

No. 44/2006

**Act on Occupational Safety and Health Enforcement and Cooperation on
Occupational Safety and Health at Workplaces**
(as amended by Act 701/2006)

PART I
GENERAL PROVISIONS AND AUTHORITY ENFORCEMENT

Chapter 1
General provisions

Section 1 – Application and objective

- (1) This Act provides for a procedure to be followed by occupational safety and health authorities in monitoring compliance with provisions on occupational safety and health and for cooperation on occupational safety and health between employers and employees at workplaces.
- (2) The provisions concerning employers and workplaces in Chapters 2 and 3 also apply, where appropriate, to other persons under the supervision of occupational safety and health authorities.
- (3) The objective of this Act is to secure compliance with occupational safety and health provisions and to improve the work environment and working conditions by means of enforcement carried out by occupational safety and health authorities and cooperation between employers and employees.

Section 2 – Definitions

For the purposes of this Act,

- 1) *occupational safety and health authority* means the office of an occupational safety and health inspectorate acting as a district authority under the Ministry of Social Affairs and Health (*ministry*); as regards the control of product safety and the related procedure dealt with in Chapter 4, the term occupational safety and health authority also covers the ministry;
- 2) *inspector* means a person who is in a public-service employment relationship with an occupational safety and health authority with powers to carry out enforcement and inspection activities referred to in this Act;

3) *product* means machinery, work equipment, personal protective equipment or other technical devices or objects as well as chemicals or installations or objects containing a chemical.

Chapter 2

The powers and duties of occupational safety and health authorities and inspectors

Section 3 – Enforcement

- (1) Occupational safety and health authorities inspect workplaces and other locations of supervision and take other actions required by legislation. Occupational safety and health authorities shall in their enforcement activities promote cooperation between employers and employees.
- (2) Occupational safety and health authorities' enforcement activities are governed by the Administrative Procedure Act (434/2003), the Language Act (423/2003), the Sami Language Act (1086/2003) and the Act on the Openness of Government Activities (621/1999), unless otherwise provided below. Separate provisions are issued regarding the administration of occupational safety and health and any other duties of occupational safety and health authorities.

Section 4 – Access to information and inspection rights

- (1) To carry out enforcement activities, occupational safety and health authorities and inspectors have the right, to such an extent as is necessary for enforcement purposes, to:
 - 1) have access to any place where work is performed or, for a good cause, is expected to be performed, to any other premises which employers, according to an act to be enforced by occupational safety and health authorities, are obliged to provide for employees' use, and to any place where products to be placed on the market or supplied for use are manufactured, stored or displayed;
 - 2) receive from employers for inspection documents which they, according to provisions to be enforced by occupational safety and health authorities, shall draw up or keep, and to receive any other analyses of matters which employers, according to provisions to be enforced by occupational safety and health authorities, shall keep or have in their possession in some other way than in writing;
 - 3) discuss with a person working in a place referred to in paragraph 1, or with any other person otherwise occupied there, in private or in the presence of witnesses and from this person receive information necessary for their duties and documents required of the person by provisions to be enforced by occupational safety and health authorities;
 - 4) receive from employers a description of any other analyses, besides those referred to in paragraph 2, made by the employer which are related to the work, the work environment and the work community and which affect the employees' safety and health, as well as a description of any other essential plans which affect the structures of the workplace, the work and production methods and the employees' safety and health;

5) receive from employers for inspection an agreement on the provision of occupational health care concluded between the employer and an occupational health care service provider or the employer's description of occupational health care services it has provided, as well as an occupational health care action plan, workplace analysis and any other description of occupational health care activities necessary for enforcement purposes;

6) take samples, after informing the employer of the matter, of raw materials or other materials used at the workplace, or of products manufactured or used at the workplace, for a separate analysis or investigation; a current price must be paid for a sample, unless its value is insignificant;

7) carry out hygiene measurements at the workplace and, by permission of the employer or for a cause justified by enforcement purposes, take photographs there;

8) receive from employers other information necessary for enforcement purposes and copies of the documents mentioned in this section.

- (2) Inspectors shall, on request, prove their powers for carrying out inspections by a certificate issued by the occupational safety and health authority.

Section 5 – Carrying out a workplace inspection

- (1) Workplace inspections shall be carried out as frequently and efficiently as is necessary for effective enforcement.
- (2) Especially effective inspection actions shall be targeted on workplaces where there are serious risks to life or health. Inspections must, when necessary, be carried out at all hours of the day when work is done.
- (3) An inspection, or any other enforcement action taken to investigate the matter, shall be carried out without delay if occupational safety and health authorities have been notified of a suspicion that a provision to be enforced by occupational safety and health authorities is being breached at the workplace or whenever the employer, the occupational safety and health representative or the occupational safety and health committee, or a corresponding cooperation body, so requires, if the circumstances mentioned in the request or notice give cause for it.

Section 6 – Accident investigation

Investigation of an occupational accident referred to in section 46 that comes to the notice of occupational safety and health authorities shall be carried out urgently. In the investigation, the course of events and the causes of the accident, and the possibility of preventing similar accidents, shall be analysed.

Section 7 - Notice of an inspection and presence during the inspection

- (1) The employer shall be notified in advance of an inspection and the inspection date, unless otherwise provided in section 8. The employer shall inform the competent occupational safety and health representative of the inspection or, in the absence of such a representative, give notification in an appropriate manner at the workplace.

- (2) The employer shall, where possible, ensure that the occupational safety and health representative is present during the inspection. If the occupational safety and health representative is not present during the inspection, the employer must tell the inspector the reason for the absence.
- (3) The employer and the employer's representative, the occupational safety and health representative and other employees have the right to be present at an inspection and express their opinions and ask questions during the inspection, and obtain information on the inspection and the related further actions. The inspector shall, on request, discuss with these persons in private such matters to be inspected that concern them, either at the workplace or elsewhere, when necessary. The inspector may restrict the number of participants to the inspection or propose it to be increased if the nature or extent of the inspection so requires.

Section 8 – Inspection without a prior notice

- (1) An inspection may be undertaken without the prior notice referred to in section 7(1) whenever it is necessary for enforcement purposes. In this case the inspector, after coming to the workplace, shall, if possible, inform the employer and the occupational safety and health representative of the inspection, or in the absence of such a representative, give notification in an appropriate manner at the workplace.
- (2) An inspection may be undertaken without the prior notice referred to in subsection 1 if the notice is likely to endanger achieving the objectives of the inspection. In this case the inspector shall inform the employer and the occupational safety and health inspector of the inspection, if possible, at the end of the inspection at the latest and at the same time give them an opportunity of expressing their views on the conditions inspected and the observations made during the inspection. If the inspector has not met the said persons during or at the end of the inspection, they must be notified of the inspection in an appropriate matter.

Section 9 – Inspection in premises within the sphere of domiciliary peace

An inspection may be carried out in premises within the sphere of domiciliary peace if there is a reasonable cause to suspect that the work performed on the premises or the working conditions cause danger to an employee's life or obvious harm or hazards to an employee's health and enforcement actions otherwise cannot be satisfactorily carried out.

Section 10 – Concealment of information on informants

- (1) When occupational safety and health authorities have received a notice of a defect or shortcoming endangering safety and health at a workplace or any other suspected breach of provisions to be enforced by them, the informant's identity and the fact that the enforcement action is taken due to a complaint shall be concealed. The informant's identity may, however, be revealed if it is necessary for enforcement purposes and the informant has consented to it.
- (2) Information referred to in subsection 1 may, without the informant's approval, be given to the prosecuting authority and the police authority in order to remedy the offence.

Section 11 – Inspection report

- (1) The inspector shall without delay draw up a written inspection report of each inspection. The inspection report must reveal the inspection process and the most essential observations made by the inspector. In addition, it must contain written advice and improvement notices in accordance with section 13, a description of the purpose of the written advice and improvement notice and the possible further actions. An improvement notice may also be issued as a separate document.
- (2) When necessary, the inspector may, in the inspection report or otherwise, give advice with recommendations in order to promote occupational safety and health.
- (3) The inspection report shall be submitted to the employer and the occupational safety and health representative. In the absence of an occupational safety and health representative, the employer shall notify the employees of the inspection report in an appropriate manner at the workplace.

Section 12 – Having recourse to experts

- (1) Occupational safety and health authorities may have recourse to outside experts in order to investigate circumstances significant for enforcement purposes. An expert has rights, in accordance with section 4, to the extent that is necessary for the investigation, insofar as is indicated by the letter of authority which the occupational safety and health authority has issued for the expert individually for each case. However, experts are entitled to carry out their duties on the premises referred to in section 9 only in the company of the inspectors they are assisting.
- (2) The occupational safety and health authority shall notify the employer and the occupational safety and health representative of any essential observations made by an expert in a manner it considers appropriate. In the absence of an occupational safety and health representative, the employer shall notify the employees of the essential observations in an appropriate manner at the workplace.
- (3) The provisions on authorities in the Administrative Procedure Act, the Language Acts and the Act on the Openness of Government Activities also concern experts assisting occupational safety and health authorities.

Chapter 3

Use of authority

Section 13 – Issuance of written advice and an improvement notice

- (1) If an employer does not fulfil obligations imposed on him by provisions to be enforced by occupational safety and health authorities, the inspector shall issue to the employer written advice to eliminate or remedy the non-complying conditions.
- (2) If the hazard or harm arising from non-complying conditions in regard to matters referred to in subsection 3 is greater than minimal, instead of written advice, the inspector shall issue an improvement notice obliging the employer to eliminate or remedy the non-complying conditions. Likewise the inspector may issue an improvement notice if the employer does not follow written advice in accordance with subsection 1.
- (3) An improvement notice may be issued in matters concerning:

- 1) conditions related to the work environment and the state of the work community that affect the safety and health of employees;
 - 2) records of working hours or annual holidays or an obligation to keep other similar records;
 - 3) issuance of such a pay calculation or work certificate as referred to in the Employment Contracts Act or in some other act to be enforced by occupational safety and health authorities;
 - 4) provision of occupational health care;
 - 5) supervision of private employment services; or
 - 6) an obligation provided for in this Act.
- (4) In the written advice and improvement notice, the inspector shall specify the provisions to be applied and the defects that have been observed as to compliance with them. In an improvement notice, the time limit must be specified within which the employer must make the conditions comply, if this is not immediately possible.

Section 14 - Submitting the matter to occupational safety and health authorities

- (1) The inspector shall oversee that the employer has followed the improvement notice referred to in section 13(2) within the specified time limit. If the necessary measures have not been taken, the inspector shall without delay submit the matter to occupational safety and health authorities.
- (2) If the inspector notices that issuing written advice or an improvement notice will obviously not lead to remedying or eliminating the non-complying conditions or the matter brooks no delay, the inspector may submit the matter to occupational safety and health authorities without issuing written advice or an improvement notice.

Section 15 – Binding decision by occupational safety and health authority

- (1) Occupational safety and health authorities may oblige an employer to remedy or eliminate non-complying conditions within a specified time limit. When setting a time limit, the authorities must take account of the time limit previously set in the improvement notice.
- (2) Occupational safety and health authorities may, as a sanction for an obligation imposed in the decision referred to in subsection 1, impose a default fine or threat that the non-complying conditions will be ordered to be remedied or eliminated at the defaulter's expense or the concerned activity will be stopped, as provided in the Default Fine Act (1113/1990).
- (3) Occupational safety and health authorities may in their decision order that the decision shall be observed despite appeal.

Section 16 – Prohibition notice and temporary prohibition notice

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

Section 17 – Proceedings on a matter

Before making a binding decision, the occupational safety and health authority shall, in addition to what is provided on hearing a party in the Administrative Procedure Act, allow the competent occupational safety and health representative an opportunity to be heard. A copy of the decision shall be given to the representative free of charge. Matters referred to in sections 15 and 16 above shall be pursued urgently.

Chapter 4

Monitoring the safety of products

Section 18 – Prohibition to supply products

- (1) If the office of an Occupational Safety and Health Inspectorate has noticed in carrying out its enforcement duties that a product intended to be placed on the market or supplied for use does not comply with statutory requirements or is otherwise likely to cause danger to persons or property, the occupational safety and health office shall, where necessary, submit the matter to the ministry.
- (2) The ministry may prohibit placing the product on the market or supplying it for use until the product is made to comply with the requirements. Instead of prohibition, the ministry may order restrictions or conditions for the supply of the product. If there is a reasonable cause to suspect that the product does not comply with the requirements, the ministry may prohibit the supply of the product until the compliance of the product has been examined.
- (3) Even though a product is duly placed on the market or supplied for use, the ministry may issue a prohibition in accordance with subsection 2 or order conditions or restrictions for the supply of the product if the product is likely to endanger the safety of persons or property.
- (4) If a product in use may cause immediate danger to the safety or health of employees, the inspector may issue a prohibition referred to in subsection 2 or 3 as a temporary prohibition. The inspector shall submit the matter to the office of the Occupational Safety and Health Inspectorate, which will bring the matter to the ministry for proceedings. The inspector, the occupational safety and health office and the ministry shall act on the matter urgently.

Section 19 – Removal of products from the market and use

The ministry may, in its decision in accordance with section 18, oblige the manufacturer, importer or seller of a product, or any other person who has placed the product on the market or supplied it for use, to remove it from the market and, if the product has been supplied for use, to take necessary action for withdrawing it from use.

Section 20 – Information and sanctions

- (1) The ministry may, in its decision in accordance with section 18 or 19, impose an obligation concerning information to be given in an appropriate manner on actions required by the decision and on the rights of the product holder.
- (2) The ministry may, as a sanction for an obligation imposed in the decision referred to in this Chapter, impose a default fine or threat that the non-complying conditions will be ordered to be remedied or eliminated at the defaulter's expense or the concerned activity will be stopped, as provided in the Default Fine Act.
- (3) The ministry shall notify the Commission of the European Communities or, when necessary, the other member states of the European union of a decision in accordance with section 18(2) in the manner provided for in Community legislation or elsewhere.

Section 21 – Examination of products and reimbursement of costs

- (1) The ministry has the right to take possession of a product in the custody of a person referred to in section 19 and arrange for it to be examined, if this is necessary for enforcement purposes in accordance with section 18. If the holder of the product so insists, he or she shall be reimbursed for the current price of the product, unless it turns out that the product does not comply with the requirements.
- (2) If the product complies with the requirements, the ministry may oblige the person or persons who placed the product on the market or supplied it for use to reimburse the government for reasonable costs incurred by the examination or testing of the product. The costs may be collected without separate judgment in the manner provided for in the Act on the Collection of Taxes and Payments Through Execution (367/1961).

PART II**COOPERATION ON OCCUPATIONAL SAFETY AND HEALTH****Chapter 5****Cooperation on occupational safety and health at workplaces****Section 22 – Objectives of the cooperation, and cooperation procedures**

The goal of the cooperation laid down in this Chapter is to improve the interaction between the employer and the employees, and to make it possible for the employees to participate in and influence the handling of matters concerning safety and health at the workplace.

Section 23 – Right to conclude an agreement

- (1) The cooperation referred to in this Chapter may be agreed on in another way through a written agreement between national associations of employers and employees.
- (2) What is provided in subsection 1 on national associations of employers applies correspondingly to the State negotiating authority and other State contract authorities, the Commission for Local Authority Employers, the Church of Finland Negotiating Commission, the Orthodox Church of Finland, the Bank of Finland, the Provincial Government of Åland, and the municipal delegation for collective agreements of the Province of Åland.
- (3) The employer and the occupational safety and health representative or a representative authorized by the personnel, or, where no such person has been selected, the personnel or a group of personnel can agree on arranging the cooperation in a suitable way regarding the circumstances at the workplace, provided that the employees are guaranteed the same level of opportunities to participate in the cooperation and handling of occupational safety and health matters as laid down in this Chapter. The agreement is valid until further notice, and it can be terminated at two months' notice. The agreement binds the employees which shall be considered to be represented by the employees' representative who entered the agreement. The employer shall inform the persons at the workplace of the agreement to be applied and of the content of the agreement. The information shall be given in writing and in an appropriate manner.

Section 24 – Restrictions on the use of the right to conclude an agreement

- (1) The agreement referred to in section 23 above cannot be used to restrict the rights referred to in sections 32, 36 and 37. The agreement cannot be used to eliminate the rights laid down in sections 33, 34(1 and 3), and 35.
- (2) The agreement referred to in section 23(3) above cannot be used to restrict the rights laid down in sections 29, 33(1), 34, 35, 40 and 41.

Section 25 – Workplace

In this Chapter, workplace means an entity that comprises one or more personal workplaces or functional units and is regionally and functionally appropriate with regard to cooperation activities, taking account of the nature and extent of the activities of the workplace as well as the number of employees in the individual workplaces or functional units,.

Section 26 – Issues to be handled in cooperation

- (1) In addition to what is otherwise provided, the issues to be handled in cooperation between the employer and employees include, among other things:
 - 1) matters immediately affecting the safety and health of any employee, and any changes in those matters;
 - 2) principles and manner of investigating risks and hazards at the workplace, as well as such factors generally affecting the safety and health of employees that have

come up in connection with the investigation or a workplace survey carried out by an occupational health care organisation;

- 3) development objectives and programmes relating to workplace health promotion or otherwise affecting the safety and health of employees;
 - 4) matters affecting the safety, health and working ability of employees and relating to the organisation of work or workload, or to any essential changes in the organisation or workload;
 - 5) need and arrangements for training, guidance and induction to be given to employees pursuant to Acts enforced by the occupational safety and health authorities;
 - 6) statistics and other follow-up information relating to the work, work environment and the state of the work community and describing safety and health at work; and
 - 7) follow-up of how the matters referred to in paragraphs 1-6 above have been carried out, and follow-up of their effects.
- (2) The matters referred to in paragraphs 1-7 above shall be dealt with in due time considering the objectives of the cooperation, taking account of the time schedule for their preparation and carrying them out.

Section 27 – Handling of cooperational issues

- (1) Issues included in the cooperation pursuant to section 26(1)(1) are dealt with between the employer or a manager representing the employer, and the employee concerned. The occupational safety and health representative representing the employee has a right to participate in the handling of the matter by request of the employee, or even without it when necessary. Any far-reaching issues and issues concerning the workplace in general as referred to in section 26(1)(1), as well as other issues referred to in section 26 are dealt with by the occupational safety and health committee referred to in section 38. A member of the occupational safety and health committee has a right to propose issues for consideration by the committee and even otherwise make proposals for developing the cooperation, and to receive well-grounded feedback on his or her proposals.
- (2) When there is no occupational safety and health committee in the workplace, the issues referred to in section 26(2-7) are dealt with between the employer and the occupational safety and health representative. When there is no occupational safety and health committee or occupational safety and health representative in the workplace, the issues referred to in section 26 are, where appropriate, dealt with in accordance with the provisions of Chapter 3 of the Occupational Safety and Health Act (738/2002). Separate provisions are issued regarding cooperation with the occupational health care.
- (3) Where a shop steward or a contact person or an elected representative referred to in Chapter 13, section 3 of the Employment Contracts Act (55/2001) has been chosen for the workplace on the basis of a collective agreement, the occupational safety and

health representative represents the employees in matters concerning safety and health at work only. The same person can be elected as shop steward or contact person or elected representative, and as occupational safety and health representative.

Section 28 – Person representing the employer in the cooperation process

- (1) The employer shall nominate his representative (*occupational safety and health manager*) for the cooperation referred to in this Chapter, unless the employer himself wishes to take the position. It is the duty of the occupational safety and health manager to help the employer and the management in tasks relating to acquisition of expertise in occupational safety and health and to cooperation with employees and occupational safety and health authorities. For this purpose, it is the duty of the occupational safety and health manager to take necessary measures to organise cooperation between the employer and the employees and to maintain such cooperation in the workplace, as well as to contribute to the development of occupational safety and health cooperation.
- (2) The occupational safety and health manager shall be adequately qualified regarding the nature of the workplace and the work, and the extent of the workplace. He or she shall also possess enough knowledge of occupational safety and health legislation and the conditions in the workplace, and even otherwise have appropriate prerequisites for dealing with matters referred to in section 26 and for organising the cooperation.

Section 29 – Occupational safety and health representative and vice representatives

- (1) At workplaces where at least ten employees work regularly, the employees shall from among themselves choose an occupational safety and health representative and two vice representatives to represent them in the cooperation referred to in this Chapter, and to keep contact with occupational safety and health authorities. In other workplaces, too, the employees can from among themselves choose the representatives mentioned above. Clerical employees at a workplace are entitled to choose their own occupational safety and health representative and two vice representatives from among themselves.
- (2) If the occupational safety and health representative's contractual employment relationship, public-service employment relationship, or other employment relationship governed by public law ends, or the person in question resigns from his or her duties as occupational safety and health representative in mid-term, he or she will be replaced by a vice representative for the rest of the term. The vice representative replacing the occupational safety and health representative has the status of an occupational safety and health representative.
- (3) If the occupational safety and health representative cannot take care of his or her duties because of a temporary hindrance, a vice representative takes care of such necessary duties of the occupational safety and health representative that cannot be left to wait until the hindrance affecting the occupational safety and health representative is removed. In such a situation, the vice representative has the same right as the occupational safety and health representative to obtain any information needed for taking care of the duties in question, to use working time, to gain

compensation for the loss of income, and to interrupt dangerous work in accordance with section 36.

- (4) When the occupational safety and health representative is unable to take care of his or her duties because of a hindrance, the vice representative who got most votes in the election of vice representatives takes care of the duties of the occupational safety and health representative, unless otherwise agreed in accordance with the provisions of section 23.

Section 30 – Selection of an occupational safety and health representative and vice representatives

- (1) The occupational safety and health representative and the vice representatives shall be selected through an election organised by the employees. The representatives shall be selected for a period of two calendar years, unless another agreement has been made on the period in accordance with the provisions of section 23. A period longer than two years can be agreed on through an agreement referred to in section 23(1). For well-grounded reasons, the work period of the representatives may also be agreed, by the occupational safety and health committee or through a corresponding cooperation procedure, to last for four calendar years. The time and place of the election shall be agreed on in advance with the employer. The election shall be organised in a manner that provides all employees at the workplace with an opportunity to participate in the election, and that does not cause any unnecessary inconvenience to the activities of the workplace.
- (2) When necessary, the employer shall give information at the workplace on the employees' right to select an occupational safety and health representative. For the organisation of the election, the employer shall give the employees a list of all employees of the workplace, and, when necessary, a separate list of clerical employees. The employer shall also let the employees use premises in its control free of charge for organising the election. The employer shall not prevent or complicate the organisation of the election.
- (3) The election organisers shall immediately, in writing, inform the employer of the result of the election of an occupational safety and health representative and vice representatives.
- (4) When uncertainty arises at the workplace about the organisation of the election of an occupational safety and health representative, an inspector shall give the employees any instructions they need. If no election has been organised in a workplace where, according to section 29, an occupational safety and health representative shall be selected, the inspector shall take necessary measures to get the election organised.
- (5) Further provisions on the date of the election of an occupational safety and health representative and vice representatives, eligibility of a candidate for office, nomination of candidates, voting procedure, and other matters concerning the organisation of the election may be issued by Government Decree.

Section 31 – Duties of the occupational safety and health representative

The occupational safety and health representative represents the employees of the workplace when dealing with matters referred to in section 26 in cooperation with the employer, and in relation to occupational safety and health representatives. Additionally, it is the duty of the occupational safety and health representative to become familiar, on his or her own initiative, with the environment of the workplace, matters connected with the state of the work community and affecting the safety and health of employees, and with occupational safety and health legislation. The occupational safety and health representative shall also participate in inspections and expert investigations relating to occupational safety and health, if the expert or occupational safety and health authority considers the participation as necessary. The occupational safety and health representative shall also, for his or her own part, make the employees he or she represents pay attention to matters that promote safety and health at work.

Section 32 – Occupational safety and health representative’s right to gain information

- (1) The occupational safety and health representative is entitled to have access to the documents and records the employer is obliged to keep in accordance with occupational safety and health provisions. The representative also has a right to become familiar with such documents in possession of the employer which concern safety and health at work and are connected with the state of the working environment and work community. Additionally, the occupational safety and health representative is entitled to receive from the employer any information necessary for his or her cooperational duties.
- (2) The occupational safety and health representative is also entitled to have access to the employer’s copy of the agreement between the employer and the occupational health care organisation on arranging occupational health care, or to the employer’s description of the occupational health care organised by the employer himself, and to the occupational health care action plan. Separate provisions are issued regarding occupational safety and health representatives’ statements on applications concerning compensation for occupational health care costs.
- (3) The occupational safety and health representative is entitled to obtain copies of the documents mentioned in subsections 1 and 2 to the extent his or her cooperational duties require.

Section 33 – Occupational safety and health representative’s and vice representative’s right to receive training

- (1) The employer shall see to that it is possible for the occupational safety and health representative and the vice representative to receive appropriate training for carrying out their cooperational duties. The training shall cover provisions and instructions concerning occupational safety and health, as well as other matters within the duties, taking account of the representatives’ experience and any earlier training in occupational safety and health matters. The employer and the occupational safety and health representative, and the vice representative, shall deal with the need for training and training arrangements within two months of the election. The training shall not entail any costs or loss of income for the occupational safety and health representative or vice representative.

- (2) The training must take place during working hours, unless other agreements are made in accordance with section 23.

Section 34 – Time allocation of occupational safety and health representatives

- (1) The employer shall release the occupational safety and health representative from his or her regular work for carrying out the duties referred to in section 31 for the reasonable period of time he or she needs to carry out the duties of an occupational safety and health representative, unless there is a sufficient reason that temporarily prevents the release. When defining the time for carrying out the duties of an occupational safety and health representative, the following factors shall be taken into account: number of employees the representative represents, regional extent of the workplace, number of personal workplaces there, nature of work to be carried out at those workplaces, factors depending on the organisation of work and affecting the quantity of the duties of the occupational safety and health representative, and other factors, as referred to in the Occupational Safety and Health Act, relating to workload and hazards and risk factors affecting the safety and the physical and mental health of employees.
- (2) When no other agreements have been made on the time allocation of the occupational safety and health representative in accordance with section 23(1), and at least 10 employees work regularly at the workplace, the employer shall, taking account of the factors referred to in subsection 1 above, release the occupational safety and health representative from his or her regular work for taking care of representative's duties for at least four hours during each period of four successive calendar weeks, unless the release would entail such considerable inconvenience for the production or the employer's activity that it temporarily prevents the release. The provisions above in this subsection apply to the occupational safety and health representative of the employee group that is more exposed to hazards or risks at work than the other employee group.
- (3) The release of the occupational safety and health representative mentioned in subsection 1 shall be taken into account in organising the work, if the occupational safety and health representative's regular work tasks so require. The representative shall otherwise take care of the duties arising from his or her employment relationship.

Section 35 – Compensation for the loss of income to the occupational safety and health representative

- (1) The employer shall compensate occupational safety and health representatives for any loss of income incurred due to taking care of representative's duties during working hours. The compensation is calculated according to the regular income the occupational safety and health representative would have earned during the time he or she was taking care of the occupational safety and health duties.
- (2) The employer shall pay a reasonable compensation for an occupational safety and health representative's necessary duties carried out outside working hours of which the representative has informed the employer,.

Section 36 – Occupational safety and health representative’s right to interrupt dangerous work

- (1) If work causes immediate and serious danger to an employee’s life or health, the occupational safety and health representative is 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) The occupational safety and health representative shall inform the employer 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 subsection 1 exists, the employer may order the work to be continued.
- (3) Any interruption of work shall not restrict workplace operation in a wider scale than is needed to protect safety and health at work. When work is interrupted, any hazards and risks caused by the interruption must be minimised.
- (4) If an occupational safety and health representative has interrupted work in accordance with this section, he or she is not liable to compensate any losses caused by the interruption.

Section 37 – Protection against termination in the case of occupational safety and health representatives

The provisions concerning the termination of employment contracts of shop stewards and elected representatives in Chapter 7, section 10 of the Employment Contracts Act apply to the termination of the employment contract of an occupational safety and health representative.

Section 38 – Occupational safety and health committee

- (1) At workplaces where at least 20 employees work regularly, an occupational safety and health committee shall be established for a period of two years at a time. Both the employer and the employees of the workplace are represented in the committee.
- (2) The employer shall take the necessary steps to organise the cooperation referred to in this section.

Section 39 – Selection and composition of the occupational safety and health committee

- (1) When no other agreements are made on the number of members in the occupational safety and health committee, and on the representation of the parties, the number of committee members is four, eight or twelve, depending on the requirements set by the quality and extent of the workplace as well as other circumstances. A quarter of the members represent the employer, a half of the members represent the larger employee group (clerical or other employees), and a quarter represent the smaller employee group

- (2) The employer appoints to the occupational safety and health committee such a representative whose duties include preparation of matters to be dealt with in the committee. The committee is chaired by the employer or employer's representative, or a person the committee has selected from among themselves. The occupational safety and health manager participates in the meetings of the committee, even when he is not a member of the committee.
- (3) The occupational safety and health representatives are members of the occupational safety and health committee. The other members of the committee representing the employees are elected, where appropriate, in accordance with the provisions in section 30 concerning the election of occupational safety and health representatives.
- (4) Further provisions on the date of the election of an occupational safety and health committee, eligibility, nomination of candidates, voting procedure and other subjects concerning the organisation of the election, convening the committee, and other arrangements of the committee's tasks may be issued by Government Decree.

Section 40 – Occupational safety and health committee members' time allocation and compensation

- (1) The provisions on the occupational safety and health representative's rights laid down in sections 34 and 35 apply, where appropriate, to the right of the occupational safety and health committee members representing the employees to be released from their regular duties for carrying out necessary occupational safety and health duties, and to their right to get compensation for any loss of income due to the above mentioned duties, or pay for their duties and committee meetings outside working hours.

Section 41 – Working premises of the occupational safety and health representative and occupational safety and health committee

- (1) The employer shall, free of charge, assign a room on its premises for the occupational safety and health representative and the occupational safety and health committee for keeping and studying the documents relating to their duties, and a room for meetings that are necessary with regard to their duties.
- (2) The occupational safety and health representative has a right to use any common office and communication equipment at the workplace as much as his or her duties require, and in a way agreed on under section 23.

Section 42 (11.8.2006/701)

Section 42 repealed by Act 11.8.2006/701.

Section 43 – Secrecy obligation

The person referred to in this Chapter, or the person chosen in accordance with section 23 to take care of cooperational duties, shall maintain secrecy in respect of all information he or she has received concerning the employer's economic position and commercial or professional secrets, as well as any information concerning enterprise safety and corresponding safety arrangements, the spreading of which could harm the

employer or a business or contracting partner of the employer. The person shall also maintain secrecy regarding any information concerning a private person's economic position and other personal data, if the person protected by the secrecy obligation has not given his or her consent to supplying the data. The secrecy obligation continues even after the person has left the duties referred to in this section.

Chapter 5a (11.8.2006/701)

Cooperation on occupational safety and health in shared workplaces and in preventing mutual hazards

Section 43a (11.8.2006/701) – Organisation of cooperation in a shared workplace

The employer exercising the main authority at a shared workplace referred to in section 49 of the Occupational Safety and Health Act (*shared workplace*) shall take necessary measures to ensure that the cooperational issues referred to in section 26, which are subject to the provisions in section 51 of the Occupational Safety and Health Act, are handled in accordance with section 27.

Section 43b (11.8.2006/701) – Right to conclude an agreement

- (1) The organisation of cooperation referred to in this Chapter may be agreed on in another way in accordance with the provisions in section 23, where appropriate. In that case, the provisions on restrictions to conclude an agreement in section 24 shall be taken into account regarding the occupational safety and health representative's duties concerning cooperational issues at a shared workplace,.
- (2) The occupational safety and health representative employed by the employer that exercises the main authority has the right to act as an occupational safety and health representative in matters relating to cooperation on occupational safety and health, which are subject to section 51 of the Occupational Safety and Health Act, and this right cannot be restricted by an agreement referred to in section 23(3).
- (3) The fact that the shared workplace is a workplace referred to in section 25 cannot be changed by any agreement referred to in section 23.

Section 43c (11.8.2006/701) – Cooperation parties in a shared workplace

- (1) In cooperational matters under section 26, which are subject to section 51 of the Occupational Safety and Health Act, the parties of the cooperation in a shared workplace are the employer exercising the main authority or the employer's representative, and the occupational safety and health representative employed by the employer exercising the main authority. Other cooperational matters relating to occupational safety and health are dealt with between the employer in question and the occupational safety and health representative employed by this employer.
- (2) If the shared workplace is a building construction site, the employees working for the several employers there have the right to select a joint occupational safety and health representative and two vice representatives for the construction site to represent the employees in the cooperation on occupational safety and health with all employers

and self-employed workers of the construction site, as well as in relation to occupational safety and health authorities.

Section 43 d (11.8.2006/701) – Joint occupational safety and health manager

If the employers have not nominated a joint occupational safety and health manager, the employer exercising the main authority at the shared workplace, or the employer in main contractor position, takes care of the duties of an occupational safety and health manager referred to in section 28.

Section 43e (11.8.2006/701) – Rights of occupational safety and health representatives in a shared workplace

- (1) The rights of an occupational safety and health representative in a shared workplace are subject to the provisions of section 31-35, where appropriate. For taking care of the duties referred to in this Chapter, the occupational safety and health representative has the right to follow and investigate how the matters referred to in section 51 of the Occupational Safety and Health Act are carried out in the shared workplace. This right is focused on all employers, employees and self-employed workers operating in the workplace.
- (2) The rights of a site-specific occupational safety and health representative are subject to the provisions on occupational safety and health representatives in sections 29-37.

Section 43f (11.8.2006/701) – Occupational safety and health representative's right to access a shared workplace when employed by an external employer

An occupational safety and health representative employed by an external employer referred to in section 50 of the Occupational Safety and Health Act shall have the right to access the shared workplace, for taking care of his or her duties, on the same conditions as the employees he or she represents, taking account of the general provisions on the right to access the workplace and on safety at the workplace.

Section 43g (11.8.2006/701) – Occupational safety and health issues concerning a shared workplace to be handled by an occupational safety and health committee

- (1) The occupational safety and health committee's duties in handling cooperational issues, subject to section 51 of the Occupational Safety and Health Act and in accordance with section 26, are subject to the provisions of section 27, where appropriate.
- (2) When necessary, the employer exercising the main authority shall provide the external employers of employees working at the shared workplace, the self-employed workers, and, when necessary, the occupational safety and health representative of the external employer, with an opportunity to participate in the handling of cooperational issues, subject to section 51 of the Occupational Safety and Health Act and in accordance with section 26, in the occupational safety and health committee provided in section 38, or in a corresponding cooperational body.

Section 43h (11.8.2006/701) – Cooperation on occupational safety and health in preventing mutual hazards

- (1) The cooperational issues in accordance with section 26 and subject to section 54 on elimination of mutual hazards in workplaces of the Occupational Safety and Health Act are dealt with in accordance with section 27.
- (2) The employers operating at a workplace referred to in section 54 of the Occupational Safety and Health Act have the right to agree on the nomination of a joint occupational safety and health manager.

**PART III
APPEAL, NOTIFICATION OBLIGATIONS, PENAL PROVISIONS, AND
MISCELLANEOUS PROVISIONS**

**Chapter 6
Legal remedies**

Section 44 – Appeal against decisions of the occupational safety and health authority

- (1) A decision taken by an Occupational Safety and Health Inspectorate under this Act may be appealed against to the Administrative Court, and a decision taken by the Ministry as an occupational safety and health authority under this Act may be appealed against to the Supreme Administrative Court, as provided in the Administrative Judicial Procedure Act (586/1996). The Administrative Court and Supreme Administrative Court shall consider the appeal urgently.
- (2) In addition to other provisions laid down in legislation on persons having the right to appeal, the occupational safety and health representative concerned may appeal against a decision that allows an exemption from the requirements laid down to protect employees. Also the occupational safety and health authority that has taken the decision against which an appeal has been made, may appeal against the decision of the Administrative Court.
- (3) Temporary prohibition notices referred to in sections 16(2) and 18(4) above may not be appealed against. An appeal against an Administrative Court decision concerning merely enforcement can be submitted to the Supreme Administrative Court only in connection with the principal claim.
- (4) The Act on the Labour Council and Derogation Permits Concerning Labour Protection (400/2004) lays down provisions on appeals against Occupational Safety and Health Inspectorates' decisions concerning derogation permits referred to in section 9 of the Act.

Section 45 – Complaint

The employer, the competent occupational safety and health representative, and any employee have the right to complain in writing that an occupational safety and health inspection has not been carried out in compliance with this Act. The complaint shall be made within two months after the occupational safety and health inspection or other enforcement measure. The enforcement measures that were carried out shall be investigated on the basis of the complaint, and a new inspection shall be carried out when necessary. Within a reasonable time, the complainant shall be informed of the measures taken in response to the complaint.

Chapter 7

Notifications for the enforcement of occupational safety and health

Section 46 – Notification of an occupational accident and occupational disease

- (1) The employer is obliged to immediately notify the occupational safety and health authority of any accident causing death or severe injury which, according to the Employment Accidents Insurance Act (608/1948), shall be investigated by the police at the scene of the accident.
- (2) If a doctor suspects, with justification, an occupational disease or other work-related illness referred to in the Act on Occupational Diseases (1343/1988), he or she shall immediately, secrecy provisions notwithstanding, notify the office of the Occupational Safety and Health Inspectorate of the matter.
- (3) The notification shall contain the following information:
 - 1) name, identity number and other contact information of the person who became ill;
 - 2) employer's name, and contact information of the employer and workplace;
 - 3) other necessary contact information;
 - 4) quality and duration of exposure;
 - 5) information on the quality of the illness, how the illness was discovered, and the harm caused by the illness.
- (4) The office of the Occupational Safety and Health Inspectorate shall deliver the data contained in the notification referred to in subsection 2 to the Finnish Institute of Occupational Health, to be entered in the register on work-related illnesses.
- (5) Further provisions on the content and delivery of the notification may be issued by Government Decree.

Section 47 – Notification of persons taking care of the cooperation

The Act on a Register of Occupational Safety and Health Personnel (1039/2001) lays down provisions on the employer's obligation to send a notification of the occupational safety and health manager, occupational safety and health representative and the vice representatives for the register of occupational safety and health personnel.

Section 48 – Obligation to give a prior notice

- (1) Anyone offering private employment services as their main branch of activity, as referred to in Chapter 4, section 8(1) of the Act on the Public Employment Service (1295/2002), is obliged to give the occupational safety and health authority prior notice of starting the activity.
- (2) The employer or other person responsible for the activity shall notify the occupational safety and health authority of asbestos work, other than temporary construction work, and other comparable work causing special risk of accident or harm to health, and of the nature and duration of the work.
- (3) Further provisions on the work or activity to be notified, the content of the notification, notification time and other procedures may be issued by Government Decree.

Chapter 8

Notifications to other authorities, and penal provisions

Section 49 – Notification to other authorities

When an occupational safety and health authority receives information about a hazard or defect in a product covered by safety provisions enforced by another authority, the occupational safety and health authority shall notify the authority in question of the matter.

Section 50 – Notification of a criminal case, and handling of the notification

- (1) If there are probable grounds for suspecting that an act has been committed that is punishable under any act enforced by the occupational safety and health authority or under Chapter 47 of the Penal Code (39/1889), the occupational safety and health authority shall notify the police of the act for preliminary investigation. However, there is no need for a notification if the act is minor considering the circumstances, and the public interest does not require a notification.
- (2) The occupational safety and health authority shall have an opportunity to be heard in the preliminary investigation of an act referred to in subsection 1 above. The public prosecutor shall provide the occupational safety and health authority with an opportunity to give a statement before the consideration of charges is completed. When the case is handled in court, the occupational safety and health authority has a right to be present and speak.
- (3) The provisions in subsections 1 and 2 do not apply to illegal use of foreign labour referred to in Chapter 47, section 6a of the Penal Code. Separate provisions are issued on the notification duty and hearing of occupational safety and health authorities in connection with work carried out by foreign employees.

Section 51 – Penal provisions

- (1) Punishment for violating the concealment or secrecy obligation referred to in section 10 or 43 shall be in accordance with Chapter 38, section 2(2) of the Penal Code unless

a more severe penalty for the act has been provided elsewhere in the law than under Chapter 38, section 2(1) of the Penal Code.

- (2) Penalties for work safety offences are laid down in Chapter 47 section 1 of the Penal Code, and penalties for violating the rights of employee representatives are laid down in Chapter 47, section 4 of the Penal Code.
- (3) Anyone who deliberately or through negligence violates the notification obligation laid down in section 46 or 48 of this Act, shall be sentenced to pay a fine for committing an *occupational safety and health violation*, unless a more severe penalty for the act has been provided elsewhere in the law.
- (4) Also an employer or employer's representative, who deliberately or through negligence violates the availability obligation laid down in section 53, shall be sentenced for committing an occupational safety and health violation.

Chapter 9

Miscellaneous provisions

Section 52 – Executive assistance

On the request of occupational safety and health authorities, the police shall give executive assistance for carrying out enforcement.

Section 53 – Availability

The employer shall make the following information freely available to employees at the workplace: this Act and the provisions laid down pursuant to it, as well as the contact information for the competent occupational safety and health authority, occupational safety and health manager and occupational safety and health representative of the workplace.

Section 54 – Enforcement

- (1) The occupational safety and health authorities enforce the occupational safety and health cooperation laid down in Chapter 5 and the provisions concerning the notification obligation laid down in Chapter 7.
- (2) However, the occupational safety and health authorities do not enforce the provisions on cooperation when an agreement has been made on the cooperation in accordance with the provisions in section 23, subsection 1 or 2.

Chapter 10

Provisions on entry into force

Section 55 – Entry into force

- (1) This Act enters into force on 1 February 2006. Measures necessary for the implementation of this Act may be undertaken before the entry into force of this Act.

- (2) This Act repeals the Act of 16 February 1973 on the Supervision of Occupational Safety and Health and Appeal in Occupational Safety and Health Matters (131/1973), as amended. The provisions in section 2a and 20a of the Act to be repealed, as well as the Decree on Accreditation of Notified Bodies Relating to Occupational Safety and Health (18/2000) issued under the Act to be repealed remain in force until separately repealed.