

## Unofficial translation

### Decree on the Supervision of Occupational Safety and Health

(21.12.1973/954)

#### Chapter 1. General provisions

##### Section 1

1. The occupational safety and health authorities shall supervise compliance with occupational safety and health provisions and orders in accordance with the Supervision of Occupational Safety and Health Act (131/1973), hereinafter called the 'Supervision Act', and this Decree.
2. In the case of codetermination between employers and employees in occupational safety and health matters, the provisions of the Supervision Act and this Decree shall be observed, unless employers' and employees' associations whose sphere of operations covers the whole country have agreed otherwise regarding the organization of codetermination in accordance with section 8 of the Supervision Act.
3. Provisions on the occupational safety and health administration and functions of the occupational safety and health authorities other than those referred to in paragraph 1 will be laid down separately.

##### Section 2

1. For the purpose of application of the Supervision Act and this Decree:
  - a) 'occupational safety and health authority' means the Ministry responsible for occupational safety and health and its supervision, hereafter 'Ministry', and the district occupational safety and health administration; (26.3.1997/260)
  - b) 'workplace' means a functional entity comprising various working premises appropriate for the purpose of supervising compliance with occupational safety and health provisions and orders;
  - c) 'employee with office worker status' means a person who directs and supervises work or whose duties comprise office or planning work, laboratory work or marketing or sales functions, excluding sales staff in shops, or other duties comparable to the above;
  - d) 'occupational safety and health committee' means a joint body established for the purpose of promoting safety and health at work, comprising the employer or persons appointed by the employer, and representatives elected by the workers and employees with office worker status;
  - e) 'occupational safety and health delegate' means a person elected by the workers or employees with office worker status from among themselves to represent them in the codetermination with the employer concerning occupational safety and health matters and in relation to the occupational safety and health authorities;

g) 'inspection' means a proceeding conducted by an occupational safety and health official to check if the occupational safety and health provisions and orders have been complied with and which may concern an employment relationship, the working environment, a product, a working method, employee health or other matters concerning employment relationships or occupational safety and health in so far as occupational safety and health authorities are by law required to supervise compliance with the relevant provisions and orders; (17.12.1993/1256)

h) 'investigation' means a proceeding as referred to in the above subparagraph conducted by an expert approved by an occupational safety and health authority;

i) 'minutes' means a document drawn up in conjunction with, or on the basis of, an inspection or investigation and verified by an inspecting or investigating officer; and subparagraph j) was repealed by Decree No. 198/1993.

2. For the purpose of application of the Supervision Act and this Decree, the 'competent State authority' referred to in section 8, paragraph 3, of the Supervision Act means the Ministry of Finance or a government department or institution authorized by it to agree on codetermination as referred to in chapter 2 of the Supervision Act. (17.5.1974/382)

### Section 3

The person serving as director of central or local government or other public department or institution represents the department or institution as employer, unless otherwise provided or ordered.

### Section 4

1. When codetermination as referred to in chapter 2 of the Supervision Act is organized at a workplace, the employer or employers and the employees or the professional organizations representing them may agree on the specification of a workplace otherwise than in accordance with section 2, subparagraph b, provided that the workplace constitutes an appropriate functional entity for the purpose of codetermination in view of the circumstances.

2. If it is not possible to reach agreement on the specification of a workplace in accordance with paragraph 1, the district occupational safety and health office concerned shall rule on the matter in accordance with the law.

### Section 5

When occupational safety and health delegates or members of an occupational safety and health committee are elected, the employees or the professional organizations representing them can agree that persons other than those referred to in section 2, subparagraph c, shall also be considered employees with office worker status, if cause for this exists in view of the conditions at the workplace.

## Chapter 2. Inspections and investigations

### Section 6

1. Inspections shall be conducted as often and as thoroughly and diligently as necessary to ensure effective supervision of compliance with occupational safety and health provisions, orders and instructions. Enhanced effectiveness is required in the case of workplaces involving significant risks to life and health. In the case of workplaces where people work during the night, inspection visits must also cover the night time.
2. As necessary, the Ministry will issue further guidelines by trade and business sector on how often workplaces should be inspected and when an investigation should be conducted at a workplace. (26.3.1997/260)
3. If special cause exists, the inspection may be restricted to cover only a specific part of the workplace, certain equipment or a certain material or working method used at the workplace, or other specific circumstance falling within occupational safety and health supervision. In such cases, the provisions concerning inspections shall be observed as appropriate.

### Section 7

1. If occupational safety and health authorities become aware of an occupational accident that requires notification of an occupational safety and health authority under section 22, paragraph 1, of the Supervision Act, an inspection concerning the accident must be conducted immediately if possible.
2. When occupational safety and health authorities are notified of an omission or fault concerning occupational safety and health at a workplace, or an occupational safety and health manager, delegate or committee requests an inspection at a workplace, the inspection shall be conducted as soon as possible if this is necessary in view of the circumstances explained in the notification or request.
3. When the inspection referred to in paragraph 1 is conducted, the inspection must especially investigate the direct and indirect causes of the accident and ways of preventing a similar accident in the future.

### Section 8 (19.2.1993/198)

On request, inspecting officers are required to present a certificate of authority. A competent official is provided with a certificate of authority by the occupational safety and health authority responsible for the inspection.

### Section 9 (19.2.1993/198)

Experts assigned to conduct an investigation as referred to in section 1, paragraph 2, of the Supervision Act are approved by the occupational safety and health authority responsible for the investigation concerned, which also provides the investigating officer with a certificate of authority, separately for each investigation.

2. Expenses incurred from the investigation referred to in paragraph 1 are paid out of State funds in accordance with grounds approved as necessary by the Ministry. (26.3.1997/260)

#### Section 10

1. Officials of the occupational safety and health administration and inspecting officers shall gain familiarity with occupational safety and health in general, and in the case of inspecting officers, especially with the occupational safety and health conditions at workplaces within their own operating area.

2. When performing their functions, inspecting officers shall give instructions and advice to promote occupational safety and health and codetermination between employers and employees in occupational safety and health matters at the workplaces concerned.

#### Section 11

1. During inspection visits, inspecting officers must provide the employers or their representatives and the occupational safety and health managers and delegates with an opportunity to be heard about matters related to the inspection. In addition, they must talk with the above persons and the employees about health and safety issues at the workplace, as necessary.

2. At the request of an employee, the inspecting officer must also talk separately with the person concerned about the safety and health aspects of his/her work either at the workplace or, if needed, elsewhere.

3. If the inspection or investigation was conducted without notifying the employer or the employer's representative and the employees or their representative under section 3, paragraph 2, of the Supervision Act, and the inspecting or investigating officer was unable to contact the said persons, a written notification of the inspection or investigation addressed to them must be left at the workplace before the inspecting or investigating officer leaves the workplace.

#### Section 12

1. The inspecting officer shall draw up minutes of the inspection. If the inspection gives cause for comment, or if instructions or advice as referred to in section 15, paragraph 1, of the Supervision Act or a prohibition as referred to in section 16 of the said Act are given, or otherwise if requested by the parties concerned, the copy of the minutes must be promptly submitted to the employer or the employer's representative and the occupational safety and health delegate, or if the workplace has no occupational safety and health delegate, to some other employee representative, without charge.

Paragraph 2 was repealed by Decree No. 198/1993.

3. In the case of an inspection as referred to in section 7, paragraph 1, an account of the accident drawn up by the inspecting officer must be appended to the minutes of the inspection.

### Section 13

Paragraph 1 was repealed by Decree No. 198/1993.

2. If inspecting officers become aware of an omission or fault concerning occupational safety and health at a workplace outside their jurisdiction, they must promptly inform the occupational safety and health authority responsible for the workplace concerned.

### Section 14

Investigating officers shall draw up minutes of the investigations they conduct and subsequently submit the minutes to the occupational safety and health authority which commissioned the investigation in question. If the investigating officers find that some occupational safety and health provision or order is not complied with at the workplace in question, they shall also report that circumstance to the said occupational safety and health authority.

### Section 15

When an occupational safety and health authority becomes aware of any fault or omission in a machine, equipment or instrument at a workplace where some other authority is responsible for supervising compliance with the relevant safety provisions and orders, the occupational safety and health authority shall report the matter to the competent authority.

### Section 15a (17.12.1993/1256)

The provisions of this chapter concerning inspections and investigations conducted at a workplace apply as appropriate to inspections and investigations conducted at other sites.

## **Chapter 3. Occupational safety and health manager**

### Section 16

1. The occupational safety and health manager shall be sufficiently familiar with the occupational safety and health issues relevant to the workplace in view of its type and scale. (28.11.1994/1086)
2. If employees of more than one employer work at the same workplace, the employer with the largest number of staff at the workplace or occupying the position of main contractor or the like among the employers shall take the initiative concerning cooperation between employers to promote occupational safety and health and the appointment of a possible joint occupational safety and health manager.
3. The same person can be appointed as occupational safety and health manager for two or more workplaces if this is required to organize occupational safety and health in an appropriate way in the case concerned.
4. Occupational safety and health managers must be provided with adequate operating conditions for performing their functions. (28.11.1994/1086)

## Section 17

1. In their capacity as persons responsible for codetermination between employers and employees concerning occupational safety and health matters at the workplace, occupational safety and health managers shall:
- 1) gain familiarity with occupational safety and health provisions, orders and guidelines and see to that the employees are informed of them;
  - 2) take part in occupational safety and health inspections and investigations if the inspecting or investigating officer considers this necessary;
  - 3) gain familiarity with the occupational safety and health conditions at the workplace, follow their development, take part in the preparation of an occupational safety and health action programme for the workplace, take action to eliminate faults or omissions they detect, and take part in activities to promote the maintenance of working capacity at the workplace; (28.11.1994/1086)
  - 4) undertake the necessary measures to organize and maintain codetermination between employers and employees at the workplace as laid down in the Supervision Act and actively promote codetermination in occupational safety and health matters;
  - 5) maintain contacts with the occupational safety and health committee, the occupational safety and health delegate and other persons dealing with occupational safety and health duties at the workplace; and
  - 6) deal with other functions they are responsible for under the Supervision Act, this Decree and orders issued under them.

2. In addition to what is provided in paragraph 1, unless otherwise required in view of the occupational safety and health organization at the workplace, occupational safety and health managers shall:

- 1) see to it that the employer and the employer's representatives receive sufficient information on occupational safety and health provisions, orders and guidelines;
- 2) submit proposals to the employer concerning measures to organize an investigation because of the occurrence of an occupational accident at the workplace or an accident risk detected, the occurrence of an occupational disease or a detected risk of such disease, or the occurrence of other work-related diseases at the workplace;
- 3) draw the employer's attention to the statutory commissioning and maintenance checks related to occupational safety and health to ensure that they are conducted;
- 4) maintain the necessary contacts with occupational safety and health authorities;
- 5) submit proposals to the employer concerning measures to organize the necessary first aid operations and the relevant training at the workplace; and
- 6) submit proposals to the employer concerning the organization of induction and other training and information provision in respect of occupational safety and health.

## **Chapter 4. Occupational safety and health delegates**

### Section 18

1. If the total number of employees regularly working at a workplace, including employees with office worker status, is at least ten, a occupational safety and health delegate and two deputy delegates must be elected for the workplace.

2. If the employees with office worker status wish to elect their own delegates as referred to in paragraph 1, the employer must be informed thereof in good time before the election.
3. The election of the occupational safety and health delegate and deputy delegates must be organized between November 1 and December 31 of the year preceding their period of office. However, when the occupational safety and health delegate and deputy delegates are elected for the first time, the election must be organized within a period of two months of when the codetermination duty arises. (26.3.1997/260)
4. Unless otherwise agreed, the election shall be organized on the principles of a majority vote and secret ballot. Each person taking part in the election shall have one vote. If the votes fall even, the outcome will be decided by lot.

#### Section 19

1. If uncertainties arise about the organization of an election of occupational safety and health delegates, the district occupational safety and health office concerned will provide the necessary instructions in each case.
2. If an election is not organized at a workplace where a occupational safety and health delegate must be elected within the period referred to in section 18, paragraph 3, the occupational safety and health authority concerned shall take action to have the election organized.

#### Section 20

1. For the purpose of organizing the election, the employer shall provide a list of employees working at the workplace and, if the employees with office worker status have stated that they wish to elect their own occupational safety and health delegate, a separate list of the said employees. The employer shall allow the employees to use suitable premises in its possession without charge to organize the election. The election shall not cause unnecessary interference with operations at the workplace.
2. The election shall be organized in a manner that provides all employees at the workplace with an opportunity to take part. The time and place of the election shall be agreed on in advance with the employer and information about them shall be provided through an announcement posted at the workplace or through some other notification delivered to all employees working at the workplace at least 14 days before the election.

#### Section 21

The employees shall see to it that the result of the election of an occupational safety and health delegate and deputy delegates is immediately announced through a notice posted at the workplace and that the employer is separately informed in writing, and the employer shall promptly report the result of the election to the district occupational safety and health office.

## Section 22

When the employment relationship of a occupational safety and health delegate is terminated or when the delegate withdraws for some other reason during the period of office, the deputy delegate who received the higher number of votes in the election shall take over for the remaining period, unless otherwise agreed before the election. If the deputy delegates received an equal number of votes, the matter is decided by lot.

## Section 23

In their capacity as employee representatives in codetermination concerning occupational safety and health matters at the workplace and in relation to occupational safety and health authorities, occupational safety and health delegates shall:

- 1) gain familiarity with occupational safety and health provisions, orders and guidelines and take part in the preparation of a occupational safety and health action programme for the workplace in the manner there agreed; (28.11.1994/1086)
- 2) take part in occupational safety and health inspections and investigations if the inspecting or investigating officer considers it necessary;
- 3) as necessary and when possible considering the type of investigation, take part in an investigation conducted at the workplace because of the occurrence of an occupational accident at the workplace or an accident risk detected, the occurrence of an occupational disease or a detected risk of such disease, or the occurrence of other work-related diseases at the workplace;
- 4) gain familiarity with the occupational safety and health conditions at the workplace by observing them regularly in the different working premises and following developments in them in view of occupational safety and health, and report faults and omissions they detect first to the supervisory staff and occupational safety and health manager concerned and if necessary to an occupational safety and health authority, and take part in activities to promote the maintenance of working capacity at the workplace; (28.11.1994/1086)
- 5) actively promote codetermination between employers and employees concerning occupational safety and health matters at the workplace;
- 6) maintain contacts with the occupational safety and health committee, occupational safety and health manager and other persons dealing with occupational safety and health duties at the workplace and the occupational safety and health authorities; and
- 6) deal with other functions they are responsible for under the Supervision Act, this Decree and orders issued under them.

## Section 24

When the time needed to deal with the functions of occupational safety and health delegate as referred to in section 11, paragraph 2, of the Supervision Act is specified, the number of employees at the workplace, its physical scale (?), the number of work premises and the type of work done there, and other factors related to the professional or business sector and workplace in question that affect the amount of the occupational safety and health delegate's work shall be taken into account.

## Section 25

1. The loss-of-income compensation payable to occupational safety and health delegates for dealing with the duties of their office during working hours as referred to in section



11, paragraph 3, of the Supervision Act is calculated according to the income they would earn in their job during the time they deal with the duties of occupational safety and health delegate.

2. The allowance for attending State committee meetings in accordance with the current orders is considered reasonable compensation to occupational safety and health delegates for dealing with necessary occupational safety and health duties outside working hours or attending occupational safety and health committee meetings as referred to in the legal provision referred to in paragraph 1.

## **Chapter 5. Occupational safety and health committee**

### Section 26 (28.11.1994/1086)

1. If the number of employees regularly working at a workplace, including employees with office worker status, comes to at least twenty, an occupational safety and health committee must be established at the workplace, unless some other arrangement for codetermination is agreed on. In other cases, too, one or several occupational safety and health committees may be established at the workplace or another form of codetermination may be agreed on, in accordance with section 12 of the Supervision Act.

2. The employer shall take appropriate action to organize the codetermination referred to in this section. When employees of more than one employer work at the same workplace, the employer with the largest number of employees or occupying the position of main contractor or the like at the workplace shall take action to organize the codetermination referred to in this section.

### Section 27

Unless otherwise agreed concerning committee membership and the representation of the parties, the number of committee members shall be four, eight or twelve, as required in view of the type and scale of the workplace and other circumstances. One quarter of the members shall represent the employer and one half the larger and one quarter the smaller of the worker and employee with office worker status groups. The occupational safety and health manager shall be one of the members representing the employer.

### Section 28

1. Occupational safety and health committee members representing the workers and employees with office worker status shall be elected in accordance with the provisions of sections 18-22 concerning elections of occupational safety and health delegates, as appropriate.

2. If it is not possible to reach agreement on the establishment of a occupational safety and health committee, its membership and the representation of the parties, the employer shall bring the matter before the district occupational safety and health office concerned.

### Section 29 (28.11.1996/1086)

1. For the purpose of promoting occupational health and safety at the workplace, the occupational safety and health committee or the substitute codetermination organization shall:

- 1) each year draw up an action plan taking into account the occupational safety and health action programme for the workplace and other planning related to occupational safety and health and any development proposals;
- 2) deal with the status of and trends in working conditions and submit proposals for improvements;
- 3) deal with the need for, and implementation and follow-up of occupational safety and health investigations into working conditions;
- 4) deal with the organization of safety and health monitoring the workplace;
- 5) deal with the need for an internal occupational safety and health inspection at the workplace, submit relevant proposals and monitor implementation;
- 6) deal with the workplace occupational safety and health action programme and other change and reform plans affecting the working conditions at the workplace, formulate opinions on them and monitor their implementation;
- 7) deal with and submit proposals concerning the arrangement of training, induction training and guidance for new employees related to occupational safety and health;
- 8) deal with the implementation of occupational health care and submit proposals for its development; and
- 9) deal with the organization of information provision concerning occupational safety and health at the workplace.

2. Further functions of the parties involved in the occupational safety and health committee or the substitute codetermination organization are to take part in activities to promote working capacity at the workplace and, if the inspecting or investigating officer considers this necessary, to take part in occupational safety and health inspections and investigations, and also to deal with other necessary functions related to occupational safety and health as required under relevant provisions or orders.

### Section 30

The occupational safety and health committee elects a chairman and deputy chairman from among themselves for the committee's period of office. In addition, the committee elects a secretary and a deputy secretary.

### Section 31

1. The occupational safety and health committee is convened by the chairman or deputy chairman.
2. Occupational safety and health committee meetings shall be held at least once every three months and when at least half the committee members or the occupational safety and health manager or the occupational safety and health delegate so demand.
3. Notice of an occupational safety and health committee meeting shall be given in a demonstrable manner to committee members and through an announcement posted at the workplace at least seven days before the meeting. If the committee has to be convened

because of an accident occurrence at the workplace or for some other urgent reason, the notification can take place in some other suitable manner within a shorter period of time.

4. At least half of the committee members in addition to the chairman constitute a quorum at committee meetings. If the votes fall even when the meeting deals with a matter, the committee decision shall be the opinion favoured by the chairman, except for elections, where the outcome is decided by lot.

5. The occupational safety and health delegate is entitled to attend committee meetings and has the right to be heard, but no vote.

### Section 32

The provisions of section 24 and 25 concerning the comparable rights of occupational safety and health delegates apply as appropriate to the rights of the occupational safety and health committee chairman and members to be released from the duties of their regular jobs in order to handle necessary occupational safety and health duties and their right to be compensated for the loss of income they incur from dealing with the said duties and to receive an allowance for performing duties and attending committee meetings outside working hours.

## **Chapter 6. Coercive measures**

### Section 33

If inspecting officers find that an employer has not complied with the instructions given to eliminate or remedy faults or omissions referred to in section 15, paragraph 1, of the Supervision Act, they shall immediately notify the appropriate occupational safety and health authority thereof.

### Section 34

When inspecting officers prohibit the use of equipment or a working method or the continuation of work under section 16 of the Supervision Act, they shall act in a manner that does not interfere with operations at the workplace any more than is necessary to secure occupational safety and health.

### Section 35

When occupational safety and health authorities lay down a time limit for remedying or eliminating an omission or fault as referred to in section 15 of the Supervision Act or inspecting officers issue prohibitions as referred to in section 16 of the said Act, they shall each for their part check that the said measures are taken or that the prohibitions are complied with.

### Section 35a (17.12.1993/1256)

The provisions of this chapter concerning coercive measures apply as appropriate to the prohibition procedure laid down in section 21a, paragraph 2, of the Supervision Act and inspections other than those directed at the employer.

## **Chapter 7. Miscellaneous provisions**

### Section 36

Employers shall allocate facilities in premises in their possession to be used without charge by occupational safety and health delegates and committees to store and inspect documents related to their functions and to hold negotiations and meetings necessary for performing their functions.

### Section 36a (17.12.1993/1256)

Employers who have submitted the report on a new business referred to in section 21a, paragraph 1, of the Supervision Act shall notify the occupational safety and health authority in their domicile in writing that they have submitted the said report and provide the necessary contact data. The notification shall be submitted in good time before they start hiring employees.

### Section 37 (26.3.1997/260)

The Ministry will issue further provisions and guidelines on the implementation of this decree.

### Section 38

1. This Decree enters into force on January 1, 1974.
2. Occupational safety and health committees shall be established in the manner and order stipulated by the Ministry of Social Affairs and Health following a proposal by the National Board of Occupational Safety and Health. When occupational safety and health delegates and deputy delegates are elected for the first time, they shall be elected for a period of office finishing at the end of the calendar year following the election. In the case of a first election, the members of a occupational safety and health committee shall be elected for a period of office finishing at the end of the calendar year following the election, unless otherwise stipulated by the Ministry of Social Affairs and Health in order to coordinate the periods of office of the occupational safety and health delegate and the occupational safety and health committee. (23.5.1975/342)