

**Act on the Supervision of Occupational Safety and Health and Appeal in Occupational Safety and Health Matters (131/1973)**

**Chapter 1. General provisions**

Section 1 (16.1.1987/29)

1. This Act lays down provisions on the supervision of compliance with occupational safety and health provisions and orders, in so far as the functions of the occupational safety and health authorities are concerned, and on appeal against decisions of the said authorities. Provisions on the occupational safety and health administration and other functions of the occupational safety and health authorities are laid down separately.
2. Occupational safety and health authorities are entitled to make inspection visits to workplaces and other relevant sites as necessary to implement the supervision and, if needed, to assign experts to conduct occupational safety and health investigations at sites under inspection. (29.1.1993/145)
3. In this Act, the person conducting an occupational safety and health inspection is termed an 'inspecting officer' and the expert referred to in this section is termed an 'investigating officer'. (29.1.1993/145)
4. For the purposes of this Act, 'product' means a machine, instrument or other technical equipment or object, and a chemical or an object or equipment containing a chemical. (29.1.1993/145)
5. For the purposes of this Act, 'Ministry' means the Ministry of Social Affairs and Health. Similarly, 'occupational safety and health authority' means the said Ministry and the district occupational safety and health authorities. (10.1.1997/10)

Section 2

1. If persons subject to any occupational safety and health laws work in central or local government, or other public departments or institutions, the provisions of this Act concerning employers and employees apply as appropriate to the said departments or institutions and the said persons.
2. In the case of persons as referred to in paragraph 1 who do not work in a civil service or employment relationship, however, this Act applies in accordance with separate provisions issued by decree.

Section 3

1. The inspections referred to in section 1, paragraph 2, shall be organized as often and as effectively as necessary to meet the supervision purposes. Unless special cause exists, however, an inspection visit shall not be made to a dwelling for the purpose of supervising compliance with provisions concerning work done in the worker's home.

2. Inspecting or investigating officers are entitled to conduct inspections or investigations without prior notification to the employers or the employers' representatives or the employees and their representatives. However, upon arrival at the workplace, the inspecting or investigating officers shall inform the said parties of their presence, unless there is special cause to carry out the inspection or investigation without such notification. However, if an inspection or investigation is carried out without prior notification, the said parties must be informed thereof before the officer concerned leaves the workplace.

#### Section 4

1. Inspecting or investigating officers are entitled to:

- 1) gain access to workplaces and premises where work is done or justified cause exists to believe that work is done, and to other facilities made available to the employees by the employer in accordance with occupational safety and health provisions or orders;
- 2) talk to persons working in places referred to in subparagraph 1, either in the presence of witnesses or in private, and obtain from them information needed in order to carry out their duties;
- 3) inspect the documents and records that employers are required to keep or retain under occupational safety and health provisions or orders, and obtain copies of them;
- 4) obtain samples for the necessary testing of products produced at the workplace and raw materials, supplies and semi-manufactured goods used there, after notifying the employer or the employer's representative, and also take photographs in order to obtain evidence of the need for protective measures with regard to a machine or other technical equipment or the cause of an accident;
- 5) inspect construction or rebuilding plans and relevant drawings concerning existing or planned working premises and also descriptions of any actual or planned working or production methods in so far as this is necessary to perform their supervision duties in the case concerned; and
- 6) obtain the information needed for supervision purposes from employers, independent workers as referred to in section 6, paragraph 4, of the Occupational Safety Act, and persons referred to in section 6, paragraphs 1 or 3, of the said Act, both orally and in writing, within a reasonable time limit stipulated by the officer concerned.

(11.6.1993/510)

2. Inspecting or investigating officers are also entitled to gain access to sites where products intended to be placed on the market or made available for use are produced or kept and also to take samples of them. Otherwise, the provisions of section 3 above and paragraph 1 of this section apply as appropriate to inspections or investigations.

(29.1.1993/145)

3. Inspection and investigation visits shall be carried out so as to meet the purpose of occupational safety and health supervision without unnecessary interference with operations at the workplace. (29.1.1993/145)

#### Section 5

1. Anyone who has obtained information concerning another person's state of health or financial situation, an enterprise's financial situation, or a professional or trade secret

while performing a function under this Act shall not disclose it unless the party for whose protection the confidentiality duty was enacted consents to the disclosure.

2. The information referred to in paragraph 1 may, however, be given to prosecuting authorities and the police for the purpose of investigating a crime and to authorities otherwise entitled by law to obtain such information.

#### Section 6

When occupational safety and health authorities are notified of a violation of an occupational safety and health provision or order, or an omission or fault in the safety or health conditions at a workplace, the informant's name shall remain confidential unless disclosure is necessary under section 5, paragraph 2. If an inspection visit is made to the workplace because of such a notification, the inspecting officer shall not inform the employer or the employer's representative of the actual reason for the visit.

#### Section 7

1. Officeholders in the occupational safety and health administration shall not own or manage undertakings, businesses or establishments for the inspection of which they are responsible, or otherwise participate in the operations concerned in a way that would disqualify them from pursuit of their duties under the provisions on the grounds for disqualifying a judge. Likewise, they shall not own any patents or protected designs with regard to machines, equipment, production methods or designs used in said undertakings, businesses or establishments.

2. Persons whose relationship with the case or the parties concerned is such that their integrity may be considered impaired shall not be assigned to deal with a case as inspecting officer.

### **Chapter 2. Codetermination between employers and employees**

#### Section 8

1. Employers and employees shall engage in codetermination in occupational safety and health matters as laid down in this chapter.

2. However, employers' and employees' associations whose sphere of operations covers the whole country are entitled to agree otherwise concerning the organization of codetermination as referred to in this chapter.

3. What is provided in paragraph 2 concerning employers' associations likewise applies to the appropriate State authority and the Commission for Local Authority Employers and the Church of Finland Negotiating Commission and any authority authorized by the Commission for Local Authority Employers or the Church of Finland Negotiating Commission to enter into collective agreements on their behalf. (17.12.1993/1185)

4. Contrary to what is provided above, employers and employees or their representatives may agree to organize codetermination as referred to in this chapter in a way that is more

suitable for the workplace in question, provided that the arrangement provides employees with at least equivalent opportunities to deal with occupational safety and health matters as the codetermination organization laid down in this Act. At any time, an arrangement can be agreed on for a period not exceeding the term of office of the occupational safety and health delegate currently in office or to be elected. On request, the employer shall record the result of the negotiations concerning codetermination arrangements in the minutes thereof, to be signed by representatives of the parties concerned. The employer shall provide the personnel of the workplace concerned with written notice of the arrangements agreed on. (19.8.1994/768)

5. However, the agreement cannot specify exceptions to sections 10 and 11. It is nonetheless possible to agree on who should be considered workers and employees with office worker status when occupational safety and health delegates and deputy delegates are elected. In addition, the authority, Commission for Local Authority Employers and Church of Finland Negotiating Commission referred to in paragraph 3 above are entitled to agree on the term of office of the occupational safety and health delegate and deputy delegates up to a maximum period of four calendar years. (19.8.1994/768)

#### Section 9

1. Employers shall appoint the person in charge of codetermination as referred to in this chapter, or the occupational safety and health manager, unless the employers themselves act as occupational safety and health managers.

2. When employees of several employers work in the same workplace, the employers shall act in cooperation to promote occupational safety and health, and in this context they are also entitled to agree on the appointment of a joint occupational safety and health manager. In such workplaces, the main contractor or an employer in a comparable position shall undertake appropriate measures to organize the cooperation. (29.1.1993/145)

#### Section 10

1. At workplaces where at least 10 employees work regularly, the employees shall elect an occupational safety and health delegate and two deputy delegates from among themselves for a period of up to two years at a time to represent them in codetermination concerning occupational safety and health matters and in relation to the occupational safety and health authorities. At other workplaces, too, employees may elect said delegates from among themselves. Employees with office worker status at a workplace are entitled to elect their own occupational safety and health delegate and two deputy delegates from among themselves.

2. When employees of several employers work at the same workplace, the employees are entitled to elect a common occupational safety and health delegate to represent them in the codetermination referred to in this chapter with all the employers and in relation to the occupational safety and health authorities.

Paragraph 3 was repealed by Act No. 17/1993.

4. When a shop steward as referred to in section 53, paragraph 1, of the Employment Contracts Act (320/1970) has been elected, the occupational safety and health delegate only represents the employees in matters related to health and safety at work, unless the same person has been elected to both offices. (19.8.1984/768)

#### Section 11

1. For the purpose of performing their functions, occupational safety and health delegates are entitled to inspect the documents and records employers are required to keep under occupational safety and health provisions and orders. They are also entitled to inspect reports and findings concerning safety and health at work and to obtain copies of all the documents referred to above.

2. Occupational safety and health delegates must not neglect the duties of their employment relationship because of their office. Employers must not refuse to release occupational safety and health delegates from their regular work for the reasonable period of time they need to perform their functions as occupational safety and health delegates.

3. Employers shall compensate occupational safety and health delegates for any loss of income incurred from attending to occupational safety and health duties during working hours. In the case of necessary occupational safety and health duties performed outside working hours of which the occupational safety and health delegate has notified the employer or the employer's representative, the employer shall pay reasonable compensation.

4. What is provided in section 53, paragraph 2, of the Employment Contracts Act concerning the dismissal security of a shop steward also applies to the dismissal security of a occupational safety and health delegate.

5. An agreement restricting the rights of a occupational safety and health delegate under this section is null and void.

#### Section 11a (31.3.1988/288)

1. If work causes an immediate and serious danger to an employee's life or health, occupational safety and health delegates are entitled to interrupt such work in so far as persons represented by them are concerned, subject to the restrictions laid down in this section.

2. Occupational safety and health delegates shall inform the employer or the employer's representative of any interruption of work, in advance if possible in view of the type of danger and other circumstances, and in any case immediately when this is possible without any danger. After making sure that no danger as referred to in paragraph 1 exists, employers may order the work to be continued. Employers shall inform the occupational safety and health authority concerned in writing without delay of their action and the grounds for it.

3. Any interruption of work shall not restrict workplace operations in a wider scale than is needed to protect the employees' safety and health. When work is interrupted, any hazard caused by the interruption must be minimized.

4. If it is not possible to reach mutual agreement at the workplace about a safe way of performing the work, the occupational safety and health authority shall immediately take steps to resolve the matter.

5. If occupational safety and health delegates have interrupted work in accordance with this section, they are not liable to compensate any losses caused by the interruption.

## Section 12

1. At workplaces where at least 20 employees work regularly, an occupational safety and health committee comprising representatives of the employer, workers and employees with office worker status shall be established for codetermination concerning occupational safety and health for a period of two years at a time, in order to deal with the promotion of occupational safety and health at the workplace.

2. If cause arises in view of the number of employers or employees, the type of work or the working conditions, an occupational safety and health committee can also be established in other cases and several committees can be established at the same workplace.

3. Employers shall take the necessary steps to establish occupational safety and health committees at the workplaces referred to in paragraphs 1 and 2. If it is not possible to agree on the establishment of occupational safety and health committees, their membership size and the representation of the parties, the district occupational safety and health authority shall resolve the matter.

## Section 13

1. Elections of occupational safety and health delegates, deputy delegates and occupational safety and health committee members shall be organized in a manner that provides all the employees at the workplace with an opportunity to participate. The employer must be informed of the result of the election in writing.

2. Employers shall notify the district occupational safety and health authority of the names and addresses of the occupational safety and health manager, occupational safety and health delegate and deputy delegates in writing or in the manner stipulated by the Ministry. (10.1.1997/10)

## Section 14

1. The occupational safety and health manager, occupational safety and health delegate and, if needed, the whole occupational safety and health committee shall be present at an inspection or investigation at a workplace if the inspecting or investigating officer considers this necessary.

2. The provisions of section 11, paragraphs 2, 3, and 5, concerning occupational safety and health delegates also apply to members of an occupational safety and health committee.

### **Chapter 3. Coercive measures**

#### Section 15

1. If any omissions or faults that employers are liable to remedy or eliminate are detected in buildings, equipment or other conditions at a workplace during an inspection visit or otherwise, or if employers do not comply with their duties under this Act or provisions or orders issued under it, inspecting officers shall, after negotiating with the employer or the employer's representative, issue appropriate instructions for remedying the omissions or eliminating the faults. If the employer acts in a refractory manner or the matter cannot wait, the occupational safety and health authority may, after providing those concerned with an opportunity to be heard, issue a decision requiring the employer to undertake the necessary measures within a suitable time limit.

2. If needed, occupational safety and health authorities may order employers to take the measures referred to in paragraph 1 under the threat of a fine or under the threat that the neglected obligation will be performed by another at the employer's expense, that work at the workplace or a part of it will be interrupted, or that use of the equipment or working method will be prevented. The threat of a fine can be imposed on the employer, the employer's representative or both.

3. Any expenses incurred from having the obligation performed by another are paid in advance out of State funds and recovered from the person acting in a refractory manner according to the procedure laid down for recovery of taxes and fees by recovery procedures.

4. Unless otherwise provided under sections 15a-15e, the procedure laid down in this section can also be used against a person who, while not an employer, is required under occupational safety and health laws to comply with the provisions on occupational safety and health. (29.1.1993/145)

#### Section 15a (10.1.1997/10)

1. If it is found, through supervision measures or otherwise, that a product does not conform to the relevant requirements, the Ministry may prohibit its placement on the market or its being made available for use until the deficiency is remedied. Instead of a prohibition, the Ministry may impose restrictions or conditions for making the product available.

2. If there is justified cause for suspecting that a product is contrary to regulations, the Ministry may prohibit its being made available for the time being, until its conformity to regulations is verified.

3. The inspecting officer may, if the matter cannot wait, issue an interim prohibition as referred to in paragraphs 1 and 2. In such cases, the matter must be urgently brought before the Ministry.

#### Section 15b (10.1.1997/10)

Even if a product is appropriately labelled or approved, the Ministry may impose a prohibition as referred to in section 15a or conditions or restrictions on making the product available, if a substantiated claim is presented that the product poses a danger to employees.

#### Section 15c (10.1.1997/10)

In the cases referred to in section 15a, paragraph 1 or 2, or section 15b, the Ministry may order a producer, importer or seller of the product or a person who places it on the market or makes it available for use to withdraw the product from the market or use. The expenses incurred from the measure shall be borne by the party that made the product available.

#### Section 15d (10.1.1997/10)

If the Ministry has imposed a prohibition, restriction or condition as referred to in section 15a or 15b or issued an order as referred to in section 15c, it may require the party making the product available to provide information on the measure and the rights of product holders in a suitable manner.

#### Section 15e (10.1.1997/10)

The Ministry may order the party who makes the product available to perform the measures referred to in sections 15a-15d under the threat of a fine or, in the case of the measure referred to in section 15c, under the threat that the measure will be performed at the expense of the party concerned.

#### Section 16

1. If it is found, during a inspection visit or otherwise, that an omission or fault at a workplace places the employees at risk of loss of life or health and the employer does not remedy the omission or eliminate the fault within the time limit imposed, the inspecting officer may, after providing the parties concerned with an opportunity to be heard, prohibit use of equipment or a working method or continuation of work until the omission is remedied or the fault eliminated. If the danger to life or health is imminent, the inspecting officer must immediately give the said order after providing the parties concerned with an opportunity to be heard, if possible.

2. The prohibition referred to in paragraph 1 shall be complied with immediately and the inspecting officer shall bring the matter before the district occupational safety and health authority without delay. The district occupational safety and health authority shall deal with the matter urgently. (8.1.1993/17)



3. The prohibition referred to in this section can also be imposed on an independent worker as referred to in section 6, paragraph 4, of the Occupational Safety Act. (11.6.1993/510)

#### Section 17

In the case of an attempt to obstruct or interfere with an inspection or investigation as referred to in this Act, the head of the police district shall provide executive assistance so as to allow the inspection or investigation to proceed. The head of the police district shall also provide the necessary executive assistance with enforcement of the coercive measures referred to in this chapter.

### **Chapter 4. Appeal**

#### Section 18 (8.1.1993/17)

1. Decisions issued by district occupational safety and health authorities in their capacity as occupational safety and health authorities can be appealed to the provincial administrative court. Those who consider that decisions by provincial administrative courts issued in their capacity as appellate bodies infringe their rights can appeal to the Supreme Administrative Court if it grants leave of appeal. Leave of appeal can only be granted if it is important to bring the matter before the Supreme Administrative Court in view of the application of this Act in similar cases or to ensure uniform legal practice.
2. Those who consider that decisions issued by the Ministry in its capacity as occupational safety and health authority infringe their rights can appeal to the Supreme Administrative Court. (10.1.1997/10).
3. An appeal must be given urgent processing in the provincial administrative court and the Supreme Administrative Court.

#### Section 19

1. A petition of appeal against an occupational safety and health authority decision must be submitted within a period of 30 days of the date on which the appellant was informed of the decision. In the case of an appeal against an order of payment of a conditionally imposed fine, however, the period of appeal is 14 days.
2. What is separately provided concerning appeal against administrative decisions shall be observed when appeals are processed, except that the petition of appeal shall be submitted to the authority that made the decision and the said authority shall submit all the case documents and its opinion on the matter to the appellate body.

#### Section 20 (8.1.1993/17)

To prevent any refractory behaviour from endangering safety and health at work, an occupational safety and health authority may order its decision to be complied with notwithstanding appeal.

## Chapter 5. Notification duty

### Section 21 (26.7.1996/567)

If needed, the appropriate Ministry may require that an employer or other party intending to have work done which falls within the supervisory purview of the occupational safety and health authorities shall notify the occupational safety and health authority concerned of the start of work.

### Section 21a

1. Anyone who provides private employment services as referred to in the Employment Services Act(1005/1993), and who has submitted the relevant report concerning a business as referred to in the Trade Register Act (129/1979), is required to notify the occupational safety and health authority concerned of starting the business. When necessary, further provisions on how to fulfil the notification duty will be issued by decree. (26.3.1999/419)

2. An occupational safety and health authority may prohibit the provision of leased labour abroad and any public advertising concerning it if the employer neglects the notification referred to in paragraph 1 or substantially violates the conditions of an employment relationship with regard to work done abroad. (26.11.1993/1035)

### Section 22

1. Employers are required to notify the occupational safety and health authorities of any occupational accident or occurrence of a work-related occupational disease which calls for an on-site investigation under the Employment Accidents Insurance Act of August 20, 1948 (608/1948).

2. When physicians find an occupational disease as referred to in the Occupational Diseases Act (1343/1988) or some other work-related pathological state in a worker, they shall promptly notify the district occupational safety and health authority thereof using the approved form, notwithstanding any provisions concerning confidentiality duty. The Ministry will issue separate stipulations on the duty of the district occupational safety and health authority to provide the Ministry with statistical information on such notifications. The notification shall contain the personal data of the patient concerned, information on the employer, workplace and type and duration of exposure, details on the type of disease, its verification and the handicap resulting from it, and the name of the insurance institution. When physicians suspect an illness to be an occupational disease, they shall obtain information on the employee's working conditions with regard to risk factors that may influence the occurrence of an occupational disease. (10.1.1997/10)

3. The district occupational safety and health authority shall submit the information contained in the notification referred to above to the Institute of Occupational Health for entry in the register on work-related diseases maintained by the Institute for the purpose of research, analysis, diagnosis, treatment and prevention of occupational diseases and other work-related diseases in order to discharge the function laid down for the Institute in the Act (159/1978) and Decree (501/1978) on the Operations and Financing of the Institute of Occupational Health. Provisions concerning the Institute of Occupational Health's right to

obtain information for the register of work-related diseases from insurance institutions and their joint bodies are laid down separately. Provisions concerning occupational safety and health authorities' right to obtain the information needed in order to compile statistics from accident notifications made by employers to insurance institutions are laid down separately. (26.11.1993/1037)

#### Section 23 (29.1.1993/145)

1. The producer, importer or seller, or a business installing a product may be ordered to notify an occupational safety and health authority about the product. A similar notification duty may be imposed regarding starting to use a working method that may pose a risk to life or health.

2. If checks are not required under separate orders, the occupational safety and health authority concerned may order installation, commissioning or maintenance checks or other necessary use-related checks to be performed, to ensure safe use of the product or working method referred to in paragraph 1.

#### Section 23a (8.1.1993/17)

If an employee or occupational safety and health delegate concerned submits a written complaint to the occupational safety and health authority stating that it has not taken the measures referred to in section 15 or 16 although justified cause for them exists under the law, a new inspection visit must be made without delay, except if the inspection would have to be conducted outside Finnish borders.

### **Chapter 6. Penal provisions**

#### Section 24

1. If probable cause exists to suspect that an offence punishable under occupational safety and health laws or chapter 47 of the Penal Code has been committed, the occupational safety and health authority shall report the case to the public prosecutor. However, a report can be forgone if, considering that the offence is minor or in view of the occupational safety and health conditions at the workplace, the public interest does not require it. (21.4.1995/689)

2. When a labour market offence is under preliminary investigation and is being processed in court, the occupational safety and health authority or a person authorized by it must be provided with an opportunity to attend the proceedings and be heard, and to pose questions to the parties and witnesses in the case. (11.7.1997/700)

#### Section 25

1. The punishment for a violation of confidentiality as referred to in section 5 shall be imposed in accordance with chapter 38, section 2, paragraph 2, of the Penal Code, unless the act is punishable under chapter 40, section 5, of the Penal Code or a more severe punishment is provided for the act elsewhere than in chapter 38, section 1, of the Penal Code. (21.4.1995/689)

2. The punishment for a violation of confidentiality by a civil servant or public sector employee as referred to in section 6 shall be imposed in accordance with chapter 40, section 5, of the Penal Code, unless a more severe punishment is provided for the act elsewhere in the law. (21.4.1995/689)

3. Anyone who violates the provisions in sections 21 and 21 a(1) or section 22 or 23 of this Act, or provisions on their application issued under this Act, shall be sentenced to a fine for *neglect of the notification duty concerning occupational safety and health information*. (26.3.1999/419)

(4. repealed 26.3.1999/419)

#### Section 26 (21.4.1995/689)

1. The punishment for a violation of occupational safety orders, for causing an omission or fault in violation of occupational safety orders, and for allowing a state to continue that constitutes a violation of occupational safety orders is laid down in chapter 47, section 1, of the Penal Code.

2. The punishment for a violation of a prohibition imposed under section 21a, paragraph 2, is laid down in chapter 47, section 6, paragraph 2, of the Penal Code.

3. The punishment for a violation of the rights of a occupational safety and health delegate is laid down in chapter 47, section 4, of the Penal Code.

### **Chapter 7. Miscellaneous provisions**

Section 27 was repealed by Act No. 17/1993.

#### Section 28

Employers must have this act and the provisions issued under it and an announcement containing the name, address and telephone number of the occupational safety and health authority directly responsible for supervision of the workplace concerned, and also the names of the occupational safety and health manager and the occupational safety and health delegates, made available for inspection in a suitable place.

#### Section 29

Further provisions on the implementation and application of this Act will be issued by decree.

#### Section 30

1. This Act enters into force on January 1, 1974, thereby repealing the Inspection of Trades Act (72/1927) of March 4, 1927 and the provisions and orders issued under it.

2. In the case of a reference to the Inspection of Trades Act elsewhere in the law, this Act shall be applied in its stead, unless otherwise provided in the Act on the Occupational Safety and Health Administration (574/1972).

3. Codetermination between employers and employees in occupational safety and health matters shall be organized in accordance with chapter 2 of this Act within a period of one year after this Act enters into force; however, in the case of the occupational safety and health committees referred to in section 12, orders issued by the Ministry of Social Affairs and Health shall be observed concerning the manner and order of establishment.