

Act 370/1995 (Ship Safety Control Act), sections 16-17

Act 674/1994 (Maritime Act), Chapter 20

Act 39/1889 (Criminal Code), Chapter 47

VII. Statistical information

Please *either* provide the data requested below *or* refer below to relevant reports submitted to the United Nations Conference on Trade and Development (UNCTAD) (*Annual Review of Maritime Transport*), the International Maritime Organization (IMO), the World Health Organization (WHO), etc., and supply a copy of those reports or a reference to a public web site containing this data:

Data requested	Ships on international voyages or voyages between ports in other countries	Ships not on international voyages or voyages between ports in other countries	The information is only an estimate as data are not formally collected on this matter
Number of seafarers working on flag ships that are covered by the Convention			Total amount of seafarers working on flag ships: 7725 persons and all together 5520 person-years in 2014 (approximate information gathered from Seafarer's Pension Fund). At the moment, however, it is impossible to say how many of these flag ships operate on international voyages or voyages between ports in other countries.
Number of seafarers who are nationals or residents or otherwise domiciled in the territory			See above.
Number (if any) of private recruitment and placement services operating in the territory	None.		
Gender distribution among seafarers			Gender distribution among seafarers under Finnish flag ships: men 66 %, women 34 % in 2014.
Number of ships flying your flag which are 3,000 GT or over	72	13	The number of ships the 30 th June 2015. The information is based on the information of Trafi's Register of Ships and the Finnish Transport Agency's Merchant Vessels Catalog.
Number of ships < 3,000 GT and ≥ 500 GT	22	33	
Number of ships < 500 and ≥ 200 GT (please indicate if estimated)	11	107	
Number of ships < 200 GT (please indicate if estimated)	5	436	

PART II. SPECIFIC INFORMATION

1. This section of the report follows the same organization as the Maritime Labour Convention, 2006 (MLC, 2006). It is divided into five Titles (Titles 1–5). Each Title sets out the related Regulations and Code provisions and asks for specific information on how they have been given effect in your country. For convenience, this form contains a description of the basic requirements in each area.¹ The relevant provisions of the Convention are identified in each question, so that their text can be consulted.

2. It will be noted that the provisions under each Regulation also include a reference to the Guidelines in Part B of the Code to the Convention. As mentioned above at point 8 in the guidance for drawing up reports, it is not mandatory for Members to follow the Guidelines when implementing the Regulations and Standards. However, if a Member has chosen to do so, the ILO supervisory bodies would not have to consider further the adequacy or sufficiency of the Member's implementation of the relevant provisions of the Convention.

Title 1. Minimum requirements for seafarers to work on a ship

Regulation 1.1 – Minimum age Standard A1.1; see also Guideline B1.1

- Persons below the age of 16 shall not be employed or engaged or work on a ship.
- Seafarers under the age of 18 shall not be employed or engaged or work where the work is likely to jeopardize their health or safety.
- Night work for seafarers under the age of 18 is prohibited. (“Night” covers a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.)
- Special attention should be paid to the needs of seafarers under the age of 18, in accordance with national laws and regulations.

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

Please check one or both boxes or provide the information below.

What is the minimum age of seafarers?
(Regulation 1.1, paragraph 1; Standard A1.1, paragraph 1)

According to Chapter 1, section 7(1) of the Seafarers' Employment Contracts Act (756/2011), persons aged sixteen or older when commencing work may be employed in the work referred to in the Act. In addition, Chapter 5 of the Government Decree on the Manning of Ships and Certification of Seafarers (166/2013) includes special provisions on the age limit of 18 or 20 years as a requirement for obtaining a certificate for a certain job.

What period is defined as “night”?
(Standard A1.1, paragraph 2)

Finnish legislation does not actually contain a definition of 'night'. However, a young worker under 18 years of age must not work between the hours of midnight and 5 a.m., unless the case involves the performance of an exercise programme related to the young person's training.
Act 926/1976, section 9b.

Is night work prohibited for seafarers under 18?
(Standard A1.1, paragraph 2)

Yes. Making a person under 18 years of age work between midnight and 5 a.m. is prohibited.
Act 926/1976, section 9b.

1. The description of basic requirements is based on the text of the MLC, 2006 as well as the *Guidelines for flag State inspections under the Maritime Labour Convention, 2006* (MEFS/2008/8(Rev.)), adopted by the tripartite meeting of experts in September 2008.

Are any exceptions made to the night work prohibition?

(Standard A1.1, paragraph 3)

If yes, please summarize the exceptions:

Yes. A young worker under 18 years of age may exceptionally work between the hours of midnight and 5 a.m., if the case involves the performance of an exercise programme related to the young person's training.

Act 926/1976, section 9b.

Is employment of seafarers under 18 prohibited where the work is likely to jeopardize their health or safety?

(Standard A1.1, paragraph 4)

Yes. Chapter 2, section 3 of the Seafarers' Employment Contracts Act (756/2011) specifies the employer's obligation to ensure the occupational safety of employees in accordance with the Occupational Safety and Health Act (738/2002). In addition, special provisions in the Young Workers' Act (998/1993) must be applied to work done by workers under 18 years of age. According to section 9 of the Act, the employer shall see to it that the work is not hazardous to the physical or mental development of a young worker, and that it does not require more exertion or responsibility than can be considered reasonable with respect to his age and strength. In duties which might cause a special accident risk or health hazard, or which might be hazardous to the young worker himself or to others in the manner referred to in paragraph 1, a young worker may be used only on conditions laid down by decree. The Government Decree on Work Especially Harmful and Hazardous to Young Workers (475/2006) limits the opportunities of persons under 18 to do especially harmful or hazardous work in accordance with sections 3 and 4 of the Decree. The Ministry of Social Affairs and Health Decree on the List of Work Hazardous to Young Workers (188/2012) supplements the aforementioned Government Decree.

What types of work have been determined to be likely to jeopardize the health or safety of seafarers under 18?

(Standard A1.2, paragraph 4)

Sections 3 and 4 of the Government Decree on Work Especially Harmful and Hazardous to Young Workers (475/2006) contain a list of work that is especially harmful or hazardous to young workers. According to section 3 of the Decree, especially harmful work involves, for instance, excessive exertion with regard to the young worker's age and experience, working alone when it involves an obvious risk of accident or violence, treatment and care of psychiatric patients and mentally or socially disturbed patients, treatment and transportation of decedents, etc. The Decree is supplemented by the Ministry of Social Affairs and Health Decree on the List of Work Hazardous to Young Workers (188/2012).

Additional information concerning implementation of Regulation 1.1

(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Regulation 1.2 – Medical certificate **Standard A1.2; see also Guideline B1.2**

- Seafarers are not allowed to work on a ship unless they are certified as medically fit to perform their duties.
- A certificate must be in English for seafarers working on ships ordinarily engaged on international voyages.
- The medical certificate must have been issued by a duly qualified medical practitioner and must be still valid.
- The period of validity for a certificate:
 - two-year maximum for medical certificates except for seafarers under 18, in which case it is one year;
 - six-year maximum for a colour vision certificate.

NB. *Certificates issued in accordance with, or meeting the substance of, the applicable requirements, under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, are to be accepted as meeting these requirements.*

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

Please check one or both boxes or provide the information below.

Are seafarers required to be certified as medically fit to perform their duties?

(Regulation 1.2, paragraph 1; Standard A1.2, paragraph 1)

Yes. In order to be able to serve at sea, seafarers shall meet the medical fitness standards required by their duties on board. The requirement for medical certificates ensures that seafarers are medically fit to serve at sea. Circumstances that must be indicated in medical certificates for seafarers are laid down by legislative provisions. Medical certificates must indicate, among other things, that the person is physically and mentally fit for the intended duties and does not have an injury, a functional impairment or a disease that impairs or manifestly obstructs his/her work. Medical certificates must also show whether the person's eyesight, hearing and colour vision conform with the requirements of the Decree of the Ministry of Social Affairs and Health on the Standards of Eyesight and Hearing Required of Seafarers (244/2013). After hearing comments by the Advisory Committee for Seamen's Affairs, the Ministry of Social Affairs and Health confirmed a form on medical certificates for seafarers with authorisation laid down in law.
Act 1171/2010, sections 4 and 9.

The owner shall ensure that seafarers engaged on board ships have valid medical certificates, temporary permits, as referred to in section 10(3) or dispensations, as referred to in section 13, and that seafarers surrender the documents for lodging on board.

Act 1171/2010, section 5.

What requirements (or guidance) have been established concerning the nature of the medical examination and the right of appeal?

(Standard A1.2, paragraphs 2 and 5)

Pre-sea examinations and periodic examinations of seafarers engaged on domestic and international voyages are laid down in the Act on Medical Fitness Examinations of Seafarers. As a general rule, pre-sea and periodic examinations on both domestic and international voyages shall be performed by a recognized medical practitioner. If a seafarer's service at sea has been interrupted for a long time due to illness or injury, a periodic examination shall be performed before he/she resumes work. A medical fitness examination shall be performed and a medical certificate on it shall be issued in accordance with section 9 of the Act and the form prepared by the Ministry of Social Affairs and Health. Medical certificates issued shall comply with provisions required by the 1978 international Convention on Standards of Training, Certification and Watchkeeping for Seafarers (*hereinafter the STCW Convention*) on the obligation of medical certificates and their contents. If necessary, a medical fitness examination of a person working as a seafarer on board a Finnish ship can also be made abroad, in a country that has adopted the STCW Convention and the 2006 Maritime Labour Convention.

Act 1171/2010, sections 6, 7 and 9.

The Finnish Transport Safety Agency may, on substantial grounds, grant a dispensation to engage a seafarer or continue service on board a ship although the seafarer has not been considered fit for service at sea at a pre-sea or a periodic examination. The Finnish Transport Safety Agency shall, before taking a decision on dispensation, request the opinion of the Finnish Institute of Occupational Health on the applicant's health status. A dispensation may be granted for no more than two years at a time and, if necessary, limitations or conditions may be added to it. Dispensations concerning colour vision may, however, be granted for no more than six years at a time. A decision on dispensation granted by the Finnish Transport Safety Agency may be appealed, as provided in the Administrative Judicial Procedure Act (586/1996).

Act 1171/2010, section 13.

Notwithstanding that a seafarer has been considered fit for service at sea at a pre-sea examination or a periodic examination or that he/she has been granted a dispensation as referred to above, the Finnish Transport Safety Agency may order the seafarer to undergo a new medical fitness examination without delay, if it is evident that the seafarer, due to deteriorating health, does not meet the health requirements set out for seafarers or fulfil the conditions for being granted a dispensation under section 13. This decision may not be appealed.

Act 1171/2010, section 14.

What are the requirements concerning persons who can issue medical certificates and any certificate solely concerning eyesight?

(Standard A1.2, paragraph 4)

In Finland, medical fitness examinations of seafarers engaged on international voyages shall be performed by recognized medical practitioners. For domestic voyages, examinations shall be performed by recognized medical practitioners or, for a special reason, another licensed physician. A recognized medical practitioner shall also examine a seafarer's eyesight during a medical fitness examination.

Upon application, the National Supervisory Authority for Welfare and Health (Valvira) may certify a licensed physician as a recognized medical practitioner. Requirements for such certification are that the physician has been granted the right to independently practice the profession of a physician in Finland as a licensed professional and that the person has completed training on maritime working conditions and health requirements in Finland. The National Supervisory Authority for Welfare and Health must keep available a list of recognized medical practitioners.

Act 1171/2010, sections 6 and 7.

Act 47/2009, sections 1 and 3.

What are the periods of validity for medical and colour vision certificates?

(Standard A1.2, paragraph 7)

A certificate on colour vision is valid for six years and a medical certificate for two years. A medical certificate of a person under 18 is valid for one year.

Act 1171/2010, section 10.

Additional information concerning implementation of Regulation 1.2

(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: please provide, in English (see Standard A1.2, paragraph 10) an example of the standard wording in medical certificates.

See annex 7.

Regulation 1.3 – Training and qualifications

- Seafarers must be trained or certified as competent or otherwise qualified to perform their duties on board ship.
- Seafarers must have successfully completed training for personal safety on board ship.
- Obligations under Convention No. 74, if ratified, continue to apply.

NB. *Training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, is to be accepted as meeting these requirements.*

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

Please check one or both boxes or provide the information below.

Do all seafarers have to be trained, certified or otherwise qualified for the duties they are to carry out on board ship?
(Regulation 1.3, paragraph 1; see also paragraph 4)

Yes. See Government Decree on the Manning of Ships and Certification of Seafarers (N:o 166/2013, as amended), Sections 4, 8, 9, 11, 14 and 19.

<p>Are all seafarers required to successfully complete training for personal safety on board ship? (<i>Regulation 1.3, paragraph 2</i>)</p> <p>Yes. See Government Decree on the Manning of Ships and Certification of Seafarers (N:o 166/2013, as amended), Section 19.</p>
<p>Is training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, accepted? (<i>Regulation 1.3, paragraph 3</i>)</p> <p>Yes.</p>
<p>Additional information concerning implementation of Regulation 1.3 (see above: Practical guidance for drawing up reports, point 5).</p>
<p>Explanations (see above: Practical guidance for drawing up reports, point 7).</p>

<p>Regulation 1.4 – Recruitment and placement Standard A1.4; see also Guideline B1.4.1.</p>
<ul style="list-style-type: none"> • Seafarer recruitment and placement services must not charge seafarers for their services. • If private seafarer recruitment and placement services are operating in their territory, Members are responsible for establishing an effective inspection and monitoring system with respect to those services (<i>Regulation 5.3; Standard A5.3, paragraph 1</i>). • If seafarer recruitment and placement services for nationals to work on flag ships are operated by seafarers' organizations in the Member's territory, they must be operated in accordance with Standard A1.4 in the Convention. • Any public seafarer or recruitment service in a Member's territory must be operated in an orderly manner that promotes seafarers' employment rights under the Convention. • Flag States are responsible for requiring, in cases where shipowners use recruitment and placement services based in States not party to the MLC, 2006, that these shipowners have an appropriate system in place for ensuring, as far as practicable, that these recruitment and placement services meet the requirements under Standard A1.4.
<p>Please check the boxes below or provide the information requested.</p>
<p>If private seafarer recruitment and placement services, or services operated by seafarers' organizations to place seafarers on national flag ships, are operating in your country, please provide information about the standardized system for licensing or certification or other form of regulation (<i>Regulation 1.4; Standard A1.4, paragraphs 2, 3, 4 and 5</i>) and the inspection and monitoring system for those services (<i>Standard A1.4, paragraph 6</i>).</p> <p>No private services operate in our country <input checked="" type="checkbox"/> X</p> <p>According to Finnish legislation, 'private employment services' are employment services provided by a private or legal person, independent of employment and economic development authorities, and other services related to job-seeking, as well as labour leasing. In practice, private maritime recruitment and placement services are not used on ships sailing under the Finnish flag. If such employment services did exist, the providers would be obliged to submit a basic notification on their operation to the public Trade Register.</p> <p>Act 916/2012, section 12(4).</p>

If **public** recruitment and placement services are operating in your country, please state the basic principles ensuring that they are operated in an orderly manner (*Standard A1.4, paragraph 1*). See guidance in *Guideline B1.4.1, paragraph 2*.

No public services operate in our country

Public employment and business services promote the functioning of the labour market by ensuring the availability of skilled labour and providing jobseekers with opportunities for finding work, promote the emergence of new business activity, and develop the operational preconditions of enterprises and the quality of working life. Employment and business services provided for individual clients are free of charge. Equality and impartiality must be observed in the service. When providing, developing, and informing of public employment and business service, non-discrimination and equality between men and women in the labour market must be actively promoted.

Employment and economic development authorities must inform the jobseeker, in connection with starting jobseeking, or immediately thereafter, of aspects related to jobseeking, public employment and business services available to him/her, prerequisites for jobseeking to remain valid, and change security. An unemployed jobseeker and a jobseeker eligible for change security is entitled to an employment plan. The employment plan and the plan replacing the employment plan are based on the jobseeker's personal goals regarding work or education, and the assessed need for services.

The employment and economic development office customer data system is maintained for the purpose of providing public employment and business service, part of which is an individual client register. For customer service purposes, data about a person's education, work history and professional competence as well as data on health and other aspects required for providing public employment and business services may be saved in an individual client register. The provisions laid down in the Act on the Openness of Government Activities (621/1999) shall apply to disclosure of information from the customer data system and the openness of information saved in it. The provisions laid down in the Personal Data Act (523/1999) shall apply to the processing of personal data saved in the data system.

Act 916/2012, Chapter 1, sections 2, 6 and 7; Chapter 2, sections 3, 6 and 7; Chapter 13, sections 1 and 3.

If public or private recruitment placement services are operating in your country, please outline the machinery and procedures for investigating complaints about their activities (*Standard A1.4, paragraph 7*)

No public or private services operate in our country

Rectification may be applied for against a decision issued by employment and economic development authorities under the Act on Public Employment and Business Service by presenting a claim to the authority having issued the decision, in the manner provided in the Administrative Procedure Act (434/2003). A decision on a request for rectification may be appealed to the Administrative Court in compliance with the provisions in the Administrative Judicial Procedure Act (586/1996). The Act also specifies the types of decisions against which no request for rectification or appeal can be made.

Act 916/2012, section 14(1).

A person who has used private or public employment services and feels the he/she has been discriminated against during the recruitment may refer to regulation concerning non-discrimination in the Equality Act (609/1986), the Non-Discrimination Act (21/2004) or the Criminal Code (39/1889). Discrimination concerning terms of employment as well as infringements on the hiring of minors fall within the scope of supervision of occupational safety and health authorities in Finland.

Where shipowners use recruitment and placement services that operate in countries that have not ratified the Convention, what kind of action is expected of them in order to ensure, as far as practicable, that the services concerned meet the requirements of the Convention?

(Regulation 1.4, paragraph 3; Standard A1.4, paragraphs 9 and 10)

Adequate information on this matter is to be found in the enclosed DMLC, Part I /Part II

With regard to labour outside of the EU, the agreement on securing the availability of ships' personnel signed between the Finnish Engineers' Association, the Finnish Seamen's Union and the Finnish Shipowners' Association requires that shipowners and trade unions agree, well in advance, on the STCW/ITF staffing offices or agencies through which the shipowners recruit workers coming from outside of the EU. When workers are recruited from countries that have not ratified the Convention, provisions according to the STCW/ITF agreements shall be observed. This ensures that the recruitment of workers is done in line with the MLC's requirements.

Additional information concerning implementation of Regulation 1.4
(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Title 2. Conditions of employment

Regulation 2.1 – Seafarers' employment agreements Standard A2.1; see also Guideline B2.1

- All seafarers must have a seafarers' employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner's representative (or, where they are not employees, other evidence of contractual or similar arrangements).
- A SEA must, at a minimum, contain the matters set out in Standard A2.1, paragraph 4(a)–(j) and, as applicable, (k), of the MLC, 2006 (*Standard A2.1, paragraph 4*).
- Where a collective bargaining agreement forms all or part of the SEA, the agreement must be on board the ship with relevant provisions in English (except for ships engaged only in domestic voyages) (*Standard A2.1, paragraph 2*).
- Seafarers are to be given an opportunity to examine and seek advice on a SEA before signing (*Standard A2.1, paragraph 1(b)*).
- Seafarers must be given a document containing a record of their employment (that does not contain any statement as to the quality of their work or wages) on the ship (*Standard A2.1, paragraphs 1(e) and 3; Guideline B2.1.1, paragraph 1*).
- Information about the conditions for their employment must be easy for seafarers to obtain when on board ship and must be accessible for inspection-related reviews.
- Minimum notice periods for early termination of a SEA must be established in laws or regulations.

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II / seafarers' employment agreement / collective agreement provisions . (A link to a publicly accessible web site containing the applicable collective agreement may also be provided.)

Please check one or more boxes or provide the information below.

What are the minimum notice periods to be given by seafarers and by shipowners for the early termination of a seafarer's employment agreement?

(Standard A2.1, paragraph 5)

In Finland, the length of the notice period is determined according to the uninterrupted duration of the employment relationship, unless otherwise agreed. When an employer terminates an employment contract, the longest notice period is six months when the employment relationship has continued for more than 15 years, and the shortest is one month if the employment relationship has continued for no more than one year. When an employee terminates a contract, the notice period is 14 days if the employment relationship has continued for no more than one year, and two months if the employment relationship has continued for more than 10 years.

Act 756/2011, Chapter 7, section 4.

Do national laws or regulations or collective agreements provide for circumstances justifying termination of the employment agreement at shorter notice or without notice?

(Standard A2.1, paragraph 6)

If yes, please summarize the provisions concerned:

Yes. The employee may exceptionally stop working without a notice period or with immediate effect, in the middle of a fixed period, when he/she has learned that a dangerous contagious disease is encountered at the port of destination, war or a war-like situation poses a threat to the ship, his/her close relative has died or fallen seriously ill, he/she has been admitted to an educational institution or been given a position or job, or his/her circumstances have changed such that it can no longer be considered reasonable to continue the employment relationship. However, the employee may be liable to compensate the employer for the costs and expenses of recruiting a replacement employee. This liability to compensate may be reduced or it can be removed entirely if this is deemed reasonable.

Act 756/2011, Chapter 7, section 5.

Please summarize your country's requirements to ensure that seafarers are given an opportunity to review and seek advice on their SEA before signing.

(Standard A2.1, paragraph 1(b))

Finnish legislation does not contain a specific provision that an employee should be given time to examine an employment contract in advance before signing it. In practice, this rule applies even without a separate provision. Collective agreements on the maritime industry cover terms of employment in that sector almost completely, and everyone has the right to study those collective agreements beforehand. In addition, the employer shall keep the generally applicable collective agreement freely available to employees at the place of work. When a maritime employment contract is made in writing and includes information required by law on the employment relationship, the employee has an opportunity to review this information before signing the employment contract. According to Finnish legislation, no-one can be forced to sign an employment contract in violation of their rights. In such a case, general provisions on the invalidity of the contract may be applied.

Act 756/2011, Chapter 1, section 3; Chapter 2, section 6; Chapter 13, section 15.

Please summarize your country's requirements to ensure that seafarers have easy access on board ship to information about their conditions of employment.

(Standard A2.1, paragraph 1(d))

According to Finnish law, an employment contract must be made in writing and it must contain information about the employment relationship required by law. Also, the employer must keep the Seafarers' Employment Contracts Act and the generally applicable collective agreement, referred to in Chapter 2, section 6 of the Act, freely available to employees at the place of work. The valid maritime labour certificate and the declaration of maritime labour compliance, referred to in the Maritime Labour Convention, must be kept available on board the ship for inspection by employees. The documents must also be available in English on board ships operating in international traffic. These provisions ensure that employees have the opportunity to obtain information about the terms of their employment relationship.

Act 756/2011, Chapter 1, section 3; Chapter 13, section 15.

Additional information concerning implementation of Regulation 2.1

(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide in English (*see Standard A2.1, paragraph 2 and guidance in Guideline B2.1.1, paragraph 1*):

- an example of the approved document for seafarers' record of employment (*Standard A2.1, paragraphs 1 and 3*); See Seafarers' Employment Contracts Act (756/2011), Section 3.
- a standard form example of a seafarers' employment agreement (*Standard A2.1, paragraph 2(a)*); See annex 12.
- the relevant portion of any applicable collective bargaining agreement (*Standard A2.1, paragraph 2(b)*).

See the web-site of the Finnish Shipowners' Association:

<http://www.shipowners.fi/fi/tyomarkkina-asiat/tyohtosopimukset/>

Under title 2012-2014 there is a link *CBA Passenger Vessel*.

Regulation 2.2 – Wages Standard A2.2; see also Guideline B2.2

- Seafarers must be paid at no greater than monthly intervals and in full for their work in accordance with their employment agreements and any applicable collective agreement.
- Seafarers are entitled to an account each month indicating their monthly wage and any authorized* deductions (such as allotments**).
- Flag States may wish to consider requiring shipowners to carry on board their ships' documents such as a copy of payroll or electronic record sheets.
- Charges for remittances/allotment transmission services must be reasonable and exchange rates in accordance with national requirements.

* No unauthorized deductions, such as payments for travel to or from the ship.

** An allotment is an arrangement whereby a proportion of seafarers' earnings is regularly remitted, on their request, to their families or dependants or legal beneficiaries whilst the seafarers are at sea.

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

Please check one or both boxes or provide the information below.

What are the main items that must be included in the monthly account that seafarers are entitled to receive on board ship?

(*Regulation 2.2 and Standard A2.2, paragraph 2*)

On payment, the employer shall give the employee a calculation showing the amount of the pay and the grounds for its determination. If the pay is made in another currency than agreed on, or if a different exchange rate is used in calculating the pay, the calculation must include an explanation of this. The purpose of the pay calculation is to give the employee an opportunity to verify that the pay is correct.

Act 756/2011, Chapter 2, section 20.

Please outline the measures taken by shipowners to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.

(*Standard A2.2, paragraphs 3 and 4*)

According to the Seafarers' Employment Contracts Act, pay shall be made to the employee in cash. Should the employee so wish, the pay or part thereof shall be paid to a bank account designated by the employee, whereby the employer shall bear the costs of the payment method. The employee may also require that part of the pay be made in cash and part to the bank account designated by him/her. Should the employee so wish, he/she may order that the pay be made to several bank accounts. Thus there is no obstacle to an employee designating his/her whole pay or part thereof to be paid to a bank account which the employee's spouse, family member or beneficiary has the right to use.

Act 756/2011, Chapter 2, section 20.

What is the basis for determining the reasonable charge, if any is made, by shipowners for transmission services and for determining any relevant exchange rate?

(Standard A2.2, paragraph 5)

According to Finnish legislation, pay shall be made to seafarers in cash. At the employee's request, the cash wages or the advance pay must be paid in local currency at an exchange rate used by the local banks. Should the employee wish that the pay be made to a bank account or accounts designated by him/her, the employer shall bear the costs of the payment method.

Act 756/2011, Chapter 2, section 20.

For countries that adopt national laws or regulations to govern the calculation or amount of seafarers' wages, has the guidance in Guideline B2.2 been given due consideration?

(Standard A2.2, paragraph 6)

If yes, please summarize or provide a reference to the relevant national legislation provided under Part I, item I.

The Finnish Seafarers' Employment Contracts Act does not contain specific provisions on the amount of pay; instead, seafarers' pay is determined on the basis of the employment contract or the collective agreement that is binding on the employer. With regard to minimum pay, however, the collective agreement has priority over provisions in the employment contract: if the employment contract in some respect contradicts a provision in the generally applicable collective agreement, the employment contract is invalid in this respect, and corresponding provisions in the collective agreement in question shall be followed instead.

On the other hand, an employer who, by virtue of the Collective Agreements Act (436/1946), is bound to a national collective agreement where one party is a nationwide employee organisation, is not obliged to comply with the provisions of the collective agreement confirmed to be generally applicable. However, this requires that the contracting party on the wage-earner side be a nationwide organisation that represents the employees in question.

In case an industry does not have a collective agreement meeting the criteria of a generally applicable collective agreement, the employer is not bound to a collective agreement according to the Collective Agreements Act and no agreement has been made on an employee's pay in the employment contract, the Seafarers' Employment Contracts Act contains a provision according to which the employee shall be paid a reasonable normal remuneration. In Finland this provision is only applied in extremely exceptional situations, due to the high rate of unionisation and coverage of collective agreements. The amount of minimum pay is not fixed to any certain euro amount; instead, the level of pay must match such a normal, i.e. generally used, level of pay applied to the relevant or comparable work. In such case, the degree of normal and/or reasonable pay is usually assessed according to some minimum pay level of the generally binding collective agreement closely related to the work performed, or according to pay practices applied in the city/town.

Act 756/2011, Chapter 2, sections 6 and 9.

When determining employee pay, legislative regulations on regular working hours and overtime as well as provisions on the determination of grounds for remuneration for overtime and actual overtime remuneration must be observed. For employees working in international traffic, those provisions are included in sections 4, 9, 12, 13 and 14 of the Seamen's Working Hours Act (296/1976). The regular working hours shall not exceed eight hours a day or 40 hours a week. Overtime remuneration shall be paid in the manner prescribed in section 13 of the Act for work performed in excess of the regular daily working hours and work which is otherwise performed by way of derogation to the provisions on work performed on a holiday or Saturday. If the time worked, with the exception of work performed on Sunday, exceeds 40 hours in the course of a week, even if the normal daily working hours have not been exceeded, the employee shall be entitled to the special compensation provided in section 14 for the period in excess. Overtime remuneration proper shall be payable in cash or, subject to the employee's consent, granted in the form of free time in a manner provided for by the collective agreement. As a general rule, special remuneration shall be granted in the form of free time or, by agreement, as monetary remuneration. Regular working hours and overtime of seafarers engaged in domestic traffic and grounds for remuneration paid for them are laid down in the Act on Working Hours on Vessels in Domestic Traffic (248/1982).

An employer must treat employees equally unless deviating from this is justified considering the duties and position of the employees. Provisions on non-discrimination and prohibition of discrimination are laid down in the Non-Discrimination Act (1325/2014). These provisions are also applied when determining employee pay. According to Chapter 1, section 3 of the Seafarers' Employment Contracts Act, the employer shall ensure that the written employment contract signed with the employee contains information about the collective agreement applied to the work, the grounds for the determination of pay and other remuneration, and the pay period. In the case of work performed abroad for a minimum period of one month, the duration of the work, the currency in which the monetary payment is to be made, the monetary remunerations and fringe benefits applicable abroad, and the terms of the repatriation of the employee must be included in the employment contract. The purpose of these provisions is to give the employee an opportunity to verify that the pay is correct. Thus Finnish legislation is deemed to match the standard of the recommendations listed in the Convention.

Act 756/2011, Chapter 1, section 3; Chapter 2, section 2.

Additional information concerning implementation of Regulation 2.2
(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Regulation 2.3 – Hours of work and hours of rest
Standard A2.3; see also Guideline B2.3

- The maximum hours of work or the minimum hours of rest must be established in national laws or regulations (the minimum hours of rest must not be less than ten hours in any 24-hour period and 77 hours in any seven-day period, or the maximum hours of work must not exceed 14 hours in any 24-hour period and 72 hours in any seven-day period).
- Account must be taken of the danger posed by the fatigue of seafarers.
- Hours of rest may be divided into no more than two periods, one of which must be at least six hours; the interval between consecutive periods of rest must not exceed 14 hours.
- Any mandatory musters or drills must be conducted in a way that minimizes disturbance of rest hours and does not induce fatigue.
- Seafarers on call must be given compensatory rest if the normal rest period is interrupted.
- A schedule/table of service at sea and service in port for all positions, in a standardized format in the working language(s) of the ship and English, and the applicable limits under a law or regulation or a collective agreement, must be posted in an accessible location on board ship.
- Seafarers' daily hours of work or rest must be recorded in an approved standard format and in the working language(s) of the ship and English and must be endorsed by the seafarer (who is given a copy) and the master (or authorized person).

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II

Please check one or both boxes or provide the information below.

Are the requirements in your country that implement Regulation 2.3 based on maximum hours of work *or* on minimum hours of rest?

(Regulation 2.3, paragraphs 1 and 2)

Maximum hours of work

Minimum hours of rest

Please indicate how account is taken of the danger posed by the fatigue of seafarers.

(Standard A2.3, paragraph 4)

According to Chapter 2, section 23 of the Act on Ships' Crews and the Safety Management of Ships (1687/2009), watch systems shall be so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of the voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

Please state the maximum hours of work or minimum hours of rest, including any measures that may have been adopted for seafarers under the age of 18.

(*Standard A2.3, paragraphs 2 and 5; Standard A1.1, paragraph 2; see guidance in Guideline B2.3.1*)

How many hours of work per 24 hours?

How many hours of work per seven days?

or

How many hours of rest per 24 hours? 10

How many hours of rest per seven days? 77

Measures for seafarers under the age of 18:

Workers under the age of 18 must be given an uninterrupted rest period of no less than nine hours per day. A young worker under 18 years of age must not work between the hours of midnight and 5 a.m., unless the case involves the performance of an exercise programme related to the young person's training.

Act 196/1976, section 9b.

Are more than two periods of rest per 24 hours prohibited in all cases? Yes.

Must one period of rest per 24 hours always be at least six hours in length? Yes.

Must the interval between periods of rest in all cases be 14 hours at most? Yes.

(*Standard A2.3, paragraph 6*)

If the answer to any question is "no", please provide the necessary information:

As a general rule, the provisions of the Seamen's Working Hours Act follow the aforementioned requirements on sufficient rest periods for seafarers. However, the Act enables exceptions to the aforementioned rest periods in overtime required for the performance of such work as is absolutely necessary for exercises carried out with, e.g., rescue, fire extinguishing and other safety equipment; see below.

Act 196/1976, sections 9 and 10.

Corresponding provisions on the daily rest periods of seafarers working on ships engaged in domestic traffic are included in section 12 of the Act on Working Hours on Vessels in Domestic Traffic (248/1982).

Please indicate the requirements relating to the minimizing of disturbances by drills, etc., and the granting of compensatory rest covered by *Standard A2.3, paragraphs 7, 8, 9 and 14*.

Deviating from the minimum rest period is possible in situations where this is required in order to perform work that is absolutely necessary due to a hazard threatening human life, ships or goods; to perform work needed to provide assistance laid down in the Maritime Act (674/1994); to participate in exercises carried out with rescue, fire extinguishing and other safety equipment that are executed as specifically prescribed; etc. However, such exercises must be implemented in a manner that disrupts employees' rest periods as little as possible and does not cause fatigue. If an employee's rest period is disrupted due to calls for work, he/she must be given a sufficient compensatory period of rest.

Act 296/1976, sections 9 and 10.

Provisions with identical content are also included in sections 10 and 12 of the Act on Working Hours on Vessels in Domestic Traffic (248/1982).

What is the normal working hours standard for seafarers, including any measures that may have been adopted for seafarers under the age of 18?

(Standard A2.3, paragraph 3; Standard A1.1, paragraph 2; see guidance in Guideline B2.3.1)

According to Finnish legislation, the regular working hours of seafarers total a maximum of eight hours a day and 40 hours a week. In addition, rather detailed provisions on the placement of various groups of employees during days at sea and in port as well as limitations on work on Saturday and during holidays are laid down in sections 5, 6, 7 and 8 of the Seamen's Working Hours Act. The Act on Working Hours on Vessels in Domestic Traffic includes a corresponding provision on regular working hours.

Both the Seamen's Working Hours Act and the Act on Working Hours on Vessels in Domestic Traffic have a special provision on young workers according to which 18-year-old workers must be given an uninterrupted rest period of no less than nine hours per day. A young worker under 18 years of age must not work between the hours of midnight and 5 a.m., unless the case involves the performance of an exercise programme related to the young person's training.

Act 296/1976, sections 4, 5, 6, 7, 8 and 9b.

Act 248/1982, sections 4 and 12b.

Have any collective agreements been authorized or registered that permit exceptions to the established limits?

(Standard A2.3, paragraph 13)

If yes, please provide a copy of the relevant provisions under "Documentation" below.

In principle, the provisions of the Seamen's Working Hours Act have been enacted to protect employees so they cannot be deviated from to the detriment of the employee with an employment contract between the employer and the employee. However, it is possible to derogate from the provisions of the Act with collective agreements signed between employer and employee organisations where industry-specific and detailed special features and needs can be taken into consideration. With such collective agreements, the organisations may make other agreements on the placement of working hours, standby time and working time, daily periods of rest, weekly periods of rest, the master's periods of free time and compensation for daily and weekly overtime, compensation for overtime, compensation of overtime as free time, work during holidays, the job alternation system, and work and watch schedules. However, regular weekly working hours must not exceed 40 hours during a period of 52 weeks at maximum.

Act 296/1976, section 20b.

See also section 22 of Act 248/1982.

What measures are taken to ensure the recording of accurate daily hours of work or rest?
(*Standard A2.3, paragraph 12*)

The employer is obliged to prepare a working hours adjustment scheme if the employees' regular working hours are arranged to be average by virtue of section 20b of the Seamen's Working Hours Act. An adjustment scheme must be prepared, at least, for the period during which regular hours are adjusted to the prescribed average. The adjustment scheme must indicate, at least, regular working hours for each week. Employees must be informed of the adjustment scheme and any changes to it well in advance.

In addition to a working hours adjustment scheme, the employer must draw up a work and watch schedule that indicates each employee's periods of work and rest. The start and end time of regular working hours as well as periods of rest must be registered in the work schedule. The work schedule must be written in the ship's working language and in English. In addition to the work schedule, the employer must prepare a watch schedule indicating the beginning and ending times of the watch of each person belonging to the watch staff. Both schedules must be kept on display in a conspicuous location.

The employer shall keep a register of hours worked and compensation paid separately for each employee. All hours worked and, separately, hours of overtime, emergency and Sunday work and increments paid on them shall be entered in the register. Each half-hour started shall be considered a full half-hour when calculating overtime compensation. The employer shall keep the working hours register for at least the end of the period for filing suit specified in the Seamen's Working Hours Act. The working hours register shall be shown on demand to a labour protection authority, and the employees' shop steward or, if no steward has been elected, the labour protection delegate. An employee and a party so authorized by the employee are entitled to a written report of entries in the work and watch schedules and the working hours register that concern the employee. A labour protection authority must be provided with a copy of the working hours register, working hours adjustment scheme and the work schedule referred to in section 19a of the Seamen's Working Hours Act.

Act 296/1976, sections 19, 19a and 20.

See also Act 248/1982, sections 18, 19, 19a.

Additional information concerning implementation of Regulation 2.3
(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide, in English (*see Standard A2.3, paragraphs 10 and 11*):

- a copy of the approved standardized table for shipboard working arrangements (*Standard A2.3, paragraphs 10 and 11*); See Seamen's Working Hours Act (296/1976), Section 19a.
- a copy of the standard form established by the competent authority for the recording of seafarers' daily hours of work or their daily hours of rest (*Standard A2.3, paragraph 12*); See Seamen's Working Hours Act, Section 20.
- a copy of any authorized or registered collective agreement provisions that establish seafarers' normal working hours or permit exceptions to the established limits (*Standard A2.3, paragraphs 3 and 13*).

See the web-site: www.shipowners.fi/fi/tyomarkkina-asiat/tyoehtosopimukset/

and there *CBA Passenger Vessel*, page 4 *Working hours and rotation*. Provisions have stayed the same in the current CBA.

Regulation 2.4 – Entitlement to leave
Standard A2.4; see also Guideline B2.4

- Seafarers must be given paid annual leave.
- Seafarers are to be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions.
- The minimum annual paid leave must be determined in laws and regulations.
- Subject to any collective agreement or national laws or regulations providing a differing method of calculation, the entitlement to paid annual leave is to be calculated on the basis of 2.5 calendar days per month of employment.
- Except in cases authorized by the competent authority, any agreement to forgo the minimum leave must be prohibited.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement / collective agreement provisions

Please check one or both boxes or provide the information below.

What is the minimum paid annual leave for seafarers on ships flying the flag of your country?

(Standard A2.4, paragraphs 1 and 2)

The worker is entitled to two and a half weekdays of holiday for every full holiday credit month.

Act 433/1984 (Seamen's Annual Holidays Act), section 2.

How are seafarers' entitlements to paid annual leave calculated in your country?

(Standard A2.4, paragraph 2; see also guidance in Guideline B2.4)

As mentioned, above, the duration of the paid annual holiday is no less than two and a half weekdays for every full holiday credit month right from the commencement of the employment relationship. If the total holidays calculated do not make up a whole number, any fraction of a day shall be given as a full day of holiday. When the Act is applied, Independence Day, Christmas Eve, Midsummer Eve, Easter Saturday and May Day shall not be counted as weekdays. A full holiday credit month is considered to be a calendar month during which the worker has worked for the employer on at least fourteen days. In addition, section 3 contains special provisions on days when the worker has been on annual holiday or paid leave according to law or agreement, or has been otherwise prevented from working. Such days shall also be considered equal to working days when annual holiday is worked out. The worker shall be entitled to annual holiday at the end of six full holiday credit months from the start of the employment and thereafter at regular six month intervals (holiday credit month) from the date on which the previous annual holiday entitlement was gained.

Act 433/1984, sections 2, 3 and 4.

Have any agreements to forgo annual leave with pay been authorized by the competent authority in your country?

(Standard A2.4, paragraph 3)

If yes, please indicate the criteria for granting such authorizations:

Yes. Section 24 of the Seamen's Annual Holidays Act (433/1984) enables exceptions to the provisions determining seamen's annual holidays. Employers' organisations and workers' organisations whose sphere of operations covers the whole country shall be entitled to contract by collective agreement on the accrual, granting and division of the annual holiday, on the calculation and payment of holiday pay and holiday compensation, and on fringe benefits during annual holidays contrary to what the present Act provides.

An employer may apply the agreement stipulations referred to in said subsection to such workers who are not bound by the collective agreement but in whose employment its stipulations are otherwise observed. According to the stipulation, any provision included in a collective agreement that reduces benefits equivalent to those stipulated in international conventions to which Finland is party or benefits conferred on an employee by European Union regulations shall be null and void. Consequently, the provision in the Convention concerning seafarers according to which the duration of paid annual holiday must be no less than two and a half weekdays is also deemed to be binding on regulations in collective agreements on annual holidays.

Are shipowners required to give seafarers appropriate shore leave?
(Regulation 2.4, paragraph 2)

Yes. When the ship is at port or at safe anchorage, the employees must be present on board during their free time only if it is necessary to ensure the security of the ship, of those on board, or of the ship's cargo, or if the upcoming voyage or relocation of the ship so necessitates, if not otherwise provided in Chapter 13, section 19 of the Seafarers' Employment Contracts Act. The employer shall arrange passage ashore for the employees free of charge, if it can be arranged at a reasonable cost given the circumstances.
Act 756/2011, Chapter 4, section 6.

Additional information concerning implementation of Regulation 2.4
(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide a copy of the provisions in any applicable collective agreement which provides for the calculation of the minimum paid annual leave on a basis that differs from a minimum of 2.5 days per month of employment (*Standard A2.4, paragraph 2*).

Where the provisions are not available in English, French or Spanish, please provide a summary in one of these languages.

Regulation 2.5 – Repatriation **Standard A2.5; see also Guideline B2.5**

- Seafarers are to be repatriated, at no cost to themselves except to the extent that the Code permits otherwise.
- Seafarers are entitled to repatriation in the following circumstances:
 - if the seafarers' employment agreement expires while they are abroad;
 - when their seafarers' employment agreement is terminated:
 - by the shipowner; or
 - by the seafarer for justified reasons; and
 - when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.
- Seafarers' repatriation entitlements are to be provided for in national laws and regulations or other measures or collective bargaining agreements.
- Ships must provide financial security to ensure that repatriation will occur.
- A copy of the applicable national provisions regarding repatriation must be carried on ships and made available to seafarers in an appropriate language.
- Repatriation of seafarers on ships coming into port or navigating a country's waters is to be facilitated.
- Repatriation of a seafarer is not to be refused because of the financial situation of the shipowner or the shipowner's refusal to replace a seafarer.

Adequate information on all matters is to be found in the enclosed
seafarers' employment agreement / collective agreement provisions

Please check one or both boxes or provide the information below.

What kind of financial security is provided by ships flying the flag of your country?
(*Regulation 2.5, paragraph 2*)

According to Finnish legislation, the employer is responsible for paying employees' free homeward journeys according to grounds laid down in law. The obligation to pay employees' free homeward journeys may be based on stipulations in the Seafarers' Employment Contracts Act (756/2011), Seamen's Annual Holidays Act (433/1984) or a collective agreement. No actual collateral security is required from ships flying the Finnish flag, because ships conscientiously observe the obligation imposed on them.

If an employer did not fulfil its obligation for some reason, a Finnish diplomatic mission is secondarily responsible for travel arrangements. In such case, the mission would be responsible for the travel arrangement and costs of the homeward employee. The mission is entitled to collect the costs it pays from the employer which is primarily responsible for the arrangement and payment of the journey. If the employer fulfils its obligations related to the arrangement of the homeward journey in an appropriate manner and the case involves a ship entered in the Finnish list of merchant ships, in most cases the employer is entitled to compensation from the Government for costs arising from the employee's travel. The amount payable in compensation is one half of the costs incurred by the employer.

Act 756/2011, Chapter 3, section 3.

Act 1068/2013.

What are the circumstances (including the maximum period of service on board a ship) in which a seafarer has a right to repatriation?
(*Regulation 2.5, paragraph 1; Standard A2.5, paragraphs 1 and 2; see guidance in Guideline B2.5.1, paragraphs 1 and 2*)

During the employment relationship, the employer shall pay for the employee's journey back to his/her place of domicile including subsistence when the journey is a homeward journey at the beginning of maternity, special maternity, paternity, parental or child care leave, or if the employee wishes to terminate a pregnancy. When the employer lays off an employee when the employee is abroad, the employer shall pay for the employee's journey back to his/her place of domicile including subsistence and, at the end of the lay-off period, his/her return to the ship, if the ship is abroad at that time. The right to a free homeward journey is laid down in section 16 of the Seamen's Annual Holidays Act (433/1984). Free homeward journeys within the framework of the job alternation system are agreed on in various maritime collective agreements by virtue of section 20b of the Seamen's Working Hours Act. A job alternation system is characterised by the fact that employees work for a longer period of time and then go on leave. The employer pays for the costs arising from the exchange of staff members according to the job alternation system, journeys to Finland for staff going on a free shift, and travel costs of a replacement crew to the ship.

At the end of the employment relationship, the employer must pay for the employee's homeward journey when the employment contract ends abroad after having continued for no less than six months. In principle, the reason why the employment relationship ends or the party terminating the employment contract is irrelevant. However, the Seafarers' Employment Contracts Act includes some provisions on the kinds of cases in which the employer's obligation to pay for an employee's homeward journey becomes valid.

Act 756/2011, Chapter 3, section 2.

Are there any circumstances in which a seafarer can be expected to pay for the cost of his or her repatriation?
(*Standard A2.5, paragraph 3*)

If yes, please indicate the circumstances:

Yes, but only in a case where the employment relationship ends as terminated by the employee and the employee would have had the opportunity to terminate the employment contract at a domestic port within the past three months before the termination of the employment contract. In such case, the employer is under no obligation to pay for the employee's homeward journey. When giving notice or cancelling his/her employment contract, the employee must also request a free homeward journey; otherwise the employee may lose his/her right to it.

Act 756/2011, Chapter 3, section 2.

What entitlements are to be accorded by shipowners for the repatriation of seafarers?
(Standard A2.5, paragraph 2(c); see guidance in Guideline B2.5.1, paragraphs 3–5)

In addition to paying for an employee's homeward journey, the employer is also responsible for making the practical arrangements related to the journey. With regard to this, the employer must pay for the employee's travel costs which also include any meal and accommodation expenses.

Act 756/2011, Chapter 3, sections 2 and 3.

Has your country refused a request to facilitate repatriation of a seafarer?

(Standard A2.5, paragraphs 7 and 8)

If yes, please provide information:

No.

Additional information concerning implementation of Regulation 2.5

(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide:

- a copy of the provisions on seafarers' entitlement to repatriation in any applicable collective bargaining agreements (Standard A2.5, paragraph 2);
- an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners (Regulation 2.5, paragraph 2). Where this material is not available in English, French or Spanish, please provide a summary in one of these languages.

Regulation 2.6 – Seafarers' compensation for the ship's loss or foundering
Standard A2.6; see also Guideline B2.6

- Rules must be made to ensure that shipowners pay seafarers on board an indemnity against unemployment resulting from their ship's loss or foundering.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement / collective agreement provisions

Please check one or both boxes or provide the information below.

How is the indemnity to be provided by shipowners to seafarers against injury, loss or unemployment in the case of a ship's loss or foundering calculated (including any limitations)?

(Standard A2.6, paragraph 1; see guidance in Guideline B2.6, paragraph 1)

In Finland, the employee's right to pay in case of impediment to work is laid down in the Seafarers' Employment Contracts Act. According to it, an employee who cannot work due to an accident at sea, a fire, an exceptional natural event or another similar event affecting the workplace beyond the employee or employer's control, the employee is entitled to pay for the period of the impediment, though not for more than a maximum of 14 days if the ship is abroad and not for more than seven days if the ship is in the home country. However, the employer may deduct from the pay due to employees amounts that the latter have saved because their work performance has been impeded and amounts the employees have earned doing other work or intentionally chosen not to earn. In making the deduction, the employer shall observe the provisions of Chapter 2, section 21 of the Seafarers' Employment Contracts Act on limitation of the set-off right. In addition, the Act prescribes the employee's right to pay if the employer has laid off or terminated an employee due to the destruction of the ship, or if the ship is declared beyond repair. In such cases, the employer must, on certain conditions, pay compensation equal to two months' pay.

Provided that the employee fulfils the requirements of the Unemployment Security Act (1290/2002), he/she may also have the right to unemployment benefit after the employer's obligation to pay remuneration has ceased.

Act 756/2011, Chapter 2, sections 16 and 21; and Chapter 12, section 4.

Additional information concerning implementation of Regulation 2.6
(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Regulation 2.7 – Manning levels **Standard A2.7; see also Guideline B2.7**

- Ships must have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about fatigue and the particular nature and conditions of voyage.
- Ships must comply with the manning levels listed on the safe manning document (SMD) or equivalent issued by the competent authority.
- Manning levels must take account of food and catering requirements.

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II

Please check one or both boxes or provide the information below.

Do the safe manning levels which are determined or approved by the competent authority avoid or minimize excessive hours of work and ensure sufficient rest for seafarers to assure the safety and security of the ship and its personnel in all operating conditions and considering the particular nature and conditions of a voyage?

(Regulation 2.7; Standard A2.7, paragraphs 1 and 2; see guidance in Guideline B2.7)

Yes. See Act on Ship's Crews and the Safety Management of Ships (1687/2009, as amended), Sections 5, 6, 7, 9, 11; Government Decree on the Manning of Ships and Certification of Seafarers (N:o 166/2013, as amended), Sections 4,5 and 6.

How do the safe manning levels take into account the requirements under Regulation 3.2 and Standard A3.2 concerning food and catering?

(Standard A2.7, paragraph 3)

The answer is apparent from the documentation requested below

See Government Decree on the Manning of Ships and Certification of Seafarers (N:o 166/2013, as amended), Section 11.

If there are complaints or disputes about determinations on the safe manning levels on a ship, how are these addressed? (see guidance in *Guideline B2.7*)

See Act on Ship's Crews and the Safety Management of Ships (1687/2009, as amended), paragraphs 6 and 11; Government Decree on the Manning of Ships and Certification of Seafarers (N:o 166/2013, as amended), Section 6.

Additional information concerning implementation of Regulation 2.7

(see above: Practical guidance for drawing up reports, point 5).

Finnish Transport Safety Agency receives statements from the labour organisations which are taken into account when issuing the MSMD. In case of dispute, negotiations are held.

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: For each type of ship (passenger, cargo, etc.) please provide, in English, a typical example of a safe manning document or equivalent issued by the competent authority (*Standard A2.7, paragraph 1*), together with information showing the type of ship concerned, its gross tonnage and the number of seafarers normally working on it.

See annexes 1-4.

Regulation 2.8 – Career and skill development and opportunities for seafarers' employment
Standard A2.8; see also Guideline B2.8

- Each Member must have national policies aimed at strengthening the competencies, qualifications and employment opportunities of seafarers domiciled in its territory.
- Clear objectives must be established for vocational guidance, education and training, including ongoing training of seafarers whose duties on board ship primarily relate to safe operation and navigation.

According to our records, there are no seafarers domiciled in our territory

Please check the box or provide the information below.

Does your country have national policies to encourage the career and skill development and employment opportunities for seafarers that are domiciled in your country?

(Regulation 2.8, paragraph 1; Standard A2.8, paragraphs 1 and 3; see guidance in Guideline B2.8.1)

Please provide relevant information:

Yes. In Finland, the national action plan in the maritime industry is based on the maritime training system which is in accordance with Directive 2008/106/EC on the minimum level of training of seafarers and the STCW Convention. The grounds and goals of the qualification have been agreed on with shipowners and seafarers' organisations, as required by Standard A2.8, paragraph 3 of the Convention. The training system is reassessed at five year intervals. The forecasting of the need for competence and development in the industry is handled by the national maritime educational committee, operating under the Finnish National Board of Education.

The Maritime Safety Training Centre, maintained by the Government, arranges ship and machine simulator training related to the maintenance and improvement of ships' security standards and safety management; fire extinguishing and rescue training; as well as emergency, rescue and health care training for seafarers and students in the maritime industry.

Special questions concerning the general development of legislation on the working and social conditions of seafarers and seafarers' working conditions are discussed by the Advisory Committee for Seamen's Affairs, operating under the Ministry of Employment and the Economy. Both employers and employees are represented in the Advisory Committee.

Does your country have a register or list of seafarers that govern their access to employment?

(see guidance in Guideline B2.8.2)

There are no registers or lists governing seafarers' employment

There is no specific job applicant register for Finnish seamen concerning the maritime industry. Thus, employment services in the maritime sector are subject to the same provisions concerning employment and business service as other unemployed job applicants. For the reliable registration of the information concerning the employment relationships of the ship's crew, the Finnish Transport Safety Agency Trafi keeps a seamen's register of seaman's positions of the persons working on board a Finnish ship. The shipowner shall hand over to the Finnish Transport Safety Agency the personal details and service record of a person engaged in a seaman's position. The Finnish Transport Safety Agency saves the information in the seamen's register it administers, which contains information about seamen's service at sea, training and qualifications. The register includes each individual seaman's personal details, service record, training events related to seafaring qualifications, and certificates for competency. Upon request, the Finnish Transport Safety Agency may issue a 'service-at-sea extract' which contains information about service at sea accumulated and training, if necessary. Act 1360/2006 (Act on the Registering of Ship's Crew), sections 5-8.

Like other job applicants, a seaman who is an unemployed job applicant is included in the sphere of employment services according to the Act on Public Employment and Business Service (916/2012). An unemployed job applicant's job application starts on the day he/she is registered as a job applicant in the customer data system of an employment and economic development office. Unemployed job applicants are entitled to an employment plan. An employment and economic development authority shall offer a seaman work and training and provide services included in the employment plan or a plan replacing the employment plan within the limits of appropriations allocated for use by the employment and economic development authority. The employment and economic development office seeks and offers job applicants suitable jobs and assesses the suitability of a position for the jobseeker, taking into account his/her professional skills, work history, education, and working ability. The employment and economic development office also presents jobseekers suitable for the vacant position concerned, to employers, in the manner agreed on with them. The employment and economic development office keeps a personal register of job applicants as part of its customer data system.

Act 916/2012, Chapter 2, sections 1, 6 and 9; Chapter 3, section 2; and Chapter 13, section 1.

Additional information concerning implementation of Regulation 2.8
(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Title 3. Accommodation, recreational facilities, food and catering

Regulation 3.1 – Accommodation and recreational facilities Standard A3.1; see also Guideline B3.1

- All ships must be in compliance with the minimum standards established by the MLC, 2006, providing and maintaining decent accommodation and recreational facilities for seafarers working or living on ships, or both, consistent with promoting seafarers' health and well-being.
- Seafarer accommodation must be safe and decent and must meet national requirements implementing the MLC, 2006 (*Standard A3.1, paragraph 1*).
- Frequent inspections of seafarer accommodation areas must be carried out by the master or a designate (*Standard A3.1, paragraph 18*) and recorded; the records must be available for review.
- Particular attention must be paid to the requirements relating to:
 - the size of rooms and other accommodation spaces (*Standard A3.1, paragraphs 9 and 10*);
 - heating and ventilation (*Standard A3.1, paragraph 7*);
 - noise and vibration and other ambient factors (*Standard A3.1, paragraph 6(h)*);
 - sanitary and related facilities (*Standard A3.1, paragraphs 11 and 13*);
 - lighting (*Standard A3.1, paragraph 8*);
 - hospital accommodation (*Standard A3.1, paragraph 12*).
- The requirements under Regulation 3.1 also cover:
 - recreational facilities (*Standard A3.1, paragraphs 14 and 17*);
 - occupational safety and health and accident prevention requirements on ships, in light of the specific needs of seafarers who both live and work on ships (*Standard A3.1, paragraphs 2(a) and 6(h)*).
- Ships that were constructed* before the entry into force of the MLC, 2006, for your country must:
 - provide and maintain decent accommodation and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being in accordance with national legislation (*Regulation 3.1, paragraph 1*); and
 - meet the standards set out in Conventions Nos. 92 and/or 133, if applicable in your country (because of ratification, through substantial equivalence due to ratification of Convention No. 147, the Protocol of 1996 to Convention No. 147 or otherwise) (*Regulation 3.1, paragraph 2*).

The requirements of the Code relating to ship construction and equipment do not apply to these ships, unless applied by national law. The other Code requirements do apply.

* A ship is deemed to be constructed on the date its keel is laid or when it is at a similar stage of construction.

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

Please check one or both boxes or provide the information below.

Has your country adopted laws and regulations to ensure that all ships covered by the Convention which fly its flag (including those constructed prior to the Convention's entry into force for your country) maintain decent accommodation and recreational facilities for seafarers on board?

(Regulation 3.1, paragraph 1; Standard A3.1, paragraph 1)

If yes, please summarize the content of the legislative provisions concerned:

Yes. Finland has implemented the regulations required by the Convention by enacting the Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012). The objective of the Act is to ensure health and safety in the working and living environment for seafarers as well as their access to decent food and opportunities for recreation and leisure on board ships. The Act applies to Finnish ships where seafarers work on board. The Directive does not apply to state vessels used for defence and navy ships or fishing vessels. Provisions of the Maritime Labour Convention (sections 1-2) apply to foreign ships in the territorial waters of Finland.

The Act on the Working and Living Environment and Catering for Seafarers on Board Ships is supplemented by the Government Decree on the Living Environment for Seafarers on Board Ships (825/2012) which contains further regulations on, for instance, sleeping rooms and day rooms intended for seamen, lighting, noise, etc.

For ships constructed prior to the Convention's entry into force for your country, are the relevant requirements in Convention No. 92 or No. 133 (or of Convention No. 147 or its Protocol) applicable with respect to matters relating to construction and equipment?

(Regulation 3.1, paragraph 2)

If no, please indicate the kinds of requirements that are considered to relate to construction and equipment and are thus not applicable to those ships:

Yes. The provisions of said Conventions are further applied to ships constructed before the entry into effect of the Maritime Labour Convention.

Do the laws and regulations establishing the minimum standards for seafarers' on-board accommodation and recreational facilities take account of the requirements in Regulation 4.3 and the Code regarding occupational safety and health and accident prevention?

(Standard A3.1, paragraph 2(a))

If no, please explain how these concerns are taken into account:

Yes. In addition to the Act on the Working and Living Environment and Catering for Seafarers on Board Ships, the ship must also comply with provisions of the Occupational Safety and Health Act (738/2002) which prescribe, in detail, the safe working environment and working conditions observed on board the ship and the prevention of occupational accidents and occupational diseases.

Are the inspections required under Regulation 5.1.4 carried out when a ship is registered or re-registered and/or when seafarer accommodation is substantially altered?

(Standard A3.1, paragraph 3)

If no, please explain:

Yes. The shipowner shall ensure that an initial inspection is conducted on board a new ship or a ship that is going to fly the Finnish flag. By that inspection the occupational safety and health authority, responsible for the implementation of a safe working environment and of occupational safety, ensures that the work spaces and accommodation on board comply with applicable legal provisions and regulations. An initial inspection must be carried out, if possible, before a ship is taken into service, in any case not later than six months from the date when the ship was taken into service. The same applies in case substantial alterations are made to the ship. Also, the Act specifically provides for periodic inspections performed by the occupational safety and health authority on ships of 200 gross tonnage or over.

Act 395/2012, sections 6 and 7.

Please summarize the content of your country's general requirements for accommodation implementing *paragraph 6(a)–(f) of Standard A3.1*.

The Act on the Working and Living Environment and Catering for Seafarers on Board Ships contains general provisions on the ship's crew's accommodation and opportunities for recreation. The shipowner shall ensure that the seafarers have decent and safe accommodation. In application of the provision on accommodation account must be taken of the Special Purpose Ship Code contained in the International Convention for the Safety of Life at Sea, 1974 (Finnish Treaty Series 11/1981) and in Resolution A.534(13) adopted by the IMO General Assembly on 17 November 1983 and in Resolution MSC.266(84) adopted by the IMO Maritime Safety Committee on 13 May 2008.

Act 395/2012, section 11.

Further regulations on accommodation and opportunities for recreation according to the Maritime Labour Convention are included in the Government Decree on the Living Environment for Seafarers on Board Ships (825/2012). First of all, headroom in the normal passageways and recreation areas of accommodation shall be at least 203 centimetres.

Accommodation spaces may not be used as passage to work stations and accommodation may not be in direct contact with work spaces. Free passage from passenger spaces to seafarers' accommodation shall not be provided. Hydraulic hoses, gas pipes, steam pipes or other pipes must not be led through accommodation spaces. In ships of 500 gross tonnage or over sleeping rooms shall be completely located above the upper load line amidships or aft so they are lit by natural light. Sleeping rooms may not be situated beneath a deck from which a substantial noise hazard arises (section 2). The Decree also contains provisions on the minimum size requirements of sleeping rooms and day rooms (section 3).

Have any exceptions (other than for passenger ships and special purpose ships) been made with respect to the location of sleeping rooms?

(*Standard A3.1, paragraph 6(c) and (d)*)

If yes, please indicate the kinds of exceptions made:

No. According to Finnish legislation, in ships of 500 gross tonnage or over sleeping rooms shall be completely located above the upper load line amidships or aft so they are lit by natural light. Sleeping rooms may not be situated beneath a deck from which a substantial noise hazard arises.

Government Decree 825/2012, section 2.

Please summarize the content of your country's measures to prevent exposure to hazardous levels of noise and vibration and other ambient factors.

(*Standard A3.1, paragraph 6(h)*)

Annexes 2 and 3 to the Government Decree include further regulations on the level of noise prohibited on board a ship and on the measurement of noise. The A-weighted sound-pressure in accommodation spaces must not exceed the decibel values specified in Annex 2. The noise level is measured and the measurement results are reported to the occupational safety and health authority in accordance with Annex 3.

Government Decree 825/2012, section 8 and Annexes 2 and 3.

Please summarize the content of your country's requirements for heating and ventilation implementing *paragraph 7 of Standard A3.1*.

The accommodation on board a ship shall have air conditioning. Ventilation must be adequate in consideration of the intended use of the space. The ventilation system for sleeping rooms and mess rooms should be adjustable so as to maintain satisfactory air quality and ensure a sufficiency of air movement in all conditions of weather and climate. Exhaust air from the sanitary accommodation and the hospital accommodation must be led straight to the open air.

The mechanical ventilation equipment for accommodation must be kept in working order. Dirt and other impurities in the equipment that cause immediate hazards to the seafarers' health must be cleaned off. The equipment shall function so as not to cause harm or danger to the seafarers' health. Heating shall be adequate in consideration of the ship's trading area. The temperature must be about 20 degrees centigrade. Heat should be spread evenly in the space so that no hazard will arise from it.

Government Decree 825/2012, sections 4 and 5.

Please summarize the content of your country's requirements for lighting implementing *paragraph 8 of Standard A3.1*.

The accommodation shall have general lighting, if needed spotlighting, and emergency lighting in the passageways of the accommodation. In sleeping rooms a reading lamp should be installed at the head of each berth. In addition, the sleeping room or the day room must have a table-top lamp. The colour shades of the lighting must be uniform, as close to natural light as possible, and the lighting should be directed so as not to cause dazzling or any other effect that hampers visibility. The lighting must be directed so as not to form shadows that cause disturbing or wrong visual effects. Avoiding formation of shadows that might be detrimental must especially be considered as regards the lighting of passageways and stairways. Switches must be placed in such a way that it is possible to maintain continuous lighting especially in the passageways. When assessing the distances between switches, the eventual general switches must be taken into account. The Decree also contains regulations on the levels of illuminance of artificial lighting in accommodation.

Government Decree 825/2012, sections 6 and 7.

Please summarize the content of your country's requirements for sleeping rooms implementing *paragraph 9 of Standard A3.1.*

According to the Act on the Working and Living Environment and Catering for Seafarers on Board Ships, the shipowner shall ensure that the seafarers have decent and safe accommodation. In application of the provision, account must be taken of the Special Purpose Ship Code contained in the International Convention for the Safety of Life at Sea, 1974 (Finnish Treaty Series 11/1981) and in Resolution A.534(13) adopted by the IMO General Assembly on 17 November 1983 and in Resolution MSC.266(84) adopted by the IMO Maritime Safety Committee on 13 May 2008.

If seafarers live on board a ship, a single-berth sleeping room must be provided for each seafarer, with the exception of ships (passenger ships) referred to in section 2(19) of the Act on the Technical Safety and Safe Operation of Ships. The Act also prescribes the possibility of the occupational and safety authority to, on application and after consulting the shipowners' and seafarers' organisations concerned, for special reasons grant exemption from the minimum number of sleeping rooms in the case of such self-propelled ships which are used for scientific research, training sea personnel, and in the case of ships of gross tonnage less than 1,000.
Act 395/2012, section 11.

In accordance with the Maritime Labour Convention, Finnish legislation requires that in single-berth sleeping rooms the floor area shall be not less than 4.5 square metres in ships of less than 3,000 gross tonnage; 5.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage; and 7 square metres in ships of 10,000 gross tonnage or over. The above is further clarified in the table below:

1 person > 4.5 m³ (< 3,000 GT)
1 person > 5.5 m³ (> 3,000 GT)
1 person > 7.5 m³ (> 10,000 GT)

According to an exemption granted in the Maritime Labour Convention, on passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of the ships' officers shall not be less than 7.5 square metres in rooms accommodating two persons; 11.5 square metres in rooms accommodating three persons; and 14.5 square metres in rooms accommodating four persons. On such ships other than passenger ships and special purpose ships which are of less than 1,000 gross tonnage and in the case of which the occupational safety and health authority has permitted a derogation in accordance with section 11 of the Act on the Living and Working Environment and Catering for Seafarers on Board Ships (395/2012), sleeping rooms may be accommodated by two persons on condition that the floor area of the sleeping room is not less than 7 square metres.

The ship's master, the chief navigating officer, the chief engineer, the first engineer and the chief of the catering department shall have in addition to the sleeping room an adjoining day room. If the requirement on a separate day room is unreasonable in consideration of the ship's intended service and trading area, a derogation from this requirement may be permitted in case of ships of less than 3,000 gross tonnage, as is provided in section 11 of the Act on the Living and Working Environment and Catering for Seafarers on Board Ships. If a seafarer performing the duties of the ship's officer is not provided with an adjoining day room in addition to the sleeping room, the floor area of the sleeping room shall not be less than 8.5 square metres in passenger ships and special purpose ships and not less than 7.5 square metres in other ships of less than 3,000 gross tonnage; 8.5 square metres in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage; and 10.0 square metres in ships of 10,000 gross tonnage or over.

Separate sleeping rooms shall be provided for men and women.

Each sleeping room shall be provided with a berth for each seafarer occupying the sleeping room. The berth must be at least 1.98 metres long and 0.80 metres broad. In addition, the sleeping room must be provided with a ventilated clothes locker equipped with a shelf and able to be locked. The clothes locker must be at least 1.80 metres high, 0.6 metres broad and 0.5 metres deep and it must have drawer space of 0.1 cubic metres. Each sleeping room or day room shall be equipped with a table and a seat for each person occupying the room. The sleeping room must have a mirror and a chest of drawers for personal things, a bookcase and a sufficient number of hangers. Each berth shall be equipped with a drape if there are several berths in one sleeping room. In ships of 500 gross tonnage or over, an extra clothes locker must be provided in sleeping rooms where regularly changing staff are placed.
Government Decree 825/2012, sections 3 and 10.

Please summarize the content of your country's requirements for mess rooms implementing *paragraph 10 of Standard A3.1*.

Ships shall be provided with properly equipped mess room facilities of adequate size. In ships other than passenger ships, the mess rooms shall be so designed that all seafarers can have meals at the same time and that the rooms have natural light. The floor area of mess rooms must be at least 1.5 square metres per person. In the case of ships of less than 100 gross tonnage or of special purpose ships, exemptions from the requirements for mess rooms may be granted if it is necessary from the technical point of view.

Government Decree 825/2012, section 13.

Please summarize the content of your country's requirements for sanitary and laundry facilities implementing *paragraphs 11 and 13 of Standard A3.1*.

A ship shall be provided with at least one toilet. Each toilet must have a washbasin. Ships of 500 gross tonnage or over shall be provided with toilets that are easily accessible from the navigating bridge, engine room and engine room control centre. Cargo ships of 500 gross tonnage or over shall be provided with a toilet that is readily accessible from the deck. Ships shall be provided with properly equipped washing facilities separate for men and women. In ships of 500 gross tonnage or over, except for passenger ships, each sleeping room shall be equipped with a washbasin, unless there is one in the bathroom adjoining the sleeping room. If there is not a shower for personal use by one or two persons on board, the ship must have sanitary accommodation equipped with a washbasin, toilet and shower for each six persons. Ships of 500 gross tonnage or over shall be provided with sauna facilities.

Appropriate laundry facilities are prescribed in section 20 of the Government Decree, according to which ships of 500 gross tonnage or over shall be provided with facilities for washing, drying and ironing clothes. The spaces must be dimensioned according to the number of persons and the duration of the normal voyage. The laundry must have appropriate equipment.

Government Decree 825/2012, sections 15, 16, 17 and 20.

Please summarize the content of your country's requirements for hospital accommodation implementing *paragraph 12 of Standard A3.1*.

A ship shall be provided with hospital accommodation if the number of seafarers is at least 15 and if the ship in normal conditions is out at sea without interruption for over three days. The hospital accommodation may be used only for its intended service. The hospital accommodation must be easily accessible in all weather conditions. The berths, lighting, ventilation and heating shall be designed to facilitate the treatment and well-being of the occupants. A bathroom shall be provided in close proximity to the hospital accommodation. Each hospital berth must be provided with equipment that enables a contact with the navigating bridge.

Government Decree 825/2012, section 19.

Please summarize the content of your country's requirements for recreational facilities, amenities and services implementing *paragraphs 14, 15 and 17 of Standard A3.1*.

The shipowner shall ensure that there are appropriate facilities and equipment for the seafarers' recreation and leisure activities on board the ship. Further provisions are given by government decree according to which the ship's open deck shall be provided with a space or spaces for recreation which are freely accessible to the seafarers. Ships of 500 gross tonnage or over shall be provided with appropriately situated and equipped recreational facilities. Ships of 5,000 gross tonnage or over shall be provided with a properly equipped meeting room and separate facilities for leisure activities and physical exercise. Provisions for personnel rooms are laid down in section 48 of the Occupational Health and Safety Act. Act 395/2012, section 13.

Act 738/2002, section 48.

Government Decree 825/2012, section 11.

Have any exemptions for ships less than 200 GT been given?
(*Standard A3.1, paragraphs 20 and 21*)

If yes, please indicate the kinds of exemptions given:

No, there isn't.

Have any variations to take account of the interest of seafarers having differing and distinctive religious and social practices been permitted?

(Standard A3.1, paragraph 19)

If yes, please indicate the kinds of variations permitted:

Yes. The Seafarers' Employment Contracts Act obliges an employer to treat employees equally unless deviating from this is justified considering the duties and position of the employees. In addition, the Non-Discrimination Act prohibits discrimination on the basis of religion, belief, opinion or other circumstances. However, such proportionate different treatment the purpose of which is to promote de facto equality, or to remove the disadvantages attributable to discrimination is permissible according to the Act. With regard to catering, the shipowner shall ensure that the seafarers' different cultural and religious backgrounds are taken into consideration.

Act 756/2011, Chapter 2, section 2.

Act 1325/2014, sections 8 and 9.

Act 395/2012, section 14.

What is the required frequency for on-board inspections of seafarers' accommodation that are to be carried out by or under the authority of the master and what are the requirements for recording and review of those inspections?

(Standard A3.1, paragraph 18)

The ship's master has the right to inspect the seafarers' accommodation if there is reason to suspect that the accommodation does not meet the health and safety requirements or if an inspection is necessary to ensure that the accommodation is suitable for living. At least one person representing the crew must be present during the inspection. The inspection must be recorded in the ship's diary.

Act 395/2012, section 12.

Additional information concerning implementation of Regulation 3.1

(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Regulation 3.2 – Food and catering **Standard A3.2; see also Guideline B3.2**

- Food and drinking water must be of appropriate quality, nutritional value and quantity, taking into account the requirements of the ship and the differing cultural and religious backgrounds of seafarers on the ship.
- Food is to be provided free of charge to seafarers during the period of engagement.
- Seafarers employed as ships' cooks* with responsibility for preparing food must be trained and qualified for their positions.
- Seafarers working as ships' cooks must not be less than 18 years old.
- Frequent and documented inspections of food, water and catering facilities must be carried out by the master or a designate.

* "Ship's cook" means a seafarer with responsibility for food preparation (Regulation 3.2, paragraph 3; Standard A3.2, paragraphs 3 and 4).

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

Please check one or both boxes or provide the information below.

Are shipowners required to provide seafarers, free of charge, during their period of engagement, food and drinking water on board ship that is of appropriate quality, nutritional value and quantity taking into account the differing cultural and religious backgrounds of seafarers?

(Regulation 3.2, paragraphs 1 and 2; Standard A3.2, paragraph 2(a))

Yes. The shipowner shall ensure that during the period of engagement the seafarers have access to meals free of charge and that the ship carries on board enough decent food and drinking water in consideration of the seafarers' differing cultural and religious backgrounds. The food provided shall be varied and high in nutritional value and it must meet the seafarers' needs in respect of both quantity and composition. The food provided must be of uniform quality for all seafarers on board.

Act 395/2012, section 14.

Government Decree 820/2012, section 2.

Are ships provided with instructions or guidance concerning the organization and equipment of catering departments so as to meet the requirements of *Standard A3.2, paragraph 2(b)*?

If yes, please indicate the nature and frequency of the instructions or guidance:

Yes. As mentioned above, the food provided must be varied and of high nutritional value. Adequate hygiene shall be ensured in the preparation and service of meals. The Food Act (23/2006) lays down provisions on the certificate granted by the Finnish Food Safety Authority which persons handling food that is easily spoilt must have to indicate their competence in food hygiene. If semi-finished food products or convenience food are used, their nutritional value must correspond to that of fresh products and they must be purchased from reliable manufacturers or suppliers. Ships shall be provided with appropriate instructions for the preparation, storage and service of food and drinking water.

Government Decree 820/2012, sections 2, 3 and 5.

Are ships' cooks required to have completed a training course approved or recognized by the competent authority?

(Standard A3.2, paragraphs 2(c), 3 and 4)

If yes, please outline the main elements of the training course:

Yes. According to Finnish legislation, persons responsible for food processing must have the professional skills required by the position. Further provisions on the qualification requirements of persons responsible for food processing are laid down in section 11 of the Government Decree on the Manning of Ships and Certification of Seafarers (166/2013).

Anyone responsible for or taking part in food processing shall hold a Food Hygiene Proficiency Certificate. In addition, the person shall have practical skills in preparing meals. The Decree also prescribes the requirements for obtaining a certificate of a ship's cook. The person shall be not less than 18 years old and have passed an examination for ship's cooks.

Act 395/2012, section 15.

Act 1687/2009, section 5.

Government Decree 166/2013, sections 11 and 50.

Have dispensations been issued to permit a non-fully qualified cook to serve as ship's cook pursuant to *Standard A3.2, paragraph 6*?

If yes, please indicate the frequency and the kind of cases in which dispensations were issued:

Yes. In circumstances of exceptional necessity, the company may apply for a dispensation from the qualification requirements for ship's cooks. The dispensation may be issued until the next convenient port of call where a fully-qualified person may be employed. The dispensation may, however, be issued for no more than one month. A prerequisite for is that the person permitted to serve as a cook has been trained and instructed in areas including food and personal hygiene as well as handling and serving food on board ship. At the moment, there is no reliable information about the number of dispensations issued.

Government Decree 166/2013, section 11.

What is the required frequency and format for the documented on-board inspections by or under the authority of the master of:

- supplies of food and drinking water;
- spaces and equipment used for storage and handling of food and drinking water;
- the galley and other equipment used for the preparation and service of food?

(Standard A3.2, paragraph 7)

The ship's master or another officer shall regularly, together with the person responsible for the catering, inspect the ship's supplies of food and drinking water, spaces and equipment used for the storage and handling of food and drinking water, kitchen as well as equipment and kitchenware used for the preparation and service of meals. The inspection must be recorded in the ship's diary. On their request the crew representatives must be given an opportunity to participate in the inspection. A food diary shall be kept monthly on board ships. The diary must include information about the country and location from where the food was purchased, the date of purchase and the supplier of the food; the date when the food was used; food stuffs that have remained unused; on how many days each seafarer has had meals on board; etc. The food diary must also include information on catering inspections, the persons who have participated in them and the results of the inspections.

Act 395/2012, sections 16 and 17.

Government Decree 820/2012, section 4.

Are ships' cooks required to be over the age of 18?

(Standard A3.2, paragraph 8)

Yes. Obtaining a certificate of a ship's cook requires that the person is not less than 18 years old and has passed an examination for ship's cooks.

Government Decree 166/2013, section 50.

Additional information concerning implementation of Regulation 3.2 (see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Title 4. Health protection, medical care, welfare and social security protection

Regulation 4.1 – Medical care on board ship and ashore Standard A4.1; see also Guideline B4.1

- Seafarers must be covered by adequate measures for the protection of their health and have access to prompt and adequate medical care, including essential dental care, whilst working on board.
- The medical care on board must include a qualified medical doctor (or, in permitted cases, at least one seafarer in charge), a medicine chest, medical equipment and a medical guide as well as a prearranged system for obtaining onshore specialist medical advice.
- Health protection and care are to be provided at no cost to the seafarer, in accordance with national law and practice.
- Seafarers must be allowed to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.

MEDICAL CARE ON BOARD

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II
seafarers' employment agreement /collective agreement provisions

Please check one or more boxes or provide the information below.

Are measures in place to ensure that seafarers on ships flying your country's flag have health protection including access to prompt on-board medical diagnosis and treatment by qualified medical and/or dental personnel, and access to the necessary facilities, medicines, equipment and expertise, that is comparable to care available for workers ashore?
(Regulation 4.1, paragraph 1; Standard A4.1, paragraphs 1(a) and (b), 3 and 4(a)–(c))

If yes, please summarize the content of the relevant requirements:

Yes. The employer has a duty to provide proper care for sick or injured employees. Such care can be arranged on board a ship or, if the situation so requires, on shore, and it includes the employee's subsistence, the medical care ordered by a medical doctor, and any and all travel and medication necessary with regard to care.

If a ship carries no less than 100 persons in international traffic and the duration of the voyage is more than three days, the ships must have a licensed physician according to the Maritime Labour Convention. On ships smaller than this, medical care is the responsibility of the ship's master who usually assigns the responsibility to one of the officers. Large passenger ferries have a registered nurse who is responsible for medical care. Ships have a selection of medicines and medical equipment based on the Act on Ship's Medical Stores (584/2015), explained below, and the Ministry of Social Affairs and Health Decree on Ship's Medical Stores (589/2015).

All seafarers must be provided with first-aid training as required by the STCW Convention. The Government Decree on the Manning of Ships and Certification of Seafarers provides further information about alternative certificates and seafarers' additional qualifications required by the implementation of the STCW Convention. According to it, the person responsible for health services must have completed training for seafarers' health care. The training must be revalidated at five-year intervals.

The shipowner shall see to it that the ship has an appropriate medical store and the drugs and medical supplies of lifeboats and rafts are in compliance with the Act on Ship's Medical Stores and provisions issued under it. The ship's master is responsible for dispensing medication to persons who need it, and to provide first aid and medical care to those needing it. An officer or a crew member who is a health care professional (*medical store manager*) shall see to the dispensing of drugs and the provision of first aid and medical care, the management of the ship's medical store and the keeping of a medical journal if the master has appointed him/her with the tasks in question. A ship's master and medical store manager must have sufficient training to perform these tasks. Further provisions on the contents of the ship's medical store are included in section 6 of the Act and the Ministry of Social Affairs and Health Decree on Ship's Medical Stores, and in the annex to said Decree.

Under the entry-into-force provisions of the Act, the ship's medical store and the drugs and medical supplies of lifeboats must be in accordance with said Act and the Decree issued under it no later than in the first inspection of the ship's medical store conducted after the entry into effect of said Act (15 May 2015). Before this, the Finnish Maritime Administration's resolution on ship's medical stores (12 December 1994 33/033/94), which includes provisions on ship's medical stores according to the Maritime Labour Convention, shall be observed.

Act 756/2011, Chapter 2, section 12.

Act 1687/2009, sections 7 and 18.

Act 584/2015, sections 5, 6, 9 and 18. Ministry of Social Affairs and Health Decree 589/2015, sections 2 and 7. The Finnish Maritime Administration's resolution is not available in English.

Government Decree 166/2013, sections 19, 61 and 61.

In what circumstances must a seafarer be permitted by the shipowner/master to visit a qualified medical doctor or dentist without delay in ports of call?
(Standard A4.1, paragraph 1(c))

The employer has a duty to provide proper care for sick or injured employees. Where necessary, the employee must be brought ashore to receive medical care. This obligation for care imposed on the employer also includes the obligation to send an employee to be examined by a physician if there is reason suspect that the employee has become sick or injured. If necessary, the employer must provide an employee with an opportunity to see a doctor on the employee's request.

Act 756/2011, Chapter 2, section 12.

Is medical and dental treatment, required medicine and related care on board provided to seafarers free of charge?
(*Regulation 4.1, paragraph 2; Standard A4.1, paragraph 1(d)*)

If no, please indicate the extent to which seafarers may have to cover the cost:

Yes. The employer is responsible for the proper care of an employee who has become sick or injured, including the employee's subsistence, care ordered by a physician, as well as travel and medication necessary for the care. However, the employer is not responsible for the care of a sick employee after he/she has returned home.
Act 756/2011, Chapter 2, section 12.

Must shipowners bear the cost of medical care provided to seafarers when landed in a foreign port?
(*Regulation 4.1, paragraph 2; Standard A4.1, paragraph 1(d)*)

If no, please indicate the extent to which seafarers may have to cover the cost:

Yes. The employer has a duty to provide proper care for sick or injured employees even abroad. Sometimes the requirement for proper care for an employee means that the employer must leave an employee who has become sick or injured to receive medical care abroad. In such case, the employer must inform the closest Finnish diplomatic mission of the matter. The employer shall also inform the employee's next of kin, unless the employee forbids it.
Act 756/2011, Chapter 2, section 12.

Are ships' medicine chests, medical equipment and medical guides inspected at regular intervals, to ensure that they are properly maintained?
(*Standard A4.1, paragraph 4(a); see guidance in Guideline B4.1.1, paragraph 4*)

If yes, please indicate the frequency:

Yes. The medical store of a ship in international traffic must be inspected at one year intervals, at least. The medical store shall be inspected by a licensed pharmacist who has obtained necessary qualifications in Finland. Notwithstanding the secrecy provisions, a licensed pharmacist performing a medical store inspection shall be provided with all the information contained in the medical journal regarding drugs and medical supplies that is deemed necessary for carrying out the inspection. A notice of the inspection shall be recorded in the medical journal.

Act 584/2015, section 10.

Are ships required to carry appropriate equipment and maintain up-to-date contact information for radio or satellite communication to obtain onshore medical advice while on a voyage?
(*Standard A4.1, paragraphs 1(b) and 4(d); see guidance in Guideline B4.1.1, paragraph 6*)

Yes. Ships covered by the SOLAS Convention shall meet the requirements imposed on them under the Convention regarding structure, equipment and operation of ships. An international Radio Medical system is used in marine transport which enables the consultation of medical experts while a ship is at sea.

Act 1686/2009, section 6.

MEDICAL CARE ASHORE

Are seafarers on board ships voyaging in your country's waters or visiting its ports given access to medical facilities on shore when in need of immediate medical or dental care?

(Regulation 4.1, paragraph 3; see guidance in Guideline B4.1.3)

Our country is landlocked

Yes. Mariner health care is provided by mariner health care centres of 11 cities (Hamina, Helsinki, Kemi, Kotka, Oulu, Pietarsaari, Pori, Rauma, Savonlinna, Turku and Vaasa) which provide mariners with access to health care services, including oral health care, regardless of their place of residence. In addition, the mariner health care centres provide mariners with access to the occupational health care services that employers have an obligation to provide under section 12 of the Occupational Health Act (1383/2001) and other laws regardless of the location of the registered office of the shipping company. For Mariehamn, specific provisions have been laid down on a mariner health care centre that provides similar occupational health care centres. Mariners' health care services are comparable with the health care services of those employed ashore.

Act 1326/2010, section 19.

Is there a law or regulation to provide for a system using satellite or radio or similar forms of communication, to provide medical advice, free of charge, 24 hours a day to all ships?

(Standard A4.1, paragraph 4(d))

Our country is landlocked

If no, please explain whether any level of service is provided and, where applicable, identify any barriers to providing such services:

Yes. An international Radio Medical system is used in marine transport which enables the consultation of medical experts while a ship is at sea. In addition, the Maritime Rescue Act (1145/2001) contains further provisions on finding and rescuing people at risk, on the first aid provided to them, and on the handling of radio communications related to hazardous situations.

Additional information concerning implementation of Regulation 4.1

(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide:

- an example of the standard medical report form for seafarers (*Standard A4.1, paragraph 2; see guidance in Guideline B4.1.2, paragraph 1*); See annex 7.
- a copy of the requirements for the medicine chest and medical equipment and for the medical guide (*Standard A4.1, paragraph 4(a); see guidance in Guideline B4.1.1, paragraphs 4 and 5*). See Decree of the Ministry of Social Affairs and Health on Ships' Medical Stores (589/2015), Annex 1.

Regulation 4.2 – Shipowners' liability **Standard A4.2; see also Guideline B4.2**

- Seafarers have a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a SEA or arising from their employment under such agreement.
- Shipowners are liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character.
- Shipowners are to provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in national law, the SEA or collective agreement.
- Measures are to be taken to safeguard the property of seafarers left on board by sick, injured or deceased seafarers.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement / collective agreement provisions

Please check one or both boxes or provide the information below.

Has your country adopted legal provisions requiring shipowners to provide seafarers with material assistance and support with respect to the financial consequences, including burial expenses, of sickness, injury or death occurring while serving under seafarers' employment agreements or arising from their employment under such agreements?
(*Regulation 4.2, paragraph 1; Standard A4.2, paragraphs 1 and 3*)

If yes, please provide a reference to those provisions if they are in English, French or Spanish; otherwise, please summarize their content:

Yes. The Seafarers' Employment Contracts Act guarantees employees the right to full pay during illness from the start of the day following the day they became ill. During the impediment, the shipmaster is entitled to pay for no more than 90 days and other employees in international traffic for no more than 60 days and in domestic traffic for 30 days. The prerequisite is that the disability has not been caused wilfully or through gross negligence. In certain situations employees are entitled to their pay also when they become ill or have an accident during lay-off. The Seamen's Annual Holidays Act (433/1984) contains provisions on the postponement of annual holiday if an employee becomes sick (see section 9).

Chapter 2, section 11 of the Seafarers' Employment Contracts Act prescribes compensation equivalent to pay during illness upon termination of the employment relationship where, should the employment relationship continue, an employee would be entitled to pay during illness in accordance with the aforementioned Chapter 2, section 10 of the Seafarers' Employment Contracts Act.

With regard to labour outside of the EU, the agreement on securing the availability of ships' personnel signed between the Finnish Engineers' Association, the Finnish Seamen's Union and the Finnish Shipowners' Association requires that shipowner compensate crew coming from outside of the EU for their pay during illness until the seaman returns home and for no more than 130 days after that.

As stated above, the employer has a duty to provide care for sick or injured employees and a duty to pay compensation for the employee's medical costs until the seafarer has recovered or until the illness or disability has been found to be permanent.

The employer must ensure the burial of an employee who has died while working in international traffic and pay for the costs arising from this, provided that the employee, at the time of his/her death, would have been entitled to medical treatment paid by the employer.

Act 756/2011, Chapter 2, sections 10, 11 and 12 and 13; Chapter 13, section 12.

Do your national laws or regulations limit the period during which a shipowner will continue to be liable to cover medical and other expenses incurred due to the seafarers' injury or sickness and to pay wages to the seafarers when no longer on board?

(*Standard A4.2, paragraphs 2 and 4*)

If yes, please specify the number of weeks, from the day of the injury or the commencement of the sickness, during which the shipowner remains liable:

Yes. The employer shall be responsible for the costs of medical treatment, up to a maximum of 16 weeks, i.e. 112 days, provided to an employee that has fallen ill during the period of employment. The employer's liability to reimburse the employee's costs for medical treatment, such as hospital day fees, is limited in terms of time. The employer's responsibility for the costs of the employee's medical treatment shall cease to apply six months after the employee last left the ship. However, the employer's responsibility for the employee's subsistence costs, or accommodation and meal expenses, shall cease once the employee has returned home.

Employees are entitled to pay during illness. In international traffic, employees are entitled to pay during illness for no more than 60 days and in domestic traffic for no more than 30 days. However, the shipmaster is entitled to pay during illness for no more than 90 days regardless of the ship's traffic area. Employees are entitled to full pay during illness.

Act 756/2011, Chapter 2, sections 10, 12 and 13.

Do your national laws or regulations exclude the shipowners' liability in certain cases?

(Standard A4.2, paragraph 5)

If yes, please indicate those cases:

Yes. The employer shall not be responsible to pay for the costs of the employee's medical treatment if the employee caused his/her illness wilfully or through gross negligence. In such situations, the employer is also not responsible for the payment of pay during illness according to Chapter 2, section 10 of the Seafarers' Employment Contracts Act. The employer's responsibility to pay for costs of medical treatment is also restricted in situations where an employee falls ill during full-time family leave, annual holiday or lay-off. In such situations, the employer may have to pay for costs of medical treatment only when the illness or injury manifested during the absence can clearly be attributed to circumstances caused by work. Nor is the employer responsible for paying the costs of the employee's medical treatment when another employer is responsible for reimbursing costs of medical treatment.

Act 756/2011, Chapter 2, section 13.

What kinds of financial security are shipowners required to provide in order to assure compensation in the event of death or long-term disability of seafarers due to an occupational injury, illness or hazard?

(Standard A4.2, paragraph 1(b))

Employees who are prevented from performing their work by an illness or accident are entitled to pay during illness according to the Seafarers' Employment Contracts Act. In international traffic, employees are entitled to pay during illness for 60 days and in domestic traffic for 30 days. However, the shipmaster is entitled to pay during illness for 90 days regardless of the ship's traffic area. Employees are entitled to full pay during illness. Parties to collective agreements may agree that the employer is responsible for the payment of an employee's pay during illness for a period longer than that required by the Seafarers' Employment Contracts Act.

The employer is entitled to the daily allowance paid to an employee according to the Health Insurance Act (1124/2004) or the Employment Accidents Insurance Act (608/1948) for the period during which the employer has paid the employee pay during illness. Naturally, the employer is not entitled to daily allowance to a greater extent than it has paid the employee as pay during illness.

The employer shall be responsible for the costs of medical treatment, up to a maximum of 112 days, i.e. 16 weeks, provided to an employee that has fallen ill during the period of employment. The employer's liability for the employee's costs for medical treatment shall be limited to the part which is not reimbursed from public funds. Employees with an employment contract working on board a Finnish ship are included in the Finnish health insurance system.

The employer's responsibility for the costs of medical treatment shall cease to apply six months after the employee last left the ship. After this, the employee may be entitled to compensation for disability within the framework of the health insurance system. In practice, this usually means the right to sickness allowance reimbursed from health insurance which can be received for no more than 300 weekdays. Employees may be entitled to disability pension according to the Seamen's Pensions Act (1290/2006), section 35, if their working ability is assessed to have deteriorated due to illness, defect or injury by no less than two-fifths for an uninterrupted period of at least one year.

The employer must ensure the burial of an employee and pay for the costs arising from this, provided that the employee, at the time of his/her death, would have been entitled to medical treatment paid by the employer (Chapter 13, section 12).

Act 756/2011, Chapter 2, sections 10 and 13; and Chapter 13, section 12.

Act 1124/2004, Chapter 8, section 8.

Are there circumstances in which the shipowners' liability for the expense of medical care and board and lodging and burial expenses are assumed by the public authorities?

(Standard A4.2, paragraph 6; see guidance in Guideline B4.2, paragraphs 2 and 3)

If yes, please indicate the circumstances:

Yes. Seafarers working on board Finnish ships are covered by Finnish social security legislation, so they are also insured according to the Health Insurance Act. Employees are entitled to sickness allowance due to loss of earnings arising from disability. Reimbursement paid from health insurance is bound to the amount of work-related earnings, and an allowance is paid for no more than 300 weekdays.

On the basis of the Health Insurance Act, employees covered by health insurance are also entitled to, for instance, compensation for costs of medical treatment and reimbursements for medication expenses according to the Health Insurance Act.

As mentioned above, employees are entitled to disability pension according to the Seamen's Pensions Act (1290/2006), section 35, if their working ability is assessed to have deteriorated due to illness, defect or injury by no less than two-fifths for an uninterrupted period of at least one year. Pension foundations are responsible for the payment of disability pensions. According to the Seamen's Pensions Act, the widow(er) of a beneficiary who has died under the age of 67 is granted burial allowance, provided that the beneficiary received old-age or disability pension at the time of his/her death or that he/she would have been entitled to such a pension at the time of death. However, there are plans to abolish the right to burial allowance under the Seamen's Pensions Act at the beginning of 2021 due to a legislative amendment.

Act 1573/1993, sections 3 and 6.

Act 1124/2004, Chapter 8, section 8.

Are shipowners or their representatives required to safeguard the personal property of sick or injured or deceased seafarers and/or to return it to them or their next of kin?

(Standard A4.2, paragraph 7)

Yes. In case an employee dies, the employer shall see to it that the belongings left by the deceased on board the ship are delivered to his/her relatives. Perishable goods may be sold on behalf of the deceased's estate or, where necessary, disposed of.

Act 756/2011, Chapter 13, section 12.

Additional information concerning implementation of Regulation 4.2
(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners (Standard A4.2, paragraph 1(b)).

Where this material is not available in English, French or Spanish, please provide a summary in one of these languages.

In Finland the responsibilities of the employer are stemming from the legislation, the information of which is provided above.

Regulation 4.3 – Health and safety protection and accident prevention
Standard A4.3; see also Guideline B4.3

- The working, living and training environment on ships must be safe and hygienic and conform to national laws and regulations and other measures for occupational safety and health protection and accident prevention on board ship. Reasonable precautions are to be taken on the ships to prevent occupational accidents, injuries and diseases including risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may result from the use of equipment and machinery on the ship.
- Ships must have an occupational safety and health policy and programme to prevent occupational accident injuries and diseases, with a particular concern for the safety and health of seafarers under the age of 18.
- A ship safety committee, which includes participation by the seafarer safety representative, is required (for ships with five or more seafarers).
- Risk evaluation is required for on-board occupational safety and health management (taking into account relevant statistical data).

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II

Please check one or both boxes or provide the information below.

Has your country adopted national laws and regulations and taken other measures, including the development and promulgation of national guidelines for the management of occupational safety and health, to protect seafarers that live, work and train on board ships flying its flag?
(*Regulation 4.3, paragraphs 1–3*)

If yes, please provide a reference to those provisions if they are in English, French or Spanish; otherwise, please summarize their content:

Yes. In Finland, the Occupational Safety and Health Act is observed as a general act that applies to all work carried out on the basis of an employment relationship or service. It is also applied to, for instance, work performed by pupils and students upon education and to other work as specifically provided. The Act obliges both employers and employees. Risk factors and hazards listed in the Occupational Safety and Health Act and preventive measures concerning them are discussed in the Act by subject matter.

Occupational Health and Safety Act (738/2002) 2 § and 4 §

Do those laws and regulations and other measures address all matters in Standard A4.3, paragraphs 1 and 2, including any measures taken to protect seafarers under the age of 18?
(*Standard A4.3, paragraphs 1 and 2; see guidance in Guideline B4.3*)

If no, please indicate the matters that are not addressed:

Yes. The Occupational Safety and Health Act requires the employer to take the employer's personal capacities into account when ensuring occupational safety. The Act is supplemented by the Government Decree on Work Especially Harmful and Hazardous to Young Workers (475/2006) and the Ministry of Social Affairs and Health Decree on the List of Work Hazardous to Young Workers (188/2012).

Act 738/2002, section 8.

Are those laws and regulations and other measures reviewed regularly, in consultation with shipowners' and seafarers' organizations, with a view to their revision to account for changes in technology and research and the need for continuous improvement?
(*Standard A4.3, paragraph 3*)

Yes. The duty of the Advisory Committee for Seamen's Affairs, operating under the Ministry of Employment and the Economy, is to promote cooperation between authorities and institutions as well as maritime labour market organisations, and to prepare proposals and initiatives to develop the working conditions of seafarers. The composition of the Advisory Committee includes representatives from maritime labour market organisations as well as from employer and employee organisations.

Are ships with five or more seafarers on board required to have a safety committee which includes seafarer representatives?

(Standard A4.3, paragraph 2(d))

Yes. For the purpose of collaboration on occupational safety and health, Finnish ships with at least five crew members must elect an occupational safety and health representative and set up an occupational safety and health committee.

Act 44/2006, section 42.

Are occupational accidents, injuries and diseases reported taking into account guidance from the ILO?

(Standard A4.3, paragraphs 5(a) and 6)

If no, please explain what reports are required:

Yes. Statistics on accidents that have befallen seafarers on board ships are compiled according to the same principles as at workplaces ashore. In Finland, the Federation of Accident Insurance Institutions compiles statistics on the number, causes and consequences of occupational accidents and occupational diseases that are reimbursed on the basis of the statutory accident insurance system. These statistics are based on notifications of accidents/occupational diseases reported on the cases to insurance companies. The statistics take into consideration the protection of seafarers' personal data. As a general rule, information is published so as not to reveal seafarers' personal data.

Are shipowners required to conduct risk evaluations for occupational safety and health on board ship?

(Standard A4.3, paragraph 8)

If no, please explain what shipowners are required to do with respect to ascertaining and preventing risks:

Yes. 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 hours, working premises other aspects of the working environment and the working conditions and eliminate to the extent possible. The employer must also assess the significance of the remaining hazards to employee safety and health and decide on necessary measures required by them. Section 10 of the Occupational Safety and Health Act (738/2002) includes a list of the harmful hazards and risk factors which must be analysed at the very least. If the employer does not have adequate expertise needed for the risk assessment, he or she shall use external experts. The analysis and assessment must be updated and revised according to changes in circumstances.

Act 738/2002, section 10.

Additional information concerning implementation of Regulation 4.3

(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide, in English, French or Spanish:

- an example of a document (e.g. Part II of the DMLC outlining a shipowner's practices or on-board programmes (including risk evaluation) for preventing occupational accidents, injuries and diseases (Standard A4.3, paragraphs 1(c), 2(b) and 8); See annex 9.
- a copy of the relevant national guidelines (Regulation 4.3, paragraph 2); See: http://www.trafi.fi/en/maritime/maritime_labour_convention_2006/mlc_inspections
- a copy of the document(s) used for reporting unsafe conditions or occupational accidents on board ship (Standard A4.3, paragraph 1(d)). See annex 8.

Regulation 4.4 – Access to shore-based welfare facilities
Standard A4.4; see also Guideline B4.4

- Shore-based welfare facilities, if they exist in your country, must be accessible to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin, or the flag State of their ship.
- The development of welfare facilities should be promoted in appropriate ports determined after consultation with shipowners' and seafarers' organizations.
- The establishment of welfare boards must be encouraged to regularly review welfare facilities and service for appropriateness in the light of changes in the needs of seafarers resulting from developments in the shipping industry.

Our country is landlocked

Please check the above box or provide the information below.

How many shore-based seafarer welfare facilities are operating in your country?

In Finland, seamen's welfare services are based on the operations of the Finnish Seamen's Service (Mepa) and the Finnish Seamen's Mission. These operators maintain club or other activities intended for seamen in 14 cities; in addition, smaller offices have an on-call contact person for seamen.

Please provide information on plans for the development or further development of seafarer welfare facilities in your country.

(Standard A4.4, paragraph 2)

For the development of seamen's welfare services, Finland has in place a statutory Seamen's Service whose operation is described in greater detail below. At the moment, no major changes can be discerned in the Finnish Seamen's Service's area of responsibility.

Is access to shore-based welfare facilities or services restricted in the case of certain categories of visiting seafarers coming into port?

(Regulation 4.4, paragraph 1; Standard A4.4, paragraph 1)

If yes, please indicate the kind of restrictions applied:

No.

Have one or more welfare boards been established?

(Standard A4.4, paragraph 3)

If yes, please outline their composition and activities:

Yes. In Finland, the duty of the welfare board is carried out by the Finnish Seamen's Service, operating under the Ministry of Employment and the Economy. The Finnish Seamen's Service acts as a cooperation body in Finland and abroad, both at sea and at ports, to ensure the appropriate arrangement and unification of statutory and voluntary seamen's services. Its other duties include supporting seafarers' adult education and leisure activities; offering them services concerning studies, information and recreation; and providing services to foreign seafarers arriving in Finland. The Finnish Seamen's Service has a body of representatives and a board, both of which have representatives from maritime labour organisations as members.

Act 447/2007, sections 3, 13 and 19.

Decree of the Ministry of Labour on the Finnish Seamen's Service (720/2007).

Additional information concerning implementation of Regulation 4.4
(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide, in English, French or Spanish:

- a list of all seafarers' shore-based welfare facilities and services, if any, operating in your country; see below.
- a copy of a report or review prepared by a welfare board, if any, on the welfare services. See annex 13.

Seamen's Missions (Finnish Seamen's Mission)

Hamina-Kotka

Helsinki / Vuosaari, Seafarers' Centre, together with Finnish Seamen's Service

Helsinki / Hernesaari, Cruise crew lounge "Anchor", together with Finnish Seamen's Service

Turku

Rauma

Pori / Mäntyluoto (German Seamen's Mission)

Kalajoki (Kalajoki Parish)

Raahe

Oulu

Kemi-Tornio

Kokkola

Finnish Seamen's Service

Kotka, Office and service point

Helsinki / Vuosaari, Seafarers' Centre, together with Finnish Seamen's Mission

Helsinki / Hernesaari, Cruise crew lounge "Anchor", together with Finnish Seamen's Mission

Helsinki, Office and service point

Inkoo, Contact person

Hanko, Contact person

Turku, Office and service point

Kaskinen, Club and contact person

Marianhamn, Contact person

also Seamen's Missions at Rauma, Raahe, Oulu and Kemi have a contact person for Seamen's Service

**Regulation 4.5 – Social security
Standard A4.5; see also Guideline B4.5**

- All seafarers ordinarily resident in your country's territory are entitled to social security protection, complementing the protection provided by medical care and shipowners' liability, in the branches of social security notified by your country to the ILO Director-General (which must include at least three of the nine branches specified).
- Social security protection must be no less favourable than that enjoyed by shoreworkers resident in your country's territory. This responsibility can be satisfied, for example, through appropriate bilateral or multilateral agreements or contribution-based schemes.
- Your country must take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social security protection for seafarers. The present report must include information regarding steps taken by your country to extend protection to branches other than those at present notified to the ILO.
- Consideration must also be given to ways in which, in accordance with your national law and practice, comparable benefits will be provided to seafarers in the absence of adequate coverage in the nine branches specified.
- To the extent consistent with its national law and practice, your country must cooperate with others to ensure the maintenance of social security rights acquired or in the course of acquisition.
- Fair and effective procedures for the settlement of disputes must be established.

Below, please provide the answer and information relating to the following question: With respect to each of the nine branches listed in the left-hand column, is complementary social security protection provided to seafarers ordinarily resident in your country? If yes, please indicate – by reference to the documentation requested below – the main benefits provided in the branch concerned. (Standard A4.5, paragraphs 1 and 3)

Medical care	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Medical care, specialized medical care and occupational health service ensured by Health Care Act (1326/2010), Act on Specialized Medical Care (1062/1989) and Occupational Health Care Act (1383/2001).
Sickness benefit	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Reimbursements for medical care costs, sickness allowance and partial sickness allowance and special allowance laid down in the Health Insurance Act (1224/2004).
Unemployment benefit	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Unemployment benefit provided in the Act of Unemployment benefits (1290/2002).
Old-age benefit	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Old-age benefit provided in the Seamen's Pensions Act (1290/2006).
Employment injury benefit	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Reimbursements for accidents paid according to the Employment Accidents Insurance Act (608/1948) and the Occupational Diseases Act (1343/1988).
Family benefit	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Child allowance according to the Child Benefit Act (796/1992).
Maternity benefit	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Parenthood allowances provided in the Sickness Insurance Act (1124/2004).
Invalidity benefit	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Invalidity benefit provided in the Seamen's Pensions Act (1290/2006).
Survivors' benefit	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Main benefits provided: Survivors' benefit provided in the Seamen's Pensions Act (1290/2006).

Are there any branches in which benefits are provided that are less favourable than those provided to shoreworkers resident in your country?

(Regulation 4.5, paragraph 3; Standard A4.5, paragraph 3)

If yes, please indicate the branches concerned:

No.

Are dependants of seafarers ordinarily resident in your country provided with social security protection?
(*Regulation 4.5, paragraph 1*)

Yes.

Please indicate any steps taken or plans being made or discussed in your country to improve the benefits currently provided to seafarers or to extend social security protection for seafarers to branches not covered at present.
(*Regulation 4.5, paragraph 2; Standard A4.5, paragraph 11*)

Upon ratifying the Convention, Finland agreed to guarantee sufficient social security to seafarers residing permanently in the country and to seafarers in its territory and to seafarers working on board ships flying the Finnish flag. However, by ratifying the Convention Finland agreed to guarantee sufficient social security to all seafarers with regard to social security, medical care, sickness benefits and occupational accident benefits. No measures were taken to expand social security from the current level during the reporting period.

Please indicate any bilateral or multilateral arrangements in which your country participates regarding the provision of social security protection, including the maintenance of rights acquired or in the course of acquisition.
(*Regulation 4.5, paragraph 2; Standard A4.5, paragraphs 3, 4 and 8*)

Social security agreement: Finland-India (SopS 66-67/2014), Finland-Australia (SopS 35-36/2009), Finland-USA (SopS 85-86/1992), Finland-Canada (SopS 5-6/1988), Finland-Chile (SopS 98/2007), Finland-Israel (SopS 90/1999).

In addition, Finland has agreed on a separate social security system with Quebec (Treaty Series 5-6/1988). The social security agreement between Finland and China will enter into effect in 2015.

Are shipowners' and, if applicable, seafarers' contributions to relevant social protection and social security systems or schemes monitored to verify that the contributions are made?
(*Standard A4.5, paragraph 5; see guidance in Guideline B4.5, paragraphs 6 and 7*)

Yes. First of all, a seafarer's employment contract must indicate the social security and health care paid for by the employer. Provisions related to the payment of an employee's health insurance contribution are placed in the Health Insurance Act. According to the Act, the employer must inform the wage-earner of the amount of allowance contribution for health insurance collected as withholding tax. The Social Insurance Institution of Finland has the right to monitor the determination, charging, levying and remittance of insured persons' health insurance contribution and employers' health insurance contribution and, in these respects, examine documents pertaining to taxation.
Act 756/2011, section 3.
Act 1124/2004, Chapter 18, sections 4, 5, 30 and 36.

Has your country adopted any measures for providing benefits to non-resident seafarers working on ships flying its flag who do not have adequate social security coverage?

(Standard A4.5, paragraphs 5 and 6; see guidance in Guideline B4.5, paragraph 5)

Yes. In Finland, social security benefits applies to persons permanently resident in Finland who have their actual place of residence and home in Finland and who principally reside here on a continuous basis. A special provision applies to persons working on board a Finnish ship according to which the Act on the Application of Residence-Based Social Security Legislation is also applied to persons working on board a Finnish ship on the basis of an employment relationship according to the Seafarers' Employment Contracts Act. The Act is also applied to persons working on board a Finnish referred to in the Act on Enhancing the Competitiveness of Ships engaged in Sea Transport who, during the past year before the commencement of the employment relationship, resided in Finland in the manner referred to in the application act.

Act 1573/1993 (Act on the Application of Residence-Based Social Security Legislation), sections 3 and 6.

Thus Finnish legislation guarantees the sufficient social security to seafarers residing permanently in the country and to seafarers in its territory and to seafarers working on board ships flying the Finnish flag, as required by the Convention. Consequently, legislation covered by the Act on the Application of Residence-Based Social Security Legislation, such as the Health Insurance Act and the Seamen's Pensions Act and benefits provided under them, are in agreement with Regulation 4.5 and Standard A4.5. Accident insurance is also applicable because the Employment Accident Insurance Act does not have any specific provisions pertaining to seamen.

Since Finnish legislation was not deemed to provide sufficient social benefits, with regard to other social security sectors covered by the Convention, to persons working on board a Finnish ship referred to in the Act on Enhancing the Competitiveness of Ships engaged in Sea Transport (who have not resided in Finland during the past year), Finland, upon ratifying the Convention, informed ILO that it at this stage does not agree to comply with the Convention's regulations concerning social security with regard to unemployment benefits, old-age benefits, family benefits, maternity benefits, compensations for disability or widow(er) benefits. At that time, however, Finland agreed to secure social security in the sectors of medical care, sickness benefits and occupational accident benefits.

Additional information concerning implementation of Regulation 4.5

(see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Title 5. Compliance and enforcement

Note: Title 5 has three primary Regulations (Regulation 5.1, Flag State responsibilities; Regulation 5.2, Port State responsibilities; and Regulation 5.3, Labour-supplying responsibilities). These three Regulations prescribe the details of the basic obligations set out in Article V, Implementation and enforcement responsibilities (see paragraphs 2–7).

Regulations 5.1 and 5.2 comprise a number of Regulations, each with its own Part A – Standards and Part B – Guidelines. They are dealt with in this report as separate Regulations, for example Regulation 5.1.1 – General principles.

Regulation 5.1 – Flag State responsibilities

Regulation 5.1.1 – General principles

Standard A5.1.1; see also Guideline B5.1.1

With reference also to Regulation 5.1.4 and Standard A5.1.4, paragraphs 1 and 2

- Each country must have an effective system for the inspection and certification of labour conditions on ships flying its flag, with clear objectives and standards covering the administration of this system, as well as adequate overall procedures for the assessment of the extent to which those objectives and standards are being attained.
- The competent authority must appoint a sufficient number of qualified inspectors to fulfil its inspection and certification functions.

Please describe the basic structure and objectives of your country's system (including measures to assess its effectiveness) for the inspection and certification of maritime labour conditions in accordance with Regulations 5.1.3 and 5.1.4 to ensure that the working and living conditions for seafarers on ships that fly its flag meet, and continue to meet, the standards in the Convention.

(Regulation 5.1.1, paragraphs 2 and 5; Standard A5.1.1, paragraph 1; Regulation 5.1.2, paragraph 2)

The occupational safety and health authority gives the Finnish Transport Safety Agency (Trafi) a statement concerning the matters listed in Appendix A5-1 to the Maritime Labour Convention for issuance of a maritime labour certificate in accordance with the Convention. The occupational safety and health authority shall inspect ships of 199 gross tonnage or over at least every three years after the ship was taken into service.

Act 395/2012, sections 7 and 8.

The Finnish Transport Safety Agency issues a maritime labour certificate and a declaration of maritime labour compliance, which is attached to the certificate, on the basis of an inspection carried out by the occupational safety and health authority, provided that the Finnish Transport Safety Agency in respect of the matters coming within its competence has found there to be nothing to preclude the issuance of the certificate and that the occupational safety and health authorities based on their inspection in their statement find there to be nothing in respect of matters coming within their competence to preclude the issuance of the certificate. The Finnish Transport Safety Agency issues further regulations on procedures related to the issuance of the maritime labour certificate.

Act 1686/2009, section 57.

Are ships flying your country's flag required to have a copy of the Convention available on board?

(Standard A5.1.1, paragraph 2)

If yes, please provide the reference for this requirement:

Yes. See Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012), Section 22.

Additional information concerning implementation of Regulation 5.1.1.

Documentation: Please provide, in English, French or Spanish:

- a report or other document containing information on the objectives and standards established for your country's inspection and certification system, including the procedures for its assessment; See annex 5, Regulation TRAFI/976/03.04.01.00/2013, Chapter 10 (Maritime labour certificates and their validity).
- information on the budgetary allocation during the period covered by this report for the administration of your country's inspection and certification system and the total income received during the same period on account of inspection and certification services;

According to the Finnish Transport Safety Agency (Trafi) the budget covering the maritime labour certificates is approximately 0,1 person-years. A fee is charged for the maritime labour certificate in accordance with the Ministry of Transport and Communications Decree on the Chargeable Services provided by the Finnish Transport Safety Agency. The total income received on account of certification services is approximately 50.000 €.

- the following statistical information:
 - number of ships flying your country's flag that were inspected during the period covered by this report for compliance with the requirements of the Convention;
28 inspections during the period covered by this report. All together 120 Finnish MLC-ships have been inspected since January 2013 (according to the Ministry of Social Affairs and Health, Department of Occupational Safety and Health).
 - number of inspectors, appointed by the competent authority or by a duly authorized recognized organization, carrying out those inspections during the period covered by this report;
There are 7 inspectors in the Regional State Administrative Agency.
 - number of full-term (up to five years) maritime labour certificates currently in force; 158 (Trafi).
 - number of interim certificates issued during the period covered by this report in accordance with *Standard A5.1.3, paragraph 5.*; 20 (Trafi)

Regulation 5.1 – Flag State responsibilities

Regulation 5.1.2 – Authorization of recognized organizations

Standard A5.1.2; see also Guideline B5.1.2 (and Regulation 5.1.1, paragraph 3)

- Recognized organizations may be authorized to carry out certain inspection and certification functions, provided that:
 - those functions are expressly mentioned in the Code of the Convention as being carried out by the competent authority or a recognized organization;
 - the functions come within the authorization conferred by the competent authority;
 - the recognized organization has demonstrated that it has the necessary competence and independence.
- Countries must establish a system to ensure the adequacy of work performed by recognized organizations, and have procedures for communication with and oversight of such organizations.
- They must provide the ILO with the current list of recognized organizations, specifying the functions authorized.

Our country does not make use of recognized organizations

Please check the above box or provide the information below.

Has your country adopted laws or regulations or other measures governing the authorization of recognized organizations for inspection and certification functions?

If yes, please provide a reference to those provisions if they are in English, French or Spanish, or summarize their content:

No. In Finland, the working and living conditions can be inspected only by the occupational safety and health authority which may use experts but may not authorise other organisations to carry out an inspection. Consequently, this Article cannot be applied in Finland.

Are all recognized organizations granted the power to require rectification of deficiencies on ships and to carry out inspections at the request of port States?
(*Standard A5.1.2, paragraph 2*)

-

Has your country provided the ILO with a current list of recognized organizations authorized to act on your country's behalf, specifying the functions authorized?
(*Standard A5.1.2, paragraph 4*)

Yes

No, the information is attached to this report

There are no organizations authorized.

Please describe how your country reviews the competence and independence of recognized organizations, including information on any system established for oversight and communication of relevant information to authorized organizations.
(*Regulation 5.1.2, paragraph 2; Standard A5.1.2, paragraph 1*)

This information is already included above in connection with Regulation 5.1.1

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Additional information concerning implementation of Regulation 5.1.2.

Documentation: Please provide, in English, French or Spanish, an example or examples of authorizations given to recognized organizations (*Regulation 5.1.1, paragraph 5; Regulation 5.1.2, paragraph 2*).

Regulation 5.1 – Flag State responsibilities

Regulation 5.1.3 – Maritime labour certificate and declaration of maritime labour compliance

Standard A5.1.3; see also Guideline B5.1.3

- Ships must carry a maritime labour certificate if:
 - they are 500 GT or more and engaged in international voyages; or
 - they are 500 GT or more and fly the flag of a country and are operating from a port, or between ports, in another country; or
 - a certificate is requested by the shipowner.
- The certificate certifies that the working and living conditions of the seafarers on the ship have been inspected and meet the requirements of your country's laws or regulations or other measures implementing the Convention.
- The certificate is issued after the 14 matters listed in Appendix A5-I have been inspected and found to be in compliance, for a period not exceeding five years, subject to at least one intermediate inspection during that period.
- In prescribed cases, an interim certificate may be issued, only once, for a period not exceeding six months.
- A declaration of maritime labour compliance (DMLC) must be attached to the certificate (if full term); Part I of the DMLC, which is drawn up by the competent authority, identifies the national requirements relating to the 14 matters listed in Appendix A5-I; Part II, which is drawn up by the shipowner and certified by the competent authority or a duly authorized recognized organization, identifies the measures adopted to ensure ongoing compliance with those national requirements.
- The form and content of the certificates and the DMLC are prescribed in *Standard A5.1.3* and Appendix A5-II.
- In prescribed circumstances, a maritime labour certificate ceases to be valid or must be withdrawn.

Below please provide a reference to the national provisions or other measures implementing the corresponding requirements of the Convention, if those provisions or measures are in English, French or Spanish; otherwise please provide the reference and summarize the content of those provisions or measures.

The cases in which a maritime labour certificate is required; the maximum period of issue; the scope of the prior inspection; the requirement for an intermediate inspection; the provisions for renewal of the certificate.
(*Regulation 5.1.3; Standard A5.1.3, paragraphs 1–4*)

See Act on the Technical Safety and Safe Operations of Ships (1686/2009, as amended), Sections 58, 59; Regulation TRAFI/976/03.04.01.00/2013, Chapter 10 (Maritime labour certificates and their validity, see annex 5).

The cases in which a maritime labour certificate may be issued on an interim basis (*Standard A5.1.3, paragraphs 5(a)–(c)*); the maximum period of issue of interim certificates, if issued; the scope of the prior inspection required if interim certificates are issued.
(*Standard A5.1.3, paragraphs 5–8*)

Interim certificate may be issued for maximum of 6 months (Act on the Technical Safety and Safe Operations of Ships (1686/2009, as amended), Section 58). Regarding prior inspection, see Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012), Section 8.

The requirements for posting on the ship, and for making available for review, the maritime labour certificate and the declaration of maritime labour compliance.
(*Regulation 5.1.3, paragraph 6; Standard A5.1.3, paragraphs 12 and 13*)

There is no specific requirement in the national legislation for posting on the ship the labour certificate. There is, however, general SOLAS requirement which obliges to have the certificate, at minimum, readily available on board for examination at all times, see SOLAS Chapter I, General Provisions, Part B (Surveys and Certificates, harmonized 1988 Protocol Requirements, Non-harmonized 1978 Requirements) , Regulation 16. According to Section 22 of Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012) the provisions issued under the Act shall be kept available for inspection by the seafarers in the workplace.

The circumstances in which a maritime labour certificate ceases to be valid.
(*Standard A5.1.3, paragraphs 14 and 15; see guidance in Guideline B5.1.3, paragraph 6*)

See Act on the Technical Safety and Safe Operations of Ships (1686/2009, as amended), Section 59.

The circumstances in which a maritime labour certificate must be withdrawn.
(Standard A5.1.3, paragraphs 16 and 17)

See Act on the Technical Safety and Safe Operation of Ships (1686/2009, as amended), Section 57.

Additional information concerning implementation of Regulation 5.1.3.

Documentation: If available in your country, please provide, in English, a copy of the national interim maritime labour certificate.

See annex 6.

Regulation 5.1 – Flag State responsibilities
Regulation 5.1.4 – Inspection and enforcement
Standard A5.1.4; see also Guideline B5.1.4

- Adequate rules must be made to ensure that inspectors have the training, competence, terms of reference, guidelines, powers, status and independence necessary or desirable to perform inspections effectively.
- Ships must be inspected at the intervals required for the purposes of certification, where applicable, and in no case at an interval exceeding three years.
- Where a complaint is received that is not manifestly unfounded, or there is evidence of non-conformity with the requirements of the Convention or there are serious deficiencies in the implementation of the measures in the declaration of maritime labour compliance, the matter must be investigated and any deficiencies remedied.
- If there are grounds to believe that deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, inspectors must have the power to prohibit a ship from leaving port until necessary actions are taken (subject to any right of appeal).
- All reasonable efforts must be made to avoid a ship being unreasonably detained or delayed. Compensation must be paid in the case of the wrongful exercise of the inspectors' powers.
- Adequate penalties and other corrective measures must be effectively enforced for breaches of the requirements of the Convention (including seafarers' rights) and for obstructing inspectors in the performance of their duties.
- Inspectors must treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations.
- Inspectors must submit a report of each inspection to the competent authority, to be posted on the ship and sent, upon request, to the seafarers' representatives. The competent authority must maintain records of the inspections and publish an annual report.

Are all ships covered by the Convention that fly your country's flag inspected for compliance with the Convention's requirements at least once every three years?

(Regulation 5.1.4, paragraph 1; Standard A5.1.4, paragraph 4)

If no, please indicate any categories of ships that are not inspected at all or inspected at greater than three-year intervals:

Yes, see Section 7 of Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012).

Please indicate the qualifications and training required for flag State inspectors carrying out inspections under the Convention.

(Standard A5.1.4, paragraph 3)

In Finland, the occupational safety and health authority is a regional state administrative agency. The actual performance of enforcement and inspection duties concerning occupational safety and health is the responsibility of occupational safety and health inspectors employed by the occupational safety and health authority. At the moment, there are seven inspectors specialising in maritime occupational safety and health in Finland. Six of them have a professional background, education and work experience in seafaring. The intention is to maintain the professional background of inspectors the same in the future.

Act 44/2006, section 2.

Please summarize the measures adopted to guarantee that inspectors have a status and conditions of service ensuring that they are independent of changes of government and of improper external influences; and please indicate the manner in which those measures are enforced.

(Standard A5.1.4, paragraphs 3, 6, 11(a) and 17)

Officials within the occupational safety and health areas of responsibility, i.e. the occupational safety and health authorities and inspectors, carry out independent labour inspections. According to the Act on Regional State Administrative Agencies (896/2009), the operations of these areas must be organised in such a manner as to ensure the independence and impartiality of the occupational safety and health authorities during inspections. They must therefore not include additional tasks that may jeopardise the proper conduct or independence of officials carrying out occupational safety and health inspections.

Act 896/2009, section 5.

Are inspectors issued with a copy of the ILO's 2008 *Guidelines for flag State inspections under the Maritime Labour Convention, 2006*, or similar national guidelines and/or policy?

(Standard A5.1.4, paragraph 7; see guidance in Guideline B5.1.4, paragraph 2)

Yes.

Please summarize the procedures for receiving and investigating complaints, and ensuring that their source is kept confidential.

(Standard A5.1.4, paragraphs 5, 10 and 11(b); see guidance in Guideline B5.1.4, paragraph 3)

In order to investigate a defect or shortcoming concerning the safety and health of a ship's working and living conditions and the workplace in other respects, an occupational safety and health inspector must carry out an inspection or any other enforcement action without delay after having been notified of this. Such a notification can be made by phone or via e-mail, for instance. An inspection or any other enforcement action shall be carried out without delay whenever the employer, the occupational safety and health representative or the occupational safety and health committee, or a corresponding cooperation body, so requires, if the circumstances mentioned in the request or notice give cause for it.

When occupational safety and health authorities have received a notice of a defect or shortcoming endangering safety and health at a workplace or any other suspected breach of provisions to be enforced by them, the informant's identity and the fact that the enforcement action is taken due to a complaint shall be concealed. The informant's identity may, however, be revealed if it is necessary for enforcement purposes and the informant has consented to it. Information about the informant's identity may, without the informant's approval, be given to the prosecuting authority and the police authority in order to remedy the offence.

Notices of the monitoring of ship safety must be submitted to the Finnish Transport Safety Agency (Trafi), the competent authority. Complaints regarding violations of ship safety provisions shall, whenever possible, be made to the competent authority in writing. In urgent matters a complaint may be made orally. The identity of the complainant shall not be revealed to the master or owner of the ship concerned. Also, the inspector may not disclose that the inspection is carried out on the basis of a complaint. The inspector shall ensure confidentiality during any interviews of crew members.

See Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006, as amended), Sections 5 and 10.

See also Ship Safety Control Act (370/1995, as amended), Section 20.

Please describe the arrangements made to ensure that inspectors submit a report of each inspection to the competent authority, that a copy is furnished to the master and another posted on the ship's notice board.

(Standard A5.1.4, paragraph 12)

The inspector shall without delay draw up a written inspection report of each inspection. The inspection report must reveal the inspection process and the most essential observations made by the inspector. The inspection report shall be submitted to the employer and the occupational safety and health representative. In the absence of an occupational safety and health representative, the employer shall notify the employees of the inspection in an appropriate manner at the workplace.

Likewise, the inspector of ship safety shall draw up an inspection report on the ship safety inspection. The ship's master shall be provided with a copy of the inspection report.

Act 44/2006, section 11.

Act 370/1995, section 8.

In what kinds of cases will a ship be prohibited from leaving port until necessary actions are taken to remedy deficiencies under the Convention?

(Standard A5.1.4, paragraph 7(c))

A decision on detention of a ship may be made mostly in situations where the deficiencies in the safety of a ship are of such nature that the ship's operation in the service for which it was intended poses an immediate risk to the ship or its crew, human life or a substantial health risk or a substantial risk for other ships or the marine environment. In such case, the competent authority shall issue a detention order, a restriction of operation order or a stoppage of operation order regarding a piece of equipment, an installation, a routine or arrangement until the deficiency has been rectified. The written order shall be reasoned and all the circumstances that have led to the detention shall be mentioned. The order shall be observed immediately.

If the decision on detention of a ship is based on deficiencies in the living and working conditions on board, the detention order or restriction of operation order must not be revoked until the deficiencies have been rectified or the plan for rectification of the deficiencies has been approved by the competent authority.

The occupational safety and health authority may also impose restrictions on the operation of a ship. If a defect or shortcoming at the workplace causes a risk to the life or health of an employee, the competent occupational safety and health authority may prohibit the use of a machine, work equipment or other technical device, a product or a work method or the continuation of work until the non-complying conditions have been remedied or eliminated. The occupational safety and health authority may order a default fine as a sanction for the prohibition notice, as provided in the Default Fine Act (1113/1990). The inspector may promptly issue the prohibition notice referred to in subsection 1 as a temporary prohibition notice if the risk to life or health is immediate. A temporary prohibition notice shall be complied with immediately. The inspector shall without delay submit the matter to occupational safety and health authorities.

Act 370/1995, section 14.

Act 44/2006, section 16.

Please identify, and outline the content of, the legal provisions or principles under which compensation must be paid for any loss or damage from the wrongful exercise of the inspectors' powers, and where applicable, please provide examples in which shipowners have been awarded compensation.

(Standard A5.1.4, paragraph 16)

Any damage resulting from an error or neglect by the Finnish Transport Safety Act in the monitoring of ship safety is compensated in accordance with the Damages Act (412/74). Thus far, there have been no cases where any compensation has been paid.

Any damage resulting from an error or neglect by the occupational and safety authority is compensated in a corresponding manner.

A decision made by the occupational safety and health authority prohibiting the use of a machine, work equipment or other technical device, a product or a work method or the continuation of work may be appealed against to the Administrative Court.

Act 370/1994, sections 18, 19 and 22.

Act 44/2006, section 44.

Additional information concerning implementation of Regulation 5.1.4.

Documentation: Please provide:

- a copy of the annual reports on inspection activities, in English, French or Spanish, that have been issued in accordance with *Standard A5.1.4, paragraph 13*, during the period covered by this report; See annex 10.
- a standard document issued to or signed by inspectors setting out their functions and powers (*Standard A5.1.4, paragraph 7*; see guidance in *Guideline B5.1.4, paragraphs 7 and 8*), together with a summary in English, French or Spanish if the document is not in one of those languages;
See Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006), Section 4, 13 and 16.
- a copy of any national guidelines issued to inspectors in implementation of *Standard A5.1.4, paragraph 7*, with an indication of the content in English, French or Spanish if the guidelines are not in one of those languages;
See reference above.
- a copy of the form used for an inspector's report (*Standard A5.1.4, paragraph 12*); See annex 11.
- a copy of any documentation that is available informing seafarers and interested others about the procedures for making a complaint (in confidence) regarding a breach of the requirements of the Convention (including seafarers' rights) (*Standard A5.1.4, paragraph 5*; see guidance in *Guideline B5.1.4, paragraph 3*), with an indication of the content in English, French or Spanish if the documentation is not in one of those languages.
See annex 8. See also Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006), Section 10 and 46.

Regulation 5.1 – Flag State responsibilities
Regulation 5.1.5 – On-board complaint procedures
Standard A5.1.5; see also Guideline B5.1.5

- Ships must have on-board procedures for the fair, effective and expeditious handling of seafarers' complaints alleging breaches of the requirements of the MLC, 2006 (including seafarers' rights).
- Those procedures must seek to resolve complaints at the lowest level possible although seafarers must have a right to complain directly to the master and to appropriate external authorities.
- The procedures must include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization for filing complaints. Such victimization must be prohibited.
- All seafarers must be provided with a copy of the on-board complaint procedures applicable on the ship.

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II

Please check one or both boxes or provide the information below.

Has the competent authority in your country developed a model for a fair and expeditious and well-documented on-board complaint procedure for ships that fly your country's flag?

(*Regulation 5.1.5, paragraph 1; Standard A5.1.5, paragraphs 1–3; see guidance in Guideline B5.1.5, paragraphs 1 and 2*)

If yes, please indicate the extent to which this model must be followed by shipowners:

Yes. In Finland, the Occupational Safety and Health Act obliges employees to without delay inform the employer and the occupational safety and health representative of any faults and defects discovered. The employer and employees shall cooperate to maintain and improve occupational safety at the workplace. The employees have the right to submit proposals on safety and health in the workplace and other matters affecting the working conditions and get a response to them. One of the general principles in safety management is that matters are first reported to the immediate supervisor in order to resolve them. If a matter cannot be resolved with the supervisor, it is referred to more senior supervisors for resolution. Ships with at least five crew members must elect an occupational safety and health representative who will assist employees in the processing of complaints, if necessary.

Together with the Centre for Occupational Safety, employer and employee organisations have prepared a form to use for processing complaints on board ships. The form is intended to be distributed to Finnish ships and submitted to an employee when he/she is signing an employment contract.

An employee may also submit a notice to the occupational safety and health authority of any deficiency or shortcoming observed on the ship concerning safety or health. The occupational safety and health authority and the inspector must conceal the identity of the informant. The fact that the occupational safety and health inspection is carried out due to a complaint shall also be concealed.

The identity of the person who has submitted a notice of the breach of a provision or regulation concerning ship safety shall not be revealed to the master or owner of the ship concerned. The fact that the inspection concerning ship safety is carried out due to a complaint shall also be concealed.

Act 738/2002, section 19.

Act 44/2006, sections 10 and 42.

Act 370/1995, section 20.

Please identify, and outline the content of, the legal provisions or principles under which victimization of seafarers for filing a complaint is prohibited and penalized in your country.

(*Regulation 5.1.5, paragraph 2*)

In Finland, the identity of an employee who has observed deficiencies in occupational safety or ship safety and reported them shall be concealed. The fact that an occupational safety and health inspection or a ship inspection is carried out due to a complaint shall also be concealed. The purpose of these provisions is to protect the informant against counter-measures. The Occupational Safety and Health Act prohibits harassment and other inappropriate treatment. This provision is deemed to secure the fair treatment of the person who has submitted the complaint.

Punishment for occupational safety offences may be ordered for violation of occupational safety regulations in accordance with the Criminal Code.

Act 738/2002, section 28.

Act 39/1889, Chapter 47, section 1.

Please outline the arrangements made to ensure that all seafarers are provided with a copy of the on-board complaint procedures applicable on the ship, including contact information relevant to that ship and to the seafarers concerned.

(*Standard A5.1.5, paragraph 4*)

Together with the Centre for Occupational Safety, employer and employee organisations have prepared a form to use for processing complaints on board ships. The form is intended to be distributed to Finnish ships and submitted to an employee when he/she is signing an employment contract.

Additional information concerning implementation of Regulation 5.1.5.

Documentation: Please provide a copy of your country's model for on-board complaint procedures, if developed, or of typical procedures that are followed on ships that fly its flag, with a translation into English, French or Spanish if the procedures are not in one of these languages.

See annex 8. See also Occupational Safety and Health Act (738/2002), Section 17.

Regulation 5.1 – Flag State responsibilities

Regulation 5.1.6 – Marine casualties

- An official inquiry must be held into any serious marine casualty, leading to injury or loss of life, that involves ships flying your country's flag.
- ILO Members must cooperate in the investigation of serious marine casualties.

Please indicate the relevant legal provisions and any other measures implementing Regulation 5.1.6, providing a summary in English, French or Spanish if the provisions or measures are not in one of those languages.

The Safety Investigations Act (525/2011), provisions of the International Maritime Organisation (IMO, SOLAS Act, 527/2011) and the European Union (Directive 2009/18/EY) regarding investigation of marine casualties guide the safety investigation of waterborne accidents in Finland. The provisions are based on joint definitions approved by the IMO. According to them, the investigation obligation of a flag state applies to "*very serious marine accidents*" that mean total loss of a vessel, loss of life as an immediate result of the operation of the ship, or a very serious environmental damage. The aim is to conduct only one investigation per event. The investigation is primarily led by the state responsible for the investigation (often the flag state) and the states that are substantially concerned may take part in the investigation. The investigating authority under the Safety Investigations Act is the Safety Investigation Authority which may carry out an investigation at its discretion.

Occupational safety and health authorities are *always obliged* to urgently carry out an investigation of an occupational accident that has caused death or serious injury. An occupational safety accident according to the Occupational Accidents Act and the Occupational Diseases Act that has caused death or serious injury must be reported to the police, and a police investigation must be carried out on the scene.

Act 525/2011, sections 2 and 31.

Act 44/2006, sections 6 and 46.

Please describe what arrangements and requirements exist for holding an official inquiry into cases of serious marine casualties that involve a ship flying your country's flag and lead to injury or loss of life, indicating whether the final reports of such inquiries are normally made public.

(Regulation 5.1.6, paragraph 2)

The Safety Investigations Act (525/2011) and regulations issued under section 47 of the Act concerning the operation of the Safety Investigation Authority provide the guidelines for the investigation of waterborne accidents in Finland. A public investigation report is drawn up of the safety investigation in the scope appropriate with regard to the seriousness of the accident. Before making the investigation report publicly available the parties to the accident and the authority responsible for investigation in the concerned sector will be reserved an opportunity to express an opinion on the draft version of the investigation report. The purpose of the safety investigation is to increase general safety and to prevent accidents, dangerous situations, and damages resulting from accidents and not to allocate legal responsibility. That is why the result of the investigation, the investigation report, does not deal with questions of guilt, responsibility or damages.

The Safety Investigation Authority may designate a team of investigators for a safety investigation. Provisions on disqualification in the Safety Investigations Act (252/2011) and the Administrative Procedure Act (434/2003) are applied to officials of the Safety Investigation Authority, members of investigative teams and other persons taking part in the investigation. Furthermore, provisions on criminal liability are applied to experts of the Safety Investigation Authority.

Act 525/2011

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, shall be investigated by the police at the scene of the accident. If a doctor suspects, with justification, an occupational disease or other work-related illness referred to in the Occupational Diseases Act, he or she shall immediately, secrecy provisions notwithstanding, notify the regional state administrative agency of the matter.

Investigation of a serious occupational accident referred to above that comes to the notice of the occupational safety and health authorities shall be carried out urgently. In the investigation, the course of events and the causes of the accident, and the possibility of preventing similar accidents, shall be analysed.

The Ministry of Social Affairs and Health, which supervises the enforcement of occupational safety and health, has published instructions on the investigation of serious occupational accidents (Instructions for Occupational Safety and Health Enforcement 1/2014). The Ministry has also issued a memorandum called 'Instructions on the Investigation of Serious Occupational Accidents at Ports', according to which all occupational accidents that have befallen foreign seafarers at Finnish ports must be investigated.

Act 44/2006, sections 6 and 46.

Please supply information on the number of inquiries held during the period covered by this report.

In the period between 20.8.2013–31.5.2015 the Safety Investigation Authority has examined one incident that lead to death of a seafarer; the seaman had fallen into water and died when he was letting go of the vessel's line. An investigation report is drawn up of the incident: M2013-03, M/V EGON W, death of a seaman in consequence of falling into water in the Port of Vuoksi on 26 November 2013.

According to the Department for Occupational Safety, which operates under the Ministry of Social Affairs and Health, occupational safety and health authorities carried out fewer than 10 investigations of serious accidents that had befallen seafarers during the reporting period.

Additional information concerning implementation of Regulation 5.1.6.

Regulation 5.2 – Port State responsibilities
Regulation 5.2.1 – Inspections in port
Standard A5.2.1; see also Guideline B5.2.1

- Every foreign ship calling, in the normal course of its business or for operational reasons, in a port may be the subject of inspection by an authorized officer of your country for the purpose of reviewing compliance with the requirements of the Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship.
- The inspection must be based on an effective port State inspection and monitoring system.
- If a ship carries a maritime labour certificate issued in accordance with the Convention, that certificate and the declaration of maritime labour compliance attached to it must be accepted as prima facie evidence of compliance. The inspection must then be limited to a review of the certificate and declaration, except in the cases specified under (a)–(d) of *Standard A5.2.1, paragraph 1*.
- In the cases specified in *Standard A5.2.1, paragraph 1 (a) – (d)* a more detailed inspection may be carried out. Such inspection must be carried out where the working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers or where the authorized officer has grounds to believe that any deficiencies constitute a serious breach of the requirements of the Convention (including seafarers' rights).
- The more detailed inspection must, in principle, cover the 14 matters listed in Appendix A5-III, except in the case of a complaint.
- The procedures to be followed where deficiencies or non-conformities are found (including the detention of the ship in port until rectification or acceptance by the authorized officer of a plan of action for rectification) are set out in *Standard A5.2.1, paragraphs 4–6*.
- All possible efforts must be made to avoid a ship being unduly detained or delayed. Compensation must be paid for any loss or damage where a ship is found to be unduly detained or delayed.

Our country is not a port State

Please check the above box or provide the information below.

Please specify any regional port State control Memorandum of Understanding (MOU) in which your country participates.

(Regulation 5.2.1, paragraph 3)

Paris Memorandum of Understanding.

Has your country established an effective port State inspection and monitoring system, for the purpose of reviewing compliance with the requirements of the MLC, 2006 (including seafarers' rights)?

(Regulation 5.2.1, paragraphs 1, 4 and 5)

If yes, please describe the system, including the method used for assessing its effectiveness:

Yes. Finland implements the inspection procedures established at the Paris MoU.

Please indicate the number of authorized officers appointed by the competent authority and please provide information on the qualifications and training required for carrying out port State control.

Finland has 23 authorized PSCOs. Finland implements the training requirements set by the Paris MoU.

Are authorized officers given guidance as to the kinds of circumstances justifying detention of ship (such as the relevant guidance contained in the ILO's 2008 *Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006*, or similar national guidance or guidance provided by a regional port State control MOU)?

(Standard A5.2.1, paragraph 7)

If yes, please identify the guidance:

Yes. Finland implements the procedures established by the Paris MoU.

Please identify, and outline the content of, the legal provisions or principles under which compensation must be paid for any loss or damage for a ship being unduly detained or delayed and, where applicable, please provide examples in which shipowners have been awarded compensation.

(*Standard A5.2.1, paragraph 8*)

Implementing legislation: Ship Safety Control Act (370/1995, as amended), Sections 18, 19 and 22. Thus far, there have not been cases where compensation had been awarded.

Additional information concerning implementation of Regulation 5.2.1.

Documentation: Please provide:

- a copy of any national guidelines issued to inspectors in implementation of *Standard A5.2.1, paragraph 7*, with an indication of the content in English, French or Spanish if the guidelines are not in one of those languages;
- the following statistical information for the period covered by this report:
 - number of foreign ships inspected in port;
 - number of more detailed inspections carried out according to *Standard A5.2.1, paragraph 1*;
 - number of cases where significant deficiencies were detected;
 - number of detentions of foreign ships due, wholly or partly, to conditions on board ship that are clearly hazardous to the safety, health or security of seafarers, or constitute a serious or repeated breach of the requirements of MLC, 2006 (including seafarers' rights).

Note: If this information is also provided in connection with a regional PSC arrangement, a copy of that report or link to the relevant web site where these data can be accessed is sufficient.

Please, see web site: <https://www.parismou.org/>

Regulation 5.2 – Port State responsibilities

Regulation 5.2.2 – Onshore complaint-handling procedures

Standard A5.2.2; see also Guideline B5.2.2

- A complaint by a seafarer alleging a breach of the requirements of this Convention (including seafarers' rights) may be reported to an authorized officer in the port at which the seafarer's ship has called.
- The authorized officer must undertake an initial investigation. If the complaint falls within the scope of *Standard A5.2.1*, a more detailed inspection may be carried out. Otherwise, where appropriate, the authorized officer must seek to promote a resolution of the complaint at the shipboard level.
- If the investigation or the inspection reveals a non-conformity justifying detention of the ship, the procedure provided for in *Standard A5.2.1, paragraph 6*, must be followed.
- Otherwise, if the complaint has not been resolved, the authorized officer notifies the flag State, seeking advice and a corrective plan of action.
- If the complaint is still not resolved, the port State must transmit a copy of the authorized officer's report, accompanied by any reply from the flag State, to the ILO Director-General; the appropriate shipowners' and seafarers' organizations in the port State are similarly informed.
- Appropriate steps must be taken to safeguard the confidentiality of complaints made by seafarers.

Our country is not a port State

Please check the above box or provide the information below.

Has your country established procedures, including steps taken to safeguard confidentiality, for seafarers calling at its ports to report a complaint alleging breach of the requirements of the MLC, 2006 (including seafarers' rights)?
(Regulation 5.2.2, paragraph 1; Standard A5.2.2, paragraphs 1–7; see guidance in Guideline B5.2.2)

If yes, please describe the procedures, referring to the corresponding legal provisions or measures:

Yes. The identity of the complainant shall not be revealed to the master or owner of the ship concerned. If an inspection is carried out on the basis of a complaint, the inspector must not declare that the inspection is carried out based on the complaint. The inspector shall ensure confidentiality during any interviews of crew members. The competent authority, in Finland the Finnish Transport Safety Agency, shall inform the flag State administration and, if necessary, the Finnish occupational and safety authority, of any complaint which is not manifestly unfounded and of follow-up actions taken. If appropriate, the occupational safety and health authority shall inform the International Labour Organisation of such complaints. Where the competent authority deems the complaint to be manifestly unfounded, it shall inform the complainant of its decision and the reasons therefor. Complaints shall be made in writing, whenever possible, and orally only in urgent cases. The Act specifies the information that should be appended to the complaint.

Act 370/1995, section 20.

Please provide information on the number of such complaints that were reported during the period covered by this report and on the complaints that were resolved and reported to the ILO Director-General.
(Standard A5.2.2, paragraph 6)

According to Finnish occupational safety and health authorities, no complaints arising from deficiencies in ship safety have been submitted.

Additional information concerning implementation of Regulation 5.2.2.

Documentation: Please provide, in English, French or Spanish a copy of a document, if any, that describes the onshore complaint-handling procedures.

See annex 8.

Regulation 5.3 – Labour-supplying responsibilities Standard A5.3; see also Guideline B5.3

- ILO Members must establish an effective inspection and monitoring system for enforcing their labour-supplying responsibilities, particularly those regarding the recruitment and placement of seafarers.
- Members must also implement social security responsibilities for seafarers that are its nationals or residents or are otherwise domiciled in their territory.

There are no seafarers in our country

Please check the above box or provide the information below.

Please describe the system in your country for the inspection and monitoring and enforcement (including legal proceedings for breaches of the requirements under Regulation 1.4) of its labour-supplying responsibilities under the MLC, 2006, including the method used for assessing its effectiveness.
(Regulation 5.3, paragraphs 3 and 4; Standard A5.3, referring to Standard A1.4)

This information has been provided in the context of Regulation 1.4 X

If you have seafarers who are nationals or ordinarily resident or domiciled in your country, have arrangements been made to ensure that they receive social security protection irrespective of the flag of the ship on which they are working?
(*Regulation 5.3, paragraph 1*)

This question has been answered in the context of Regulation 4.5 X

Additional information concerning implementation of Regulation 5.3.

APPENDIX

Legal Adviser's opinion on the relationship between Parts A and B of the Code (extract of Appendix D to Report I (1A) of the 94th (Maritime) Session of the International Labour Conference, 2006)¹

Coexistence of mandatory and non-mandatory provisions in a Convention

Questions were addressed to the Legal Adviser (in 2003) by the Government representatives of the Netherlands and Denmark, as well as those of Cyprus and Norway, as to the various consequences flowing from the coexistence in the draft consolidated Convention of binding and non-binding provisions for ratifying Members.

The High-level Tripartite Working Group on Maritime Labour Standards is, in accordance with its mandate, working on a consolidated Convention as a new type of instrument compared with those adopted up to now. The consolidation of maritime instruments in force is aimed at placing all substantive elements in a single instrument in an approach radically different to that employed up to now, where Conventions contain detailed technical provisions, often accompanied by Recommendations. From this perspective, conclusions cannot be drawn from the traditional formal arrangement based on the distinction between a Convention – where the provisions are binding – and a Recommendation – where they are not. The future instrument is a Convention open to ratification by States Members providing explicitly for the coexistence of binding and non-binding provisions (proposed Article VI, paragraph 1). The provisions of Part A of the Code would be binding; those of Part B would not.

Some international labour Conventions set out, alongside binding provisions, others that are of a

different nature.² The novelty introduced in the future instrument essentially resides in the great number of non-binding provisions in the instrument. It should equally be noted that other organizations, such as the IMO, have adopted conventions containing the two types of provisions without any apparent legal problems in their application.

Members ratifying the Convention would have to conform to the obligations set out in the Articles, the Regulations and Part A of the Code. Their only obligation under Part B of the Code would be to examine in good faith to what extent they would give effect to such provisions in order to implement the Articles, the Regulations and Part A of the Code. Members would be free to adopt measures different from those in Part B of the Code so long as the obligations set out elsewhere in the instrument were respected. Any State Member which decided to implement the measures and procedures set out in Part B of the Code would be presumed to have properly implemented the corresponding provisions of the binding parts of the instrument. A Member which chose to employ other measures and procedures would, if necessary, and particularly where the Member's application of the Convention was questioned in the supervisory machinery, have to provide justification that the measures taken by it did indeed enable it to properly implement the binding provisions concerned.

¹ ILO: *Adoption of an instrument to consolidate maritime labour standards*, Report I (1A), International Labour Conference, 94th (Maritime) Session, Geneva, 2006.

² See, for example, the Occupational Health Services Convention, 1985 (No. 161), Article 9, paragraph 1: "... occupational health services should be multidisciplinary".