

OCCUPATIONAL SAFETY AND HEALTH ACT (299/1958)

Sphere of Application

Section 1

- (1) Subject to the restrictions indicated hereinafter, this Act shall apply to work done by employees on the basis of a contract and for remuneration on behalf of and under the direction and supervision of an employer. Any gain of a financial character shall be regarded as remuneration.
- (2) This Act shall also apply:
 - (1) with exceptions mentioned below, to work carried out on the basis of a public servant's relationship or a comparable public service relationship;
 - (2) to the practical training and work exercises performed by a student at school, at any establishment or during a course, and to work carried out by any person assigned by labour authorities, in accordance with the Employment Act (275/1987) and the provisions adopted thereunder, to gain experience in working life, to participate in a work experiment or to be trained at work; or (223/1990)
 - (3) or to work carried out by a person detained or accommodated in penitentiary, reformatory and probationary establishments or comparable institutions, or in hospitals. (27/1987)
- (3) As regards shipwork, sections 11 and 24 of this Act are applicable only as far as relevant. As far as domestic work in the home of the employer is concerned, there are separate provisions. (27/1987)

Section 2 (27/1987)

An ordinance shall be passed on the application of this Act to work carried out

- (1) by a person employed by the Defence Forces or the Border Guard Service or by a conscript at the order of or while at the service of the Defence Forces or the Border Guard Service; (167/1988)
- (2) in an employment relationship, in a public servant's relationship or in a comparable public service relationship in the home of the employee or similar circumstances in which the organisation of the work cannot be considered as incumbent on the employer;
- (3) in an employment relationship by a person who lives permanently in the same household as his employer and who is related to him or to his spouse in the direct ascending or descending line, or who is his adopted child or adoptive father or mother, or the spouse of one of the aforementioned persons, unless the employer normally employs other persons for the same work;
- (4) by a person ordered to non-military service.

Section 3 (144/1993)

- (1) The employer may, for the purpose of carrying out the duties referred to in this Act, put in his place (an)other person(s). The person put in his place shall have the necessary qualifications, and his duties shall be defined with sufficient accuracy considering the size of the undertaking, the nature of the operations and other matters.
- (2) When applying this Act, as an employer is regarded also a principal who under his own management and supervision uses work force employed by another employer. In that case,

as to the obligations of employers supplying labour, the same provisions are applied as is laid down on employers in this Act. (57/1997)

Section 4 (27/1987)

The provisions of this Act relating to employers shall apply to work carried out in a common undertaking by two or more persons who are not connected by the bonds of relationship referred to in section 2, paragraph 3, notwithstanding the fact that no employees referred to in section 1, paragraph 1 are working in the undertaking.

Section 5

- (1) Every person in charge of the management of a harbour, every shipowner, ship commander, or the person in whose custody a ship is, and also every employer shall each be obliged, in accordance with provisions enacted by the Council of State, to the extent appropriate to conform to the provisions of this Act, when work is carried out in harbour, ashore or on a ship, either in connection with the loading or unloading of vessels in sea or inland water transport, or with the taking on of fuel.
- (2) In paragraph 1, the term "harbour" also includes any harbour basin, quay or similar place.

Section 6 (789/1976)

- (1) The provisions of sections 40 to 43 of this Act shall be observed by every person, even if he is not an employer, who is:
 - (1) manufacturer, importer or deliverer of machines or equipment;
 - (2) anyone who carries on the assembly of machines or equipment as an independent contractor;
 - (3) every manufacturer, importer or other deliverer of a substance which is detrimental to health;
 - (4) every loader or dispatcher of a package; and
 - (5) every owner of real estate or a building, or everyone who possesses a piece of real estate or part of it, or who has the use or right of possession of it.
- (2) Provisions concerning the obligation of a designer to observe this Act are included in section 40 b and, as regards construction, in section 43 a. (509/1993)
- (3) Provisions concerning the obligation of the builder or another person directing and supervising a building project on a common construction site to observe this Act are included in paragraphs 2 and 4 of section 43 a (11/1997).
- (4) Provisions concerning the obligation of a self-employed person who works on a common construction site for pay to observe this Act are included in paragraphs 3-5 of section 43 a (509/1993).

Section 7 (858/1996)

The Labour Council shall make a statement on the application and interpretation of this Act as laid down in the Act on the Labour Council and exceptional permissions in occupational safety and health (608/1946).

Section 8

When special provisions are applicable to labour protection in specific cases of work, such provisions shall be applied concurrently with the provisions of this Act.

General Obligations of Employers and Employees

Section 9

- (1) The employer shall pay close attention to everything that is reasonably necessary, with regard to the nature of the work, the conditions of work, as well as to the age and ageing, sex, occupational skill and other qualifications of the worker, to protect him against industrial accidents and diseases arising from his work. For this purpose, the working environment shall be constantly supervised and appropriate measures taken in order to clarify and prevent accidents, health hazards and dangerous situations. (1132/1997)
- (2) When estimating the risk factors depending on the working conditions, the possible risk for the genotype and foetus shall also be taken into consideration. (27/1987)
- (3) The employer shall have a programme for the activities necessary in order to promote safety and health as well as to maintain the employees' ability to work which covers the need to improve the working conditions and the influence of factors related to the working environment. The objectives to promote safety and health and to maintain the ability to work to be derived from the action programme shall be taken into account in the improvement activities of the workplace, and they shall be discussed with the employees or their representatives. (1132/1997)
- (4) The employee shall scrupulously fulfil the obligations placed upon him by this Act and by the regulations made thereunder; he shall use such protective equipment as has been prescribed to protect himself against accidents and dangers to his health and, in the course of his duties, otherwise see to his safety and health as well as to the safety and health of other employees if his work affects them, according to the guidance he has received and the instructions given by the employer. (144/1993)
- (5) Employers and employees shall co-operate to preserve and improve safety at the workplace. The employer shall ensure that the employees are given in due time the necessary information about matters affecting safety and health at the workplace, and that these matters are dealt with properly and in due time between the employer and employees or their representatives. (144/1993)

Planning of the Work and the Working Environment (27/1987)

Section 9 a (27/1987)

- (1) When planning the structures of the working environment, work premises, work processes and production methods as well as the machines and equipment to be used, it shall be made sure that the work can be carried out safely and without exposing the worker to physical or psychic health hazards.
- (2) When the work premises are planned, built or modified, it has to be made sure that their cubic space, ventilation, lighting, noise level and other circumstances conform to the requirements imposed by this Act. Special attention shall be paid to the fact that the interior layout and the arrangement of the machines and installations make it possible to work safely.
- (3) In connection with the planning of production and working methods, it has to be established what effects they have on occupational safety. The various tasks and stages of work shall be timed and synchronized in such a way that they can be performed safely.

Taking the Qualifications of Employees into Account when Dimensioning Work and Work Equipment (27/1987)

Section 9 b (1001/1999)

Tasks and tools as well as machines, equipment and necessary instruments used during work shall be dimensioned and arranged so that they, regard taken to the employees' physical and mental qualifications, enable the work to be performed in an appropriate manner. Special attention shall be paid to alleviate work which strains the employee uninterrupted and repetitively and to reduce health hazards rising from it. The arrangements shall take into account, if necessary, disabled and other employees the securing of whose health and safety at work requires special measures.

Principles of Developing the Working Conditions (1001/1999)

Section 9 c (1001/1999)

- (1) The employer shall, on the basis of the clarification and estimation referred to in section 9)(1)(2), plan, choose and dimension the measures necessary for improving the working conditions according to the following principles:
 - (1) prevention of risks at source;
 - (2) priority to generally effective health and safety measures over individual ones;
 - (3) substitution of dangerous for undangerous or less dangerous;
 - (4) taking account of the state of the art.

Right of Employee to Refuse to Work (287/1988)

Section 9 d (287/1988)

- (1) If the work causes a considerable risk to the life or health of the employee or other employees, he has the right to refuse to carry out such work.
- (2) The employer or his representative shall be notified of the refusal as soon as possible. Entitlement to refuse to work is valid until the employer has eliminated the risk factor or otherwise ensured that the work can be performed safely.
- (3) Refusal to work may not restrict the performance of work to a larger extent than necessary for safety at work and the health factors. As refusal to work occurs, it shall be ensured that the potential damage resulting from it would be as insignificant as possible.
- (4) If an employee refuses to work under this section, he is not liable to compensate for the ensuing damage.

Provisions respecting Hygiene

Section 10

- (1) Whenever the number of persons employed or the nature and duration of the work so warrants, a sufficient quantity of the following shall be provided in each workplace or in close proximity to it:
 - (1) drinkable water;
 - (2) water for personal washing purposes, as well as adequate equipment and, where circumstances so require, sufficient washing and drying facilities, or a heated toilet room, fitted, where necessary, with showers or baths and hot water, or a steam bath;

- (3) suitable seating facilities, in cases where the employees can sit down while they work without detriment, and otherwise for resting, when the occasion arises;
 - (4) appropriately equipped premises for the changing and storage of clothing and, where necessary, for drying it;
 - (5) appropriately equipped premises for meals and, where food is not provided at the workplace, equipment for the heating or reheating of food and drink supplied by the employees themselves;
 - (6) properly equipped lavatory accommodation; and
 - (7) rest rooms or premises where the employees can rest, spend their breaks and waiting periods, where special circumstances so require. (144/1993)
- (2) In workplaces where both male and female workers are employed, separate washing facilities, waterclosets and other premises for men and women shall be made available, where necessary.
 - (3) If necessary, pregnant women shall have a chance to go to a rest room or some other suitable place to rest. (144/1993)
 - (4) The provisions hereinafter, concerning ventilation, lighting, temperature, humidity, cleanliness and fire prevention of working premises shall be observed, in so far as they are applicable, in all premises intended for use by the employees. With the help of appropriate measures non-smoking employees shall be protected from cigarette smoke especially in rest rooms and other premises. (144/1993)
 - (5) Whenever work is carried out at a place lacking sufficient accommodation for the employees within such a distance from the workplace that the persons concerned cannot reasonably be expected to pass the night there, the employer shall arrange separate accommodation for male and female employees at the workplace itself or in close proximity to it. (144/1993)

Night Work (1354/1988)

Section 10 a (1354/1988)

- (1) Where applicable, night workers shall be given the opportunity of changing their duties where the circumstances so allow and where the changing of duties is possible with a view to the characteristics of the employee, in order to prevent any damage caused to the employee's health by the conditions at the workplace or by the nature of the work.
- (2) If the duration of the working hours so requires, the employer shall provide the nightworker an opportunity of enjoying a wholesome meal during the night shift to the extent need for it exists and arranging for a meal is appropriate with a view to the circumstances. The employer may charge the employee a reasonable price for the meal.

Structures and dimensions of Working Premises (144/1993)

Section 11

- (1) The structures and materials of the working premises shall be safe and nonhazardous to health, and it shall be possible to handle, repair and clean them in a safe way. (144/1993)
- (2) Working premises shall be of sufficient size for work to be carried out with ease; they shall further have the necessary free space and, having regard to the nature of the work, an adequate amount of air for each employee, the minimum permissible being 10 cubic

metres per person. In the calculation of air space, the height of working premises shall be reckoned for this purpose as not exceeding 3.5 metres. (144/1993)

- (3) The office of the district for occupational safety and health concerned may from the obligations prescribed in paragraph 2 grant exceptions concerning work in schools and institutions, referred to in section 1, paragraph 2, points 2 and 3, for a limited period or until further notice, provided that the safety and hygiene of the work has been secured by other means. (144/1993)

Ventilation

Section 12

The ventilation of working premises or any other enclosed workplace shall be efficient and suitable.

Lighting

Section 13

- (1) Working premises, and especially those places where workers have to carry out their work or to move about, shall be adequately lighted. In so far as the circumstances require, the necessary reserve lighting shall be provided at the principal exits. The area immediately surrounding the workplace shall, where necessary, be provided with sufficiently strong external lightning.
- (2) In buildings or parts of buildings which are used as workplaces and which are not fitted with windows, essential lighting shall be ensured in case the normal system of lighting should fail.
- (3) Where other means of lighting cannot reasonably be installed in underground or similar types of work, the employees may use portable means of lighting.

Temperature and Humidity

Section 14

- (1) The temperature and humidity of the air in working premises shall, if necessary and in so far as the nature and performance of the work and the methods of production so permit, be regulated in such a way that the work can be carried out without danger to the health of the employees concerned.
- (2) Windows and glass partitions at the working premises shall be made of such a material or protected in such a way that, considering the work and the nature of the work, they permit the employee to avoid the harmful thermal stress caused by the sun. (144/1993)

Dampness, Draughts, Temperature, Glare and Radiations

Section 15

In the case of work which, by its nature, exposes the employee to dampness, draughts, cold and heat, glare or other dangerous radiations, the employees concerned shall be adequately protected against any resultant hazards.

Dust, Fumes, Gases and Vapours

Section 16

Processes which give rise at any stage to dust, fumes, gases or vapours in such quantities as to be injurious or obnoxious to the employees concerned and which cannot be carried out in hermetically closed apparatus shall be carried out as far as possible in separate premises or buildings. Dust, fumes, gases or vapours shall be treated in such a way as to render them sufficiently harmless or shall be drawn off for disposal. If their injurious effects are unavoidable, suitable measures shall be taken to prevent their dispersion in the neighbourhood of the workplace.

Substances Dangerous to Health

Section 17

- (1) If poisonous substances or other substances dangerous to health are used during the course of work, or if the conditions in which the work is done may involve some other danger of poisoning, infection or deprivation of oxygen, the necessary protective measures shall be taken. If such measures are not sufficient to preclude the danger, the injurious substance shall be replaced by some other substance.
- (2) The employer may, whenever necessary, be ordered to present a statement on the composition of the dangerous substances mentioned in the foregoing paragraph, on the amount of such substances in the atmosphere at the workplace and on the other conditions mentioned in the aforesaid paragraph, and regularly to arrange for an examination to be made of any changes that might occur in these circumstances.

Noise, Vibration and Pressure (509/1993)

Section 18

- (1) Where employees are exposed to loud noises or severe vibration during the execution of their tasks, appropriate protective measures shall be taken. If it is not possible to eliminate the harmful effects of such noises or vibration by constructional or other measures of a technical character or by changing the method of work, such tasks shall be performed, as far as possible, in a separated workshop or workplace or planned in such a way that the noises or vibration are periodically diminished or stopped.
- (2) All necessary protective measures shall also be taken in cases where work is carried out under pressure which might have deleterious effects on the health of the employee concerned or in cases where an employee is compelled to work in conditions where the pressure is subject to considerable changes. (509/1993)

Orderliness and Cleanliness

Section 19

- (1) Orderliness and cleanliness shall be maintained in workshops and in all other parts of workplaces. Workshops, staircases and corridors shall be swept every day, unless special circumstances make it impossible to do so, and all such spaces shall be regularly cleaned thoroughly.
- (2) Sweeping which raises dust shall be carried out as far as possible outside working hours.

Personal Protective Equipment

Section 20

- (1) Employees shall be provided with personal protective equipment of the appropriate kind if other adequate measures cannot be taken to prevent accidents or dangers to health or cannot reasonably be insisted upon. Where the nature of the work or the conditions in which it is performed necessitate special working clothes or other equipment to reduce the risk of accident or disease, such protective equipment shall be made available to the employee.
- (2) A sufficient number of sets of personal protective equipment shall be made available for the employees concerned.
- (3) Before the personal protective equipment of one employee is used by another, it shall, where necessary, be thoroughly and properly cleaned.
- (4) Protective equipment shall be serviced and inspected at regular intervals. (144/1993)

Section 21

- (1) Employees shall use and take care of the personal protective equipment entrusted to their charge carefully and according to instructions. (144/1993)
- (2) Employees shall not wear working clothes that are liable to cause an accident.

Periodic Employment in More Hygienic Conditions; Shorter Working Hours and Regular Breaks at Work (461/1997)

Section 22

- (1) Where certain tasks involve a special danger to health which cannot be satisfactorily avoided by means of protective measures, the number of working hours spent on such tasks shall, as far as possible, be reduced in such a way that every day or every week or at some other interval the employee can carry out a part of his work in the open air or in some other form of activity involving better hygienic conditions.
- (2) Where any reduction of the risk incurred in tasks which are particularly dangerous to health involves the adoption of measures which cannot reasonably be enforced, an ordinance may be issued reducing the working hours spent on the tasks concerned.
- (3) Especially in cases where work is continuously stressing or requires continuous presence, while working the employees shall, if necessary, be given an opportunity for breaks which allow them to leave temporarily their work station in case these breaks have not been arranged in any other way on the basis of obligations prescribed by law or based on a collective agreement or a collective bargaining agreement. (461/1997)

Fire Prevention

Section 23

Work shall be organised in such a way that the danger of fire is reduced as far as possible. Waste and other inflammable refuse shall be carefully removed.

Section 24 (144/1993)

- (1) Working premises shall be provided with a sufficient number of emergency or other exits, which shall be equipped with appropriate markings, clearly indicated, of easy access, and lead to the open air at the ground level; such exits shall be free of obstruction at all times. They shall be provided with the necessary emergency lighting.
- (2) The emergency exits referred to in paragraph 1 above shall be unlocked while work is being performed or people are otherwise present at the workplace, and they shall be easy to open from both directions and not have sliding or revolving doors. (592/1996)

Section 25

- (1) Water and the necessary fire extinguishing equipment shall always be available on working premises or in close proximity thereto. Where the special circumstances of any particular type of work so require, other fire-extinguishing substances and coverings shall also be available.
- (2) Where a special fire alarm system is essential to the protection of the employees, it shall be so designed that the alarm signal can be heard by everyone concerned in all parts of the workplace.

Section 25 a (27/1987)

In work involving fire or explosion hazards, special attention shall be paid to minimizing the risk caused by the sparking of electric equipment, static electricity or any other factor.

Section 26

Employees shall receive the necessary instructions for their protection in dealing with a fire, in carrying out tasks involving a risk of fire, in handling and storing inflammable substances or explosives, in making proper use of ventilation in the event of fire, in giving the alarm and calling firemen, in closing firedoors and in rapidly evacuating the premises if necessary, and also any other instructions concerning the measures which require to be taken either to avoid a risk of fire or at the time a fire breaks out, having regard to the particular situation of the workplace.

Work Involving Risk of Major Accident (27/1987)

Section 26 a (27/1987)

Whenever substances are handled during work or stored at the workplace which may cause a major accident, or when the work may in an other way involve the risk of major accident, the employer shall give the employees the necessary instructions for the prevention of the dangers and the line of action to be taken in emergency situations. If necessary, drills shall be arranged to make clear the expediency of the instructions in practice.

Electric Wiring and Equipment

Section 27

- (1) The electric wiring and equipment in a workplace shall be planned, installed, used and maintained in such a manner as to avoid any risk of fire or accident.
- (2) Special safety precautions shall be taken when carrying out electrical work. Where such work cannot otherwise be carried out under conditions of complete safety, steps shall be taken, before the commencement of the work, to isolate the electric wiring and equipment from the mains, so that they are no longer a source of danger, or other suitable measures shall be taken; in carrying out such work, the safety rules governing electrical work and the instructions issued for their application shall at all times be observed.

Lifting and Transportation Tasks and Traffic at the Workplace (27/1987)

Section 27 a (27/1987)

- (1) The transportation, handling and storing of goods shall be planned and organised in such a way that the risk factors, caused to the employees by the lifting and transportation equipment and by the movements of the goods being transported, can be prevented effectively. Sufficient space shall be reserved for the transportation and movement, and care shall be taken for necessary visibility to secure safety.
- (2) Loading bays and platforms as well as ramps shall be dimensioned according to the loads to be transported and the transfer and transport equipment to be used. There must be at least one safe exit point from the loading bay and the necessary amount of access roads. The danger of employees falling shall be prevented by handrails or other equivalent protective devices. (144/1993)
- (3) Whenever the danger involved in the transportation of goods or in transport devices cannot be avoided otherwise, protective spaces shall be arranged for the employees, and safety shall be maintained with the aid of signalling systems and suitable protective devices and equipment. (144/1993)
- (4) In addition to the provisions of paragraphs 1-3, the following has been prescribed for reducing the risks related to lifting, transportation and removals:
 - (1) when lifting mechanisms are used it shall be made sure that the lifting equipment and appliances are in good condition and suited for the purpose;
 - (2) it shall be made sure that the load is secured, sufficiently supported and properly balanced;
 - (3) space for lifting shall be reserved so that there is no danger of the load getting entangled during lifting;
 - (4) lifting shall be planned so that unnecessary moving under the load or in the danger area during lifting is avoided;
 - (5) special attention shall be paid to safety arrangements when using lifting and transportation equipment as working platforms, or otherwise divergently from their actual use; and
 - (6) when using lifting equipment it shall be made sure that the surface on which the equipment is moved and used for lifting has a sufficient supporting capacity and is sufficiently even, and also that there is no danger of overturning or losing balance of the lifting vehicle or lifting equipment. (144/1993)
- (5) Whenever the visibility of the performer of the act of transportation, transfer or lifting is limited in any direction of movement, a signalling system warning of movements in this direction shall be in the vehicle, conveying or lifting device, if other measures ensuring safety at work have not been taken. (144/1993)

- (6) Provisions of paragraphs 1-5 of this section shall as far as practicable be applicable also to the lifting and transfer of persons. (144/1993)

Risks of Falls and Drowning (27/1987)

Section 28

- (1) In workplaces where employees are liable to fall or be injured by falling objects during the course of their work or while moving about the worksite, protective ramps, fencing, screens or other suitable safety devices shall be installed, due regard being had to the nature of the work. Employees shall have a safe access to the workplace. Floors, staircases and corridors shall be maintained in such a manner that the employees run no risk of slipping or stumbling.
- (2) Repealed (27/1987)
- (3) In workplaces involving a danger of drowning, adequate rescue equipment shall at all times be available. If there is a danger to life or health if somebody falls into the water, there shall always be access to rescue equipment at an adequate place. (27/1987)

Repairs, Installation and Service Work (27/1987)

Section 28 a (27/1987)

Taking into consideration the extent of the task and the risk factors involved in repair, installation and service work, it shall be made sure that the work can be performed safely and that

- (1) the work can be performed in accordance with the special instructions and directions given by the employer, if necessary, or eventually worked out for specific purpose;
- (2) the representatives of the employer, responsible for the direction and supervision of the work, have where necessary approved the work to be executed;
- (3) necessary arrangements have been taken at the workplace with a view to carrying out the work safely and the requisite measurements have been made;
- (4) electric power as well as gas and liquid mains under pressure have been disconnected, if necessary, so that they cannot cause any danger;
- (5) the load has been secured - if work is carried out below it - so that a failure of the lifting equipment does not cause any danger;
- (6) the starting of machines and installations to be repaired is prevented in a reliable manner during repairs when an employee is in the danger area;
- (7) the tools to be used are in good condition and suitable for their purpose;
- (8) when tanks or confined spaces are serviced or inspected, care shall be taken to prevent any danger caused by lack of oxygen or by dangerous substances;
- (9) appropriate personal protective equipment and clothing are used;
- (10) the scaffold, work platforms and ladders being used at work have an adequate stability and carrying capacity; and that
- (11) unnecessary access to the danger area is prevented.

Section 28 b (27/1987)

The adjustment, cleaning, servicing and repair of machines and devices and the elimination of malfunctions shall be performed in accordance with relevant instructions and only if it is necessary while the machine is running. When the machine is running,

these tasks shall only be performed by a person who is trained or specially familiar with these tasks and who shall use appropriate tools and protective devices.

Machinery and Equipment

Section 29

- (1) Machinery, pressure chambers, lifting gear, transport equipment and all other similar plant shall be suitably constructed, located and installed and shall be provided with the necessary protective devices and instructions, so as to prevent accidents to persons either employed at the workplace or happening to be there.
- (2) When the need for, and quality of, protective devices are assessed, the accident risk or health hazard possibly involved in the adjustment, cleaning and repair of machines and equipment and in the elimination of troubles shall also be taken into consideration. (27/1987)
- (3) Repealed (144/1993)

Section 30

- (1) All the equipment mentioned in section 29 shall be used and maintained in accordance with the rules and instructions provided.
- (2) Machinery and other equipment and their component parts shall not be so loaded or charged so that danger could ensue.

Section 31

- (1) Before transmission gear or other mechanisms with an extended range of action are set in motion, a warning shall be given in a previously prescribed manner to all employees within the range of action of the gear or mechanism.
- (2) Starting mechanisms for machinery shall be so constructed and installed and where appropriate so equipped that the machinery cannot be set in motion inadvertently. Machinery which might involve a danger to employees shall be provided with devices whereby it may be stopped or disconnected quickly.
- (3) The control system of machines and equipment shall, if possible, be secured so that no danger is caused by a damage to the control system nor by a change in the power supply situation. (27/1987)

Section 32 (27/1987)

Whenever the automatic functions of machines or equipment or disturbances occurring in these functions can cause a risk of accident or a loss of health, the unnecessary access to the danger area shall be limited in a suitable way.

Explosive, Inflammable and Corrosive Substances

Section 33

During the handling and storage of explosive, inflammable, corrosive and similar dangerous substances, special care shall be taken and the special provisions enacted for the handling and storage of such substances shall be rigorously observed.

Storage of Dangerous Substances

Section 33 a (27/1987)

Dangerous substances referred to in this Act shall be stored in appropriate, reliable containers provided with a visible and permanent marking as to their contents. Dangerous waste material shall be stored and handled so that it causes no danger of accidents or health risks for the employees or other persons present at the workplace. As to the handling and neutralisation of problem waste, there are provisions in the Waste Management Act (673/1978).

Instructions and Notices

Section 34

- (1) Employees shall be given the necessary instructions, having regard to the nature of the work and the conditions under which it is to be carried out, in order to prevent accidents and dangers to health arising out of the employment. Appropriate notices and other safety instructions shall be posted up, whenever necessary, at conspicuous points in the workplace.
- (2) For the purposes mentioned above in paragraph 1, the employer shall see to it that the employees are made sufficiently familiar with:
 - (1) the conditions at the workplace, the correct manner of performing the work and the possible health hazards involved;
 - (2) the operation of new machinery and equipment, and the resulting working methods;
 - (3) action to be taken when starting and stopping production, when cleaning, adjusting, servicing and repairing machinery and when dealing with current disturbances, as well as when the machines and equipment are damaged; and
 - (4) safety regulations for the machinery and equipment being used at work, and with the modes of operation and precautions which according to the provisions pertaining to occupational safety and health shall be observed at the workplace. (27/1987)
- (3) The employer shall make sure that an outside employer having work done at his workplace and the employee of the outside employer have received the necessary information and instructions concerning the danger and adverse factors. (144/1993)
- (4) Work that may involve a special danger of accident, disease, or fire shall not be carried out, even occasionally, by any person other than a careful and competent person entrusted with it, save where it is done by an employee working under such person's direct supervision. The employer shall by appropriate measures ensure that only these employees shall be allowed to enter the dangerous area in question. (144/1993)

Faulty Construction and Defects

Section 35 (144/1993)

An employee shall immediately inform the employer or his representative and a safety representative, if available, of any faulty construction or defects in the machinery, equipment, tools and protective equipment or working conditions, if they might cause an

accident or involve a risk to the health of the employees concerned, and which he himself cannot correct. The employer shall inform which measures have been taken or are to be taken as a result. The employee shall have the right to propose to the employer the necessary corrections in other cases as well.

First Aid

Section 36

- (1) In order that first aid may be rendered in the event of an accident or danger to health, dressings, medicaments and other first-aid supplies, the quantities and condition of which shall be verified at least once a month, shall be held available in sufficient amounts in a suitable and clearly indicated position in the workplace or in close proximity to it, having regard to the area and situation of the workplace, the number of persons employed, the nature of the work and the conditions in which it is carried out.
- (2) Further, where the number of employees, the nature of the work or the conditions in which it is carried out so require, at least one person, who is versed in rendering first aid, shall be present at the workplace and be provided with suitable premises for the purpose.
- (3) Where the working conditions so require, the employees shall be informed in advance of how to secure first aid promptly in the event of an accident.

Employment of Children and Young Persons (1508/1991)

Section 37

Repealed (1508/1991)

Section 38

The employment of children and young persons shall be subject to the special provisions enacted independently of the provisions of this Act.

Home Work

Section 39

No employer shall deliver to homeworkers materials which, when used in the required manner, may involve a special danger of accident or a risk to health.

Responsibilities of Certain Persons other than the Employers

Section 40

- (1) The manufacturers, importers and sellers of machinery, tools and other technical equipment and all persons supplying such equipment to the market or for the use of third parties shall each ensure that:
 - (1) the intended use of the object, when placed on the market or introduced in a country, does not involve any risk of accident or disease;
 - (2) the object has been designed, manufactured and, if necessary, checked as separately prescribed; and

- (3) the object is accompanied by the protective devices necessary in its normal use as well as by the necessary markings and other clarifications concerning its compliance with requirements.
- (2) The necessary instructions for installing, using and maintaining such equipment shall be supplied at the same time as the equipment itself. They shall, if necessary, also include instructions concerning cleaning, ordinary repairs and adjustments, as well as action to be taken in ordinary cases of disturbance. These tasks shall also be taken into consideration when the need for protective devices is assessed. (144/1993)
- (3) The object may be displayed even when it does not meet the requirements of this section on the condition that a clear marking is used to indicate that it does not meet the requirements and that it may not be delivered for use by another person until it meets the requirements. Furthermore, it shall be ensured that the display can be carried out in a safe way. (144/1993)
- (4) Any person who, acting as an independent contractor, undertakes to install any machinery, tool or other mechanism shall ensure that the appropriate safety devices are properly in place and shall also conform to any rules and instructions concerning the installation. (27/1987 and 144/93)

Section 40 a (144/1993)

- (1) Every manufacturer, importer or seller of a dangerous substance or chemical or a product containing a chemical involving a health hazard or any person who delivers such a chemical or product containing a chemical to the market or for the use of another person shall each ensure that:
 - (1) the coverings of substances and chemicals involving a health hazard, products containing a chemical and the coverings of such products shall include the necessary information for their identification and safe use;
 - (2) the substances and chemicals involving a health hazard shall be classified and the coverings shall include warnings and the necessary information on the consistency and properties of the chemicals and substances;
 - (3) the substances and chemicals involving a health hazard and products containing them shall be kept and delivered in safe and durable packaging and
 - (4) when a dangerous substance referred to in points 1-3 above to be used in industrial operations or an industrial occupation is concerned, the recipient shall be given a safety data sheet.
- (2) Anyone supplying a product containing substances referred to above in paragraph 1 to the market or for use shall acquire such information on the physical and chemical properties and on the health hazards of the chemical as can be reasonably obtained and as are sufficient in order to estimate the health hazards of the chemical referred to in this Act, to classify and mark the chemical and to draw up the safety data sheet.
- (3) Whenever a machine or equipment contains a chemical harmful to health as a permanent part, the machine or equipment shall display the name of this substance together with an inscription on its harmfulness, the use of the machine or equipment and any accident hazard. The machine or equipment shall be accompanied with appropriate instructions for use and safety concerning the chemical in question.

Section 40 b (27/1987)

Everyone who, against remuneration, hands over the plans concerning a workroom, production premises, a working method or a machine or equipment used for the work concerned, is obliged to make sure that the occupational safety and health rules and

regulations are taken into consideration in the way required by the use to be made of the object designed.

Section 41

- (1) Packages of 1 ton or more gross weight that are loaded on board a ship for the purpose of being forwarded shall, on the responsibility of the loader, or, if the loading is carried out beyond the frontiers of Finland, on the responsibility of the sender, have their gross weight in kilograms plainly and durably marked before they are loaded.
- (2) Where necessary, the sender of the goods shall similarly mark the package as prescribed in the foregoing paragraph, even if some other means of transport is used.
- (3) Where it is difficult to determine the exact weight, an approximate weight shall be marked.

Section 42

Where work covered by this Act is carried out in a building or any part of a building with the consent of the owner or occupier, the owner or occupier shall authorise the employer to carry out in such building the repairs or alterations required of him under this Act.

Section 43

An owner of land who generally allows people to carry away gravel or other similar material in return for a consideration shall, in the absence of an agreement to the contrary with the employer, ensure that the state of the quarry does not involve any danger. Where the owner of such land has, under a lease or other contract, given another the right to enjoy the land from which such materials are being extracted, the aforementioned obligation shall be incumbent on the beneficiary of that right.

Additional obligations concerning construction (509/1993)

Section 43 a (509/1993)

- (1) The plan concerning construction referred to above in section 40 b shall also take into account to the extent necessary the health and safety of employees realizing the plan.
- (2) On a common construction site an employer in a position of a main contractor is obliged to take care of the general management necessary for safety and health and cooperation between the parties, the coordination of operations and the general tidiness and order of the construction site. If none of the employers operating on the site is the main contractor, these obligations are the duty of the builder or another person directing and supervising the construction project. (11/1997)
- (3) A self-employed person who works on a common construction site against pay shall observe the provisions of this Act and the provisions made thereunder concerning the qualifications of an employee, the machines, equipment and tools to be used at work, the working methods and the handling and storing of dangerous substances.
- (4) During construction the employer and the others referred to in paragraphs 2-4 of section 6 shall also ensure that the work does not cause danger to people working on the site or to other persons within the range of operations.
- (5) During construction the employer, the employees and the self-employed person shall together try to maintain and improve occupational safety at the workplace.

Section 44

- (1) Repealed
- (2) Repealed

Section 45
Repealed

Supervision of the application of the Act

Section 46
The application of this Act and of the provisions enacted thereunder shall, in the absence of any provision to the contrary in section 8, be supervised by the occupational safety and health authorities.

Special Provisions

Section 47 (144/1993)

- (1) The Council of State may issue more detailed provisions on the enforcement of this Act and on confirming the compliance with the requirements, if necessary.
- (2) More detailed provisions shall be issued on the classification, packing, marking, safety data sheet, providing information and restrictions and prohibitions concerning the substances and chemicals involving a health hazard referred to in section 40 a above as provided separately.
- (3) The Council of State may in its decision referred to in paragraph 1 delegate the decision-making concerning more detailed technical details and necessary procedural provisions to the appropriate ministry.

Section 48

This Act and the provisions made thereunder for its application at the workplace shall be displayed in such a manner as to bring them to the knowledge of the employees concerned.

Section 49 (19.2.1999/203)

- (1) An employer or person referred to in sections 3 - 6 or their representative who on purpose or through carelessness neglects
 - (1) carrying out a preplacement or periodic examination;
 - (2) making an investigation or a plan;
 - (3) providing or installing a safety device or personal protective equipment;
 - (4) obtaining a permission for or giving an announcement of work; or
 - (5) giving instructions for the use of machinery, equipment or other technical device and a substance hazardous to health,
 provided for in this Act or a Government Decision issued by virtue of it, shall be sentenced to a fine due to *violation of occupational safety and health*, unless the law prescribes a more severe punishment for the act.

- (2) A person who without a permission or a just cause removes or damages a device or an instructive marking or warning intended for avoiding risk of accident or illness shall be sentenced in the same manner.
- (3) A punishment for negligent manslaughter and injury is provided by chapter 21, sections 8 - 11, and for causing a danger in chapter 21, section 13 of the Penal Code (39/1889).
- (4) A punishment for any other violation of occupational safety and health orders and for causing a fault or defect contrary to orders and for enabling conditions contrary to orders to continue is provided in chapter 47 section 1 of the Penal Code.

Section 50 (11/1997)

- (1) Before a public prosecutor makes a consideration of charges for violating this Act or the provisions or orders enacted by virtue of it, he shall obtain a statement from the labour protection authority if the labour protection authority in question has not reported the violation for the raising of charges.
- (2) The public prosecutor shall, in good time before the charge is taken up by the court, inform the labour protection authority in question about it.

Section 51

- (1) A legal action taken or punishment imposed for violating this Act or the orders enacted by virtue of it shall not prevent the use of coercive or enforcement methods, in regard to which special provisions have been enacted.
- (2) The use of coercive and enforcement methods referred to in paragraph 1 shall not prevent the conviction and sentencing of the offender. (686/1995)

Section 52

- (1) This Act shall enter into force on 1 January 1959, on which date the following shall be repealed: the Workers' Protection Act of 28 March 1930 (104/1930), the Act of 2 August 1946 respecting the protection of workers engaged on loading and unloading vessels (607/1946), the Act of 6 November 1942 respecting the enactment of provisions concerning garages and other premises where motor vehicles are housed, used or repaired (843/1942), and the Act of 10 June 1932 concerning the marking of the weight on heavy packages transported by vessels (217/1932): Provided that the decrees previously issued by the Council of State under the Acts repealed above concerning the protection of labour and the protection of workers engaged in loading and unloading vessels shall continue to apply until they are amended or repealed in due and proper form.
- (2) The provisions of sections 42 and 43 of this Act shall not apply, in the case of any property relationship (such as a lease, usufruct or other relationship involving possession) which was entered into prior to the entry into force of this Act, until such date as the relationship concerned could first be terminated after the entry into force of this Act.