

## REPORT

for the period 1 June 2015 to 31 May 2018, made by the **Government of Finland**, in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

### **Labour Inspection (Agriculture) Convention, 1969, No. 129** ratification of which was registered on 3 September 1974.

#### **Observation, 2016**

The objective of occupational safety and health enforcement in the agriculture and forestry sector is to promote the ability of employers to recognise and eliminate harmful and hazardous factors and to create effective practices for the management of safety. A total of around 470 inspections were carried out in agriculture and forestry workplaces of which approximately 60% targeted agriculture. The main focus of enforcement was on compliance with safety management obligations and on psychosocial and physical loading, chemical factors, the shadow economy and foreign labour. The occupational safety and health authority have attended events organised by partners. As part of guidance provided for the agriculture and forestry sector, we have participated in agriculture and forestry exhibit as well as machinery fairs at a shared stand with the Finnish Institute of Occupational Health and the Centre for Occupational Safety.

The forestry sector employs a high number of posted workers, but there is very little other foreign labour force. On the other hand, foreign labour force is commonly used in agriculture. Cooperation between various authorities is considered an effective method for tackling the shadow economy. Joint inspections are also carried out in the agriculture sector, as it has been established that people without the necessary work permits commonly work in this sector. These joint inspections can be carried out together with the Police and the Finnish Border Guard.

By combining the jurisdictions of various authorities, the inspections can make the work of various authorities more effective in real time. The occupational safety and health authority are the only authority, who has access to all places where people work. The Police and the Finnish Border Guard on the other hand do not have access to workplace unless there is suspicion of a crime. The occupational safety and health authority do not have the jurisdiction to check people's identification, which the police and border guard on the other hand do have the right to do. If inspections uncover deficiencies in IDs with tax numbers and worksite worker catalogues, the police may issue a penalty fee for the employer immediately without a lengthy and cumbersome administrative process.

Surveillance of foreign labourers carried out by the occupational safety and health authority targets the employer. It aims to ensure that workers have safe working conditions and terms of employment that are compliant with legislation. Often, unpermitted labour is connected to the trampling of terms of employment, workplace discrimination and human trafficking. On the basis of received feedback, cooperation between authorities does not cause fear at workplaces. Instead, it increases trust in the maintenance of a fair and harmonious labour market and encourages employers to comply with their statutory obligations.

Many of the foreign labour surveillance inspections are carried out without prior notification and surveillance focuses more than previously on employers and industries where violations are likely.

Opposition and even aggressive behaviour are expected at this type of inspections. For this reason, the presence of the police and border guard is also useful for ensuring the safety of inspectors.

As is stated with regard to Convention 81, the Vera information system for occupational safety and health is in full use and is the main tool in enforcement work and in targeting and monitoring enforcement efforts. The use of this system has improved the effectiveness and quality of activities.

## **I-II LEGISLATION AND REGULATIONS**

### *Article 1*

*1. Please indicate the provisions of national laws or regulations which define the term “agricultural undertaking” for the purpose of the Convention.*

Nothing to report.

*2. Please indicate any decisions taken pursuant to paragraph 2 and the procedure followed for consultation with the most representative organisations of employers and workers.*

Agriculture enterprises that have salaried employees are in the scope of all occupational safety and health enforcement.

### *Article 4*

The system of labour inspection in agriculture shall apply to agricultural undertakings in which work employees or apprentices, however they may be remunerated and whatever the type, form or duration of their contract.

*Please indicate the provisions of national laws or regulations which determine the agricultural undertakings subject to the system of labour inspection in agriculture and the various categories of workers for whose protection the labour inspectorate is responsible.*

A person who works as a salaried employee in an agriculture enterprise is within the scope of occupational safety and health enforcement regardless of the length of their employment or their employment type.

### *Article 5*

Nothing to report.

### *Article 6*

There were no changes with regard to Article 6 compared to the previous report.

Response related to Appendix 2: Statistical data on enforcement is give in sections d) and e) of Article 27.

### *Article 7 – 8*

Nothing to report.

*Article 9*

There were no changes with regard to Article 9 compared to the previous report.

Response related to Appendix 2:

Inspectors and training: During the reporting period, 49 inspectors of whom 5 were actors responsible for projects carried out primary production inspections. There were 6 inspectors in AVI Southern Finland's region, 7 inspectors in AVI Southwestern Finland's region, 14 inspectors in AVI Western and Inland Finland's region, 7 inspectors in AVI Eastern Finland's region and 15 inspectors in AVI Northern Finland's region.

In March 2016, a two-day training event was held for primary sector inspectors, which covered the following topics: safety management, physical loading, chemical risks, accident risks, employment relationship matters, risk management methods and supervision of the use of foreign labourers. Twenty inspectors took part in the training, and the training material can still be viewed in the Moodle learning environment. In May 2018, Machinery safety in agriculture training course opened in the Moodle learning environment. This training is open for all inspectors. The estimated workload for the training is two work days.

*Article 10 - 11*

Nothing to report.

*Article 12*

There were no changes with regard to Article 12 compared to the previous report. Please see also the information given in report C 81: Cooperation with occupational healthcare actors is versatile and implemented during occupational safety and health inspections and occupational healthcare training, where representatives of occupational safety and health authorities take part as lecturers training occupational healthcare physicians and nurses. Additionally, the Advisory Committee on Occupational Safety and Health promotes and develops the cooperation necessary for the implementation of occupational healthcare.

*Article 13*

Nothing to report.

*Article 14*

See response for Article 27 b)

*Article 15*

Tools and work facilities of primary production inspectors:

The inspectors have the opportunity to work in the Regional State Administrative Agency's facilities. Some agencies have already transitioned to the multipurpose office solution, where no one has

a personal work point. The multipurpose facility solution will be implemented in nearly all State facilities in coming years. Inspectors also have the opportunity to work from home temporarily or continuously. Inspectors can depart for official travel from an office or from their home.

Working time is flexible meaning an inspector can determine the start and end of their working time. It is also possible for inspectors to agree on personalised working times, in which case the employee can determine their own working time and the length of their work day within the official monthly working times.

Most divisions have office vehicles, which can be used for official journeys. If there are no office vehicles, inspectors may also use public transport, their own car or a rental car for their official journeys. Inspection trips are usually carried out using office vehicles or one's own car, not public transport, because inspection points for primary production are situated in rural areas. Inspectors have use of a charge card, which they use to pay e.g. accommodation and other expenses.

Legislation on which the remuneration paid to inspectors is based.

Public servants are compensated for travel expenses in accordance with the State's Travel Regulations 2018 and the Regional State Administrative Agencies' travel guideline. The State's Travel Regulations are based on the following provisions: Section 12 of the Government Act, section 17 of the Government Rules of Procedure, section 7 of Government Decree on Collective Agreements for State Civil Servant.

The Regional State Administrative Agency will pay an inspector compensation for the use of their own car according to the number of kilometres driven in accordance with a decision by the Tax Authority.

#### *Article 16*

There were no changes with regard to Article 16 compared to the previous report. Finland's Occupational Safety and Health Act applies to and covers all industries and the Article's requirements.

#### *Article 17 – 20*

Nothing to report.

#### *Article 21*

There were no changes with regard to Article 21 compared to the previous report. Also see the response to Appendix 2.

#### *Article 22 – 24*

Nothing to report.

#### *Article 25*

There were no changes with regard to Article 25 compared to the previous report. See responses to Appendix 2.

*Article 26*

There were no changes with regard to Article 26 compared to the previous report. Occupational safety and health enforce in the agriculture sector is reported on as part of general annual reporting of occupational safety and health enforcement.

*Article 27*

See the response to Article 26. There were no changes with regard to Article 27 compared to the previous report. Occupational safety and health enforce in the agriculture sector is reported on as part of general annual reporting of occupational safety and health enforcement.

- a) General legislation of occupational safety and health also applies to agriculture, see more in the report on ILO's Convention 81.
- b) During the reporting period, 49 inspectors of whom 5 were actors responsible for projects carried out primary production inspections. There were 6 inspectors in AVI Southern Finland's region, 7 inspectors in AVI Southwestern Finland's region, 14 inspectors in AVI Western and Inland Finland's region, 7 inspectors in AVI Eastern Finland's region and 15 inspectors in AVI Northern Finland's region.
- c) This data was not available at the time of the report.

d) Amount of inspections:

During the reporting period running from 1 June 2015 to 9 May 2018, the Regional State Administrative Agency's occupational safety and health division's inspectors carried out 1,902 inspectors are workplaces in the agriculture and forestry sectors. Of these, 933 were agriculture workplace inspections and 724 were forestry workplace inspections. Six market enforcement inspections were carried out in the agriculture sector and one in the forestry sector. Inspections on the use of foreign labourers were carried out at 226 agriculture sector workplaces and at 15 forestry sector workplaces.

The primary enforcement method was an occupational safety and health inspections, which is carried out according to an agenda determined with an enforcement project. Occupational safety and health divisions do not organise training for employers or workplaces. As a rule, we provide guidance during inspections and via our national telephone service. We also take part in events organised by our partners. As part of guidance provided for the agriculture and forestry sector, we have participated in agriculture and forestry exhibit as well as machinery fairs at a shared stand with the Finnish Institute of Occupational Health and the Centre for Occupational Safety.

e) The set obligations:

As laid down in the Enforcement Act (Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces 44/2006), an inspector issues a directive or a request on any conditions he or she observes during an inspection that do not comply with provisions. A request can be issued in matters referred to in section 13,

subsection 3 of the Enforcement Act, of the danger or harm resulting from the noncompliance is greater than small and the employer has not complied with a previously issued directive. Compliance with requests is ensured by with monitoring, but compliance with directives is not systematically enforced and, for this reason, there are no statistics on the effects of enforcement.

A total of 2,429 directives and 240 requests were issued due to shortcomings observed during the reporting period's inspections. During these inspections, 1,271 directives and 109 requests for action were issued at workplace in the agriculture sector. According the Vera information, 47 cases were transferred to administrative preparation because of non-compliance with a request.

*f) and g)*

In 2016, agriculture workers received compensation for 103 accidents during work commutes and 1,235 workplace accidents. The information for 2017 is not available.

The ten most common reasons for accidents in 2016:

1. pathways, platforms, earth, floors and walls, etc, 270
2. people, animals, plants 212
3. materials, items, products and shards 211
4. other unlisted causes 85
5. hand tools 65
6. land vehicles 44
7. agriculture and gardening work 31
8. hand-used machines 30
9. loose waste 30
10. fixed stairs, roofs, holes, balconies, etc. 29

In 2016, temporary agency workers in agriculture were compensated for one workplace accident and for 20 work-related workplace accidents. The information for 2017 is not available. Temporary agency workers in agriculture were not compensated for any cases of occupational illness in 2016. The information for 2017 is not available.

*Information source: Workers' Compensation Centre, requested separately.*

In 2017, agriculture entrepreneurs received compensation for 4,464 workplace accidents and 106 cases of occupational illness. In 2016, agriculture entrepreneurs had received compensation for 5,313 accidents and 122 cases of occupational illness.

*Information source: Farmers' Social Insurance Institution (Mela), bottom row of the table <http://ti-lastot.mela.fi/aikasarjat.php?id=25>*

### **III – V**

Nothing to report.

### **VI**

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

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Professionals (STTK)
4. The Confederation of Unions for Professional and Managerial Staff in Finland (Akava)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish enterprises (SY)

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