

Translation from Finnish**Legally binding only in Finnish and Swedish****Ministry of Social Affairs and Health, Finland****Occupational Safety and Health Act***(738/2002, amendments up to 755/2021 included)*

By decision of Parliament, the following is enacted:

Chapter 1**Objectives and scope of application of the Act****Section 1****Objectives**

The objectives of this Act are to improve the working environment and working conditions in order to ensure and maintain the employees' ability to work as well as to prevent occupational accidents and diseases and eliminate other risks from work and the working environment to the physical and mental health, hereinafter health, of employees.

Section 2**General scope of application of the Act**

This Act applies to work carried out in an employment contract and to work carried out in a public-service employment relationship or a comparable employment relationship governed by public law.

This Act does not apply to ordinary hobby activities or professional sports activities.

This Act imposes obligations on employers and employees as parties to the legal relationship referred to in subsection 1 as provided below.

Besides the provisions of this Act, the provisions of other applicable statutes regarding occupational safety and health in certain kinds of work activities shall be observed.

Section 3

Application of the Act to leased labour

Anyone who has labour employed by someone else (*leased labour*) under their management and supervision is required during the work to observe the provisions of this Act regarding employers.

Before starting the work, recipients of labour shall define the occupational qualifications required for the leased labour and the specific features of the work with adequate precision and communicate these circumstances to the employer of the leased employees. The employer shall inform the employees of these circumstances and especially ensure that the leased employees have adequate occupational skills and experience and that they are fit for the work concerned.

Recipients of labour shall especially take care of orienting the employees into the work and the working conditions of the workplace, to the occupational safety and health procedures and, where necessary, to the arrangements for cooperation and information on occupational safety and health and for occupational healthcare.

Recipients of labour shall communicate to the extent necessary the starting of the work to the provider of occupational healthcare services and to the competent occupational safety and health representative in the workplace. (709/2008)

Further provisions on the obligations of the recipients of labour and the employers of leased employees referred to in subsections 2 and 3 may be given by government decree.

Section 4

Other work within the scope of application

In addition to what is referred to in section 2, this Act applies to:

- 1) work done by apprentices and students in connection with education and training;
- 2) work done by persons involved in active labour market measures;
- 3) work associated with rehabilitation and rehabilitative work experience;

- 4) work done by persons serving a court sentence;
- 5) work or work experience done by persons undergoing treatment or kept in a place for treatment or in a comparable institution;
- 6) work done by conscripts and women in voluntary military service subject to the restrictions laid down in section 6;
- 7) work done by persons in non-military service;
- 8) work done by persons belonging to a contract fire brigade while voluntarily participating in rescue operations; and
- 9) other work as separately provided by law.

The organisers of the work or other activities referred to in subsection 1 shall, in the work or activities under their direction, comply with the provisions of this Act regarding employers. Consequently, the provisions of this Act regarding employees shall apply to persons performing the work or participating in the activities. If students or apprentices mentioned in section 1, subsection 1 carry out work or practical training associated with their studies, or are introduced to working life in a workplace outside the educational institution, the provisions on leased labour laid down in section 3 shall apply to the obligations of the educational institution and the recipient of labour.

Section 5

Application of the Act to work done in the employee's or other person's home

This Act also applies to work which employees by agreement performs in their home or in some other place of their choice, in the employer's home or on the employer's assignment in some other person's home or under related conditions. Regarding compliance with the obligations laid down in sections 9, 10 and 12 and chapters 3 and 5 of the Act, employers' restricted ability to influence the work and working conditions are taken into account. Even in such cases, employers shall comply with the provisions of this Act governing the use of machinery, work equipment, personal protective equipment and other devices as well as to the use of substances hazardous or harmful to health at work.

Section 6 (562/2007)**Restriction of the scope of application**

This Act does not apply to such military exercise and training and work directly associated with it, noted on the service programme or separately ordered in accordance with training plans, which persons employed in the Defence Forces or the Border Guard, conscripts or persons in voluntary military service of women carry out by order of, or in the service of, the Defence Forces or the Border Guard if the main purpose of the work or activities is to practise special capabilities necessary in military operations.

Neither does this Act apply to persons who participate in voluntary exercises organised by the Defence Forces or the Border Guard under the Act on Voluntary National Defence (556/2007). (870/2019)

Section 7 (474/2021)**Other application of the Act**

This Act also applies to:

- 1) employers exercising the main authority, other employers and self-employed persons operating in shared workplaces as provided in sections 49–51 and 53;
- 2) main contractors, clients or other persons on shared construction sites directing or supervising a construction project, as provided in sections 52, 52a and 52b;
- 3) employers exercising the main authority in shipyards and other employers whose employees work in shipyards, as provided in section 52c;
- 4) the elimination of mutual hazards in certain cases, as provided in section 54;
- 5) employers using voluntary labour, as provided in section 55;
- 6) designers, as provided in section 57;

- 7) installers of machinery, equipment or other devices, as provided in section 58;
- 8) persons carrying out initial or periodic inspections, as provided in section 60;
- 9) persons dispatching or loading goods, as provided in section 60;
- 10) owners, other holders and lessors of buildings, as provided in section 61;
- 11) port holders, ship owners, shipmasters and other persons in charge of a vessel, as provided in section 62.

Section 7 as amended by Act 474/2021 enters into force on 1 July 2022. Previous form of wording:

Section 7

Other application of the Act

This Act also applies to:

- 1) employers exercising the main authority, other employers and self-employed persons operating in shared workplaces as provided in sections 49–51 and 53;
- 2) main contractors, clients or other persons on shared construction sites directing or supervising a construction project, as provided in sections 52 and 52a; (1199/2005)
- 3) the elimination of mutual hazards in certain cases, as provided in section 54;
- 4) employers using voluntary labour, as provided in section 55;
- 5) designers, as provided in section 57;
- 6) installers of machinery, equipment or other devices, as provided in section 58;
- 7) persons carrying out initial or periodic inspections, as provided in section 60;

8) persons dispatching or loading goods, as provided in section 60;

9) owners, other holders or lessors of buildings, as provided in section 61; and

10) port holders, ship owners, shipmasters or other persons in charge of a vessel, as provided in section 62.

Chapter 2

Employers' general obligations

Section 8

Employers' general duty to exercise care

Employers have a duty to take care of the safety and health of their employees while at work by taking the necessary measures. For this purpose, employers shall consider the circumstances related to the work, working conditions and other aspects of the working environment as well as the employees' personal abilities.

Such unusual and unforeseeable circumstances which are beyond the employer's control, and such exceptional events the consequences of which could not have been avoided despite the exercise of all due care, are taken into consideration as factors restricting the scope of the duty to exercise care.

Employers shall design and select the measures necessary for improving the working conditions as well as decide the extent of the measures and put them into practice. Accordingly, the following principles shall be observed as far as possible:

- 1) preventing the creation of hazards and risk factors;
- 2) eliminating the hazards and risk factors or, if this is not possible, selecting a less hazardous or harmful alternative;
- 3) adopting safety measures which have a general impact before individual measures; and

4) taking account of technological developments and other available means.

Employers shall continuously monitor the working environment, the state of the workplace community and the safety of the work practices. Employers shall also monitor the impact of the measures put into practice on safety and health at work.

Employers shall ensure that safety and health measures are taken into account in an appropriate manner in the operations of each part of their organisations.

Section 9

Occupational safety and health policy

Employers shall have a policy for action needed to promote safety and health and to maintain the employees' ability to work. The policy shall incorporate the need to develop the working conditions and the impact of the working environment factors (*occupational safety and health policy*). The objectives for promoting safety and health and for maintaining ability to work that derive from the policy shall be taken into account in the workplace development and planning, and they shall be discussed together with the employees or their representatives.

Section 10

Analysis and assessment of hazards at work

Employers shall, taking the nature of the work and activities into account, systematically and adequately analyse and identify the risk factors and hazards caused by the work, the working hours, the workspaces, other aspects of the working environment and the working conditions and, if the risk factors and hazards cannot be eliminated, assess their consequences to the employees' safety and health. In such cases, the following shall be taken into account:

- 1) the risk of injury and other loss of health, paying special attention to such hazards and risks of the work or the workplace as mentioned in chapter 5;
- 2) any accidents, occupational diseases and work-related illness and hazardous incidents in the workplace;

- 3) the employees' age, gender, occupational skills and other personal abilities;
- 4) workload factors; and
- 5) travel for work outside working hours;
- 6) potential hazard to reproductive health;
- 7) other similar factors.

(755/2021)

If employers do not have adequate expertise for the action referred to in subsection 1, they shall use external experts. Employers shall make sure that the experts have sufficient qualifications and other abilities needed for carrying out the task properly. Provisions on the use of occupational healthcare experts and professionals and on workplace surveys are laid down in the Occupational Healthcare Act (1383/2001).

Employers shall be in possession of the analysis and assessment referred to in subsection 1. The analysis and assessment shall be revised whenever circumstances change fundamentally, and they shall be kept up to date in other respects too.

Further provisions on the written or other verifiable form and content of the analysis and assessment, and specifying how the matter shall be handled in the workplace, taking account of the employer's line of business, the nature of the activities and risks and hazards associated with them, and the size of the workplace, may be given by government decree.

Section 11

Work causing particular hazard

If the assessment of hazards at work referred to in section 10 shows that the work may cause a particular risk of injury or illness, such work shall be done only by an employee who has the qualifications and personal abilities for it or by another employee under the direct supervision of

such an employee. Access to the danger zone by other persons shall be prevented by necessary measures.

If the work or the working conditions may cause a particular hazard to a pregnant employee or to the unborn child and if the hazard cannot be eliminated, the employer shall seek to transfer the employee to suitable duties for the period of pregnancy.

Section 12

Design of the working environment

When designing the structures of the working environment, workspaces, working methods or production methods or the use of machinery, work equipment and other devices at work as well as the use of substances hazardous to health, employers shall ensure that their impact on the safety and health of employees are taken into account and that they are suitable for the intended use. The provisions of section 10, subsection 1 shall be observed, as appropriate, in analysing and assessing hazards and risks.

In connection with design, it shall be ensured that the conditions under design meet the requirements laid down in this Act. Where necessary, the arrangements shall take into consideration employees with disabilities and other employees whose performing of work and whose health and safety otherwise call for special measures.

If the designing referred to in subsection 1 is assigned to an external designer, the employer shall give the designer sufficient information on the workplace under design.

Section 13

Work design

In designing and planning work, the physical and mental abilities of employees shall be taken into account in order to avoid or reduce risk or hazard from workload factors to the safety and health of the employees.

Section 14

Instruction and guidance to be provided for employees

Employers shall give their employees necessary information on the risk factors and hazards of the workplace and ensure, taking the employees' occupational skills and work experience into consideration, that:

- 1) the employees receive sufficient orientation to the work, working conditions in the workplace, working methods and production methods, work equipment used at work and the correct method of using it, as well as to safe working practices, especially before the beginning of a new job or task or a change in duties, and before the introduction of new work equipment and new working methods or production methods;
- 2) the employees receive instruction and guidance in order to eliminate the hazards and risks of the work and to avoid any risk or hazard from the work endangering safety and health;
- 3) the employees receive instruction and guidance for adjustment, cleaning, maintenance and repair work as well as for disturbances and exceptional situations; and
- 4) the instruction and guidance given to the employees is supplemented, where necessary.

Further provisions on the instruction and guidance and the written working instructions provided for employees and on the occupations and duties requiring special qualifications and on the ways to prove such qualifications may be given by government decree. An acceptable proof of qualifications is even a qualification, certificate or other document on education and training issued abroad in accordance with the provisions of the Act on the Recognition of Professional Qualifications (1093/2007) or the provisions of international agreements binding on Finland. (329/2013)

See Government Decree on Work Especially Harmful and Hazardous to Young Workers 475/2006, Government Decree on the Qualifications and Safety Plan for Divers Carrying out Construction Work under Water 1088/2011, Government Decree on the Prevention of Work-related Cancer Risks 1267/2019 and Government Decree on Selection and Use of Personal Protective Equipment 427/2021. Act on the Recognition of Professional Qualifications 1093/2007 was repealed by Act on the Recognition of Professional Qualifications 1384/2015.

Section 15**Providing personal protective equipment, auxiliary equipment and other devices for use**

Employers shall procure and provide for use by employees appropriate personal protective equipment that comply with requirements separately provided by law if the risk of injury or illness cannot be avoided or adequately reduced by measures focused on the work or working conditions.

Employers shall procure and provide for use by employees auxiliary equipment or other devices whenever the nature of the work, the working conditions or appropriate work performance require it and when it is necessary in order to avoid the risk of injury or illness.

Further provisions may be given by government decree regarding the assessment of such hazards in the working conditions that require the use of personal protective equipment, the definition of the use and the conditions for use of the equipment as well as the characteristics required of personal protective equipment and other requirements concerning the use of personal protective equipment in workplaces.

Section 16**Employer's substitute**

Employers may appoint another person to represent them (*employer's substitute*) and take care of the duties imposed on employers in this Act. The duties of the employer's substitute shall be defined in sufficient detail, taking into account the employer's line of business, the nature of the work or activities and the size of the workplace. The employer shall ensure that the substitute has sufficient qualifications, he or she has received an adequate orientation to the duties and that he or she otherwise has appropriate capabilities for attending to the duties referred to here.

Chapter 3**Cooperation****Section 17****Cooperation between employers and employees**

Employers and employees shall cooperate in maintaining and improving safety in workplaces.

Employers shall in good time give the employees necessary information on any factors that affect safety and health in the workplace and other circumstances that have an effect on the working conditions as well as on any assessments and other analyses and plans concerning them.

Employers shall also ensure that these matters are duly and in good time discussed between the employer and the employees or their representatives.

Employees for their part shall act in cooperation with the employers and the employees' representatives in order to achieve the objectives of this Act. Employees have the right to submit proposals on safety and health in the workplace and on other matters mentioned in subsection 2 to the employers and get a response to them.

Chapter 4

Employees' obligations and right to leave off working

Section 18

Employees' general obligations

Employees shall follow the orders and instructions given by the employer within his or her competence. Employees shall even otherwise observe such order and cleanliness as well as care and caution that is necessary for maintaining safety and health necessitated by the work and working conditions.

Employees shall also, in accordance with their experience as well as the instruction and guidance provided by the employer and according to their occupational skills, by available means take care of both their own and the other employees' safety and health.

Employees shall avoid such harassment and other inappropriate treatment of other employees in the workplace that cause risk or hazard to their safety or health.

Section 19

Eliminating and reporting faults and defects

Employees shall without delay inform the employer and the occupational safety and health representative of any such faults and defects they have discovered in the working conditions or working methods, machinery, other work equipment, personal protective equipment or other devices which may cause risk or hazard to the employees' safety or health. Employees shall, in accordance with their experience as well as the instruction and guidance provided by the employer and according to their occupational skills and to the best of their abilities, eliminate such faults and defects they have discovered which cause evident hazard. Employees shall give the report referred to above also in the case that they have eliminated or remedied the fault or defect.

Employers, for their part, shall inform the employee who gave the report and the occupational safety and health representative what measures have been taken or will be taken in the matter.

If employees perform work in the home of some other person referred to in section 5 or under comparable conditions, the report mentioned in subsection 1 shall even be given regarding such work, where possible, to the owner or holder of the workspace.

Further provisions on the content of employees' duty to report and the reporting procedure may be given by government decree.

Section 20

Use of personal protective equipment and suitable work clothing

Employees shall, with care and according to instructions, use and look after the personal protective equipment and other equipment the employer has provided for them under section 15. Employees shall wear in their work such appropriate clothing that does not cause a risk of injury.

Section 21

Use of work equipment and hazardous substances

Employees shall, in accordance with the user instructions and other directions provided by the employer, as well as according to their occupational skills and work experience, use machinery, work equipment and other devices as well as their incorporated safety devices and guards correctly. Employees shall follow safety instructions when using and handling hazardous substances.

Section 22**Use of safety devices and guards**

Safety devices or guards installed in machinery, work equipment or other device or a building may not be removed or disconnected without a special reason. If employees, owing to the work, temporarily have to remove a safety device or guard, they shall restore or reconnect it as soon as possible.

Section 23**Employees leaving off work**

If the work causes a serious hazard to an employee's own or other employees' life or health, the employee has the right to leave off such work.

The employer or his or her representative shall be informed of the employee leaving off work as soon as possible. The right to leave off work continues to exist until the employer has eliminated the hazard or in some other way ensured that the work can be done safely.

Leaving off work shall not restrict working on a larger scale than what is necessary for safety and health. When leaving off work, it shall be ensured that any hazard that may be caused by this action is as low as possible.

If employees leave off work in accordance with this section, they shall not be liable to compensate for the losses caused by this action.

Chapter 5**Further provisions on work and working conditions****Provisions on ergonomics, the level of physical, mental and social strain and on some other hazards at work****Section 24****Workstation ergonomics, work postures and work motions**

The structures of a workstation and the work equipment used at work shall be selected, designed and placed in an ergonomically appropriate way taking the nature of the work and the employee's abilities into consideration. As far as possible, the structures shall be adjustable and allow for flexible arrangement and have such features that the work can be done without causing a harmful or hazardous strain on the employee's health. In addition, it shall be ensured that:

- 1) employees have enough space for working and an opportunity to change work postures;
- 2) the work is eased by auxiliary equipment, where necessary;
- 3) manual lifting and moving operations harmful to health are made as safe as possible if they cannot be avoided or eased by auxiliary equipment; and
- 4) the risk caused to employees by repetitive strain is avoided or, if this is not possible, it is minimised.

Further provisions on safety requirements for working conditions in workplaces as well as for machinery, other work equipment, auxiliary equipment and other devices used at work, and on safe performance in manual lifting operations, may be given by government decree.

Section 25

Avoiding and reducing workload factors

If it is noticed that employees, while at work, are exposed to strain in ways that endanger their health, employers, after becoming aware of the matter, shall, by available means, take measures to analyse the workload factors and to avoid or reduce the hazard.

Section 26

Work with display screen equipment

To reduce harmful or hazardous strain on employees working with display screen equipment, employers shall make the working as safe as possible.

Further provisions on arrangements for work with display screen equipment as well as on requirements for workstations, technical equipment, auxiliary equipment and software used in work with display screen equipment may be given by government decree.

Section 27

Threat of violence

The work and working conditions in jobs entailing an evident threat of violence shall be so arranged that the threat of violence and incidents of violence are prevented as far as possible. Accordingly, appropriate safety arrangements and equipment needed for preventing or restricting violence and an opportunity to summon help shall be provided in the workplace.

Employers shall draw up procedural instructions for such jobs and workplaces as referred to in subsection 1. In the instructions, controlling threatening situations must be considered in advance and practices for controlling or restricting the effects of violent incidents on the employees' safety must be presented. Where necessary, the functioning of the safety arrangements and equipment shall be checked.

Further provisions on arrangements related to the safety and health of employees in different branches and tasks where evident threat of violence exist may be given by government decree.

Section 28

Harassment

If harassment or other inappropriate treatment of an employee occurs at work and causes risk or hazard to the employee's health, the employer, after becoming aware of the matter, shall by available means take measures for remedying this situation.

Section 29

Lone working

If an employee works alone and, as a result, the work entails evident risk or hazard to the employee's safety or health, the employer shall ensure that the risk or hazard is avoided or minimised while the employee is working alone. Employers shall also, considering the nature of the

work, provide an opportunity for necessary communication between the employee and the employer, the representative appointed by the employer or other employees. Employers shall also ensure that there is an opportunity to summon help.

Further provisions on communication, communication equipment and other safety arrangements in branches and duties where employees work alone may be given by government decree.

Section 30

Night work

Employees performing night work shall, where necessary, be provided with an opportunity to change duties or move over to day work, if this is possible in view of the circumstances and if changing duties is necessary in view of the employee's personal characteristics, in order to eliminate any hazard arising from the conditions of the workplace or the nature of the work to the employees' health. If this is not possible, employers shall explore whether other measures can be taken to reduce workload factors. On request, employees shall be given an explanation as to why it is not possible to change duties or move over to day work. (755/2021)

Employers shall, where necessary, provide employees performing night work with an opportunity for having meals, if the length of the working hours requires it and if providing meals is appropriate in view of the circumstances. Employers may charge employees a reasonable payment for meals.

Section 31

Work pauses

If the work requires staying continuously in one place or is continuously stressful, an opportunity for pauses during working shall be provided, allowing brief absence from the workstation.

Provisions on the structures of the workplace and the working environment

Section 32

Structural and functional safety and health of the workplace

Workplace structures, materials, fittings and equipment shall be safe and healthy for employees. They shall be safe to handle, repair and clean.

The means of access, passages, means of egress as well as rescue access routes, work platforms and other areas where employees move due to their work shall be safe and they shall be kept in a safe condition.

Workplaces shall have a sufficient number of appropriate means of egress and rescue access routes, which shall always be kept free. There shall be appropriate safety signs and other markings in workplaces.

Further provisions on the safety of workplace structures, materials and equipment as well as on the safety of the means of access and other areas in workplaces, their means of egress and rescue access routes, and on the service and maintenance of them and their markings may be given by government decree.

Section 33

Ventilation in workplaces and volume of workrooms

There shall be enough satisfactory air to breathe in workplaces. Ventilation in workplaces shall be sufficiently effective and fit for purpose.

The volume and area of workrooms shall be sufficient. There shall be enough room for working and for motion required by the work.

Further provisions on the volume and ventilation of workplaces may be given by government decree.

Section 34

Lighting in workplaces

Suitable and sufficiently effective lighting as required by the work and the employees' abilities shall be provided in workplaces. As far as possible, enough natural light shall come into the workplace.

Further provisions on the general and special lighting in workplaces may be given by government decree.

Section 35

Internal traffic and transfer of goods in workplaces

The arrangements for vehicular and pedestrian traffic in workplaces shall be safe. Employers shall, where necessary, draw up appropriate traffic rules for internal traffic in the workplace.

The lifting, transport, handling and storage of goods as well as the handling and loading areas for goods shall be so designed and arranged that the lifting and handling equipment or goods transfer or falling goods do not cause risk or hazard to the employees' safety or health.

Further provisions on workplace traffic and the safety of lifting and handling operations as well as on loading and unloading areas for goods may be given by government decree.

Section 36

Order and cleanliness

The order and cleanliness required by safety and health shall be ensured in workplaces. Cleaning shall be carried out in such a way that no risk or hazard is caused to the employees' safety or health.

Chemical, physical and biological agents and use of hazardous substances

Section 37

Airborne impurities

If airborne impurities, such as dust, smoke, gas or vapour, occur in a workplace to a degree injurious or disturbing to the employees, their spreading shall, as far as possible, be prevented by isolating the source of impurity or by placing it in a closed space or equipment. The airborne impurities shall be collected and removed to a sufficient degree by means of appropriate ventilation.

Section 38**Chemical agents and hazardous substances used at work**

Employees' exposure to chemical agents that cause risk or hazard to safety or health shall be reduced to such a level that no risk or hazard from these agents is caused to the employees' safety or health or reproductive health. Particularly, protective measures necessary for preventing poisoning, oxygen deficiency or other similar serious hazard shall be ensured.

Special caution shall be exercised when handling, storing or transferring explosive, flammable or corrosive substances or other substances involving similar hazard. The employees shall be given such information on hazardous substances that is necessary considering the work.

Further provisions on chemical agents and their identification as well as on the nature, duration and assessment of exposure to them, limit values, prevention measures and the handling, transfer and storage of hazardous substances may be given by government decree.

Further provisions on the concentrations of chemical agents known to be harmful and the limit values for exposure as well as on the technical details and procedures for protection against such agents may be given by a decree of the Ministry of Social Affairs and Health.

Section 39**Physical agents and electrical safety**

Employees' exposure to thermal conditions, noise, pressure, vibration, radiation or other physical agents that cause risk or hazard to safety or health shall be reduced to such a level that no risk or hazard from these agents is caused to the employees' safety or health or reproductive health.

Hazard from electrical equipment, the use of electricity, and static electricity shall be as low as possible.

Further provisions on physical agents and their identification as well as on the nature, duration and assessment of exposure, limit values and prevention measures may be given by government decree.

Section 40**Biological agents**

Employees' exposure to biological agents that cause risk or hazard to safety or health shall be reduced to such a level that no risk or hazard from these agents is caused to the employees' safety or health or reproductive health.

Further provisions on biological agents and their identification as well as on the nature, duration and assessment of exposure, limit values and prevention measures may be given by government decree.

Further provisions on the properties of biological agents known to be harmful as well as on the details and procedures for protection against biological agents may be given by a decree of the Ministry of Social Affairs and Health.

Section 40a (927/2017)**List of employees exposed to biological agents**

Employers shall keep a list of employees who have been exposed at work to biological agents that can present a serious hazard to employees or cause a serious human disease. The list shall be stored for at least 10 years following the end of exposure.

However, a list of employees exposed to biological agents shall be stored for 40 years following the end of exposure if the exposure may result in infections that:

- 1) may be persistent or latent;
- 2) cannot be diagnosed until the illness develops, if the illness develops many years later;
- 3) have particularly long incubation periods before the illness develops;
- 4) result in illnesses which recur at times over a long period despite treatment; or
- 5) may have serious long-term after-effects.

Occupational safety and health authorities, occupational healthcare, the physician in charge of communicable diseases in the municipality, the physician in charge of communicable diseases in the hospital district, and occupational safety and health personnel shall have access to the list. (755/2021)

The list of employees exposed to biological agents shall be made available to occupational safety and health authorities in cases where the employer ceases activity.

Further provisions on the information to be included in the list may be given by government decree.

Safety of machinery, work equipment and other devices

Section 41

Use of machinery, work equipment and other devices

Only such machinery, work equipment and other devices may be used at work that comply with the applicable provisions and that are suitable and fit for the work and working conditions concerned. Their correct installation and necessary safety devices and markings shall also be ensured. The use of machinery, work equipment and other devices shall not in any other respect cause risk or hazard to the employees working with them or other people in the workplace.

Machinery, work equipment or other devices shall be used, maintained, cleaned and serviced appropriately. Access to the danger zones of machinery or work equipment shall be restricted by means of their construction, placement, guards or safety devices or by other suitable means. Necessary preparations for servicing, adjustments, repairs, cleaning, disturbances and other exceptional situations shall be made to ensure that they do not cause any hazard or risk to the employees' safety or health.

Further provisions on the procurement, safe use and servicing of machinery, work equipment and other devices may be given by government decree.

Section 42

Lifting persons by lifting machinery

Lifting and transferring employees by means of lifting machinery (*lifting persons*) shall be so arranged that no risk or hazard be caused to the safety or health of those being lifted, of those involved in lifting or of other employees.

Further provisions on lifting persons may be given by government decree.

Section 43

Initial and periodic inspections of work equipment

If the installation or the installation conditions or operating conditions of machinery, work equipment or other devices affect safety, it shall be ensured by means of inspection that the machinery, work equipment or other devices have been correctly installed and that they are in safe working order before being put into service for the first time or after installing them in a new place or after alterations that are significant in view of safety (*initial inspection*). In addition, inspections shall be carried out at regular intervals after machinery, work equipment or other devices have been put into service and, where necessary, even after an exceptional situation to ensure the working order of the machinery, work equipment or other devices (*periodic inspection*).

The inspector shall be a person in the employer's service or other person qualified for the task. When determining the qualifications, familiarity with the construction, use and inspection of the work equipment concerned shall be taken into consideration. Inspections of hazardous machinery, work equipment or other devices shall be carried out only by an expert body or other independent expert. The inspections shall especially assess the safety of the work equipment with regard to its use and follow the regulations on inspection. The inspections shall also take account of the manufacturer's instructions as appropriate.

Further provisions on machinery, work equipment or other devices subjected to initial and periodic inspections as well as on such operating conditions that require inspections of machinery, work equipment or other devices, on the qualifications of inspectors and on the contents, timing and recording of inspections, and on other procedures associated with inspections, may be given by government decree.

Eliminating risk of accident, and rescue and first aid

Section 44

Risk of accident

If substances that may cause a major accident are handled or stored in the workplace, or a risk of major accident otherwise may be present at work, the employees shall be given necessary training and instructions for controlling the hazard and on the procedure to be followed in the case of an accident. Exercises shall be arranged, where necessary.

Furthermore, work shall be so arranged that the risk of fire, explosion, drowning or other accident is as low as possible.

Further provisions on eliminating risk of major accident may be given by government decree.

Section 45

Alarm, safety and rescue equipment and instructions

If the working conditions so require, workplaces shall be equipped with the necessary alarm, fire safety, life-saving and rescue systems and equipment. Rescue equipment shall always be available in a suitable place on workplaces where there is hazard to life or health because of the risk of falling into water.

Employees shall be given necessary instructions on the use of such systems and equipment as referred to in subsection 1 and in the case of fire, drowning or other hazard. Instructions shall also be given regarding the measures to be taken in the case of fire, taking the conditions in the workplace into consideration. Where necessary, the instructions shall be kept available in the workplace for inspection by the employees. Exercises shall be arranged, where necessary.

Further provisions on equipping a workplace with systems and equipment referred to in subsection 1 and on the instructions referred to in subsection 2 may be given by government decree.

Section 46

First aid

Employers shall see to the provision of first aid for the employees and other persons present in the workplace in a manner required by the nature of the work and the working conditions. In accordance with the work and working conditions, the employees shall be provided with instructions on the measures to be taken in order to receive first aid in the case of an injury or illness.

Taking into consideration the extent and location of the workplace, the number of employees and the nature of the work and other working conditions, an adequate supply of appropriate first aid equipment shall be available in appropriate and clearly marked places in the workplace or in its immediate vicinity.

In the workplace, there shall be facilities suitable for giving first aid whenever the number of employees, the nature of the work or the other working conditions so require.

Further provisions on first aid facilities in workplaces as well as on their dimensions and supplies may be given by government decree.

Section 47 (329/2013)

Appointing persons to carry out first aid and rescue measures

Whenever the number of employees, the nature of the work and the working conditions so require, employers shall appoint one or more employees to carry out first aid, fire control and rescue measures unless the employer has, in a plan referred to in the Rescue Act (561/1999), assigned safety personnel to similar duties. The number of these employees and their training as well as the equipment in their use shall be appropriate taking account of the nature of the work and the particular hazards involved and the size of the workplace. When appointing the employees, the provisions of section 17 shall be taken into consideration.

Facilities provided for use by employees

Section 48 (396/2012)

Personnel rooms

Taking into consideration the nature and duration of the work and the number of the employees, adequate and appropriately fitted facilities for washing, changing and storage as well as dining rooms, break rooms and toilet rooms and other personnel rooms shall be available for use by the employees in the workplace or in its immediate vicinity. Decent drinking water in adequate amounts shall be available for the employees.

Pregnant women and breast-feeding mothers shall, where necessary, have an opportunity to go to rest in a break room or in some other suitable place.

Further provisions on personnel rooms in workplaces and their fittings may be given by government decree

Chapter 6

Special situations of organising work

Section 49

Duty of those operating in shared workplaces to exercise care

If one employer exercises the main authority in a workplace and if more employers than one or more self-employed employees than one, working in return for compensation, operate there simultaneously or successively in such a way that the work may affect other employees' safety or health (*shared workplace*), the employers and self-employed employees at such a workplace shall, taking the nature of the work and activities into consideration, each for their part and together in adequate mutual cooperation and by information ensure that their activities do not endanger the employees' safety and health.

Section 50

Information and cooperation in shared workplaces

The employer exercising the main authority in a shared workplace shall, taking the nature of the work and activities into consideration, ensure that the external employers who organise work in the workplace and their employees have received the necessary information and instructions on the hazards and risk factors concerning the work in the workplace as well as on the directions for action related to the safety of the workplace and the work. Such an employer shall also ensure

that the external employers receive the necessary information on measures concerning fire control, first aid and evacuation and on persons appointed to these tasks in accordance with section 47.

Both the external employers and the self-employed employees referred to in subsection 1 shall inform the employer exercising the main authority and other employers of the risk factors and hazards that may be caused by their work.

Section 51

Obligations of employers exercising the main authority in shared workplaces

The employer exercising the main authority in a shared workplace shall, taking the nature of the work and activities into consideration, ensure:

- 1) the coordination of the activities of the employers and self-employed employees operating in the workplace;
- 2) the arrangements for traffic and movement in the workplace;
- 3) the general order and cleanliness of the workplace necessitated by safety and health;
- 4) other general planning of the workplace; and
- 5) the general safety and health of the working conditions and the working environment.

Subsection 2 was repealed by Act 54/2006.

Further provisions on the activities of the employer exercising the main authority in matters referred to in subsection 1 may be given by government decree.

Section 52

Obligations on shared construction sites

On a shared construction site, the employer in main contractor position or, if such does not exist, the client or other person directing or supervising the construction project shall fulfil the obligations referred to in section 51 and ensure that no hazard arises from the work to those working on the site or other persons in the zone affected by the work.

Further provisions on the obligations of clients, main contractors or other principal operators on shared construction sites and on the division of those obligations may be given by government decree.

Section 52a (1199/2005)

Identification of persons working on shared construction sites

Clients directing or supervising shared construction sites, in contracts they have concluded or by other means at their disposal, shall ensure that each person working on the site wears visible pictorial identification while moving on the site. The identification shall indicate whether the person working on the site is a worker in an employment relationship or a self-employed person. The identification shall indicate the individual tax number referred to in the Act on the Individual Tax Number and the Tax Number Register (473/2021) and entered in the tax number register. The identification shall bear the name of the employer. The provisions of this subsection on clients shall also apply to:

- 1) main contractors and other principal operators;
- 2) employers with regard to their own employees and contractual partners.

(474/2021)

Subsection 1 as amended by Act 474/2021 enters into force on 1 July 2022. Previous form of wording:

Clients directing or supervising shared construction sites, in contracts they have concluded or by other means at their disposal, shall ensure that each person working on the site wears visible pictorial identification while moving on the site. The identification shall indicate whether the person working on the site is a worker in an employment relationship or a self-employed person. The identification shall indicate the individual tax number, referred to in the Act on the Tax Number

and the Tax Number Register within Construction Industry (1231/2011), entered in the tax number register. The identification shall bear the name of the employer. The provisions of this subsection on clients shall also apply to:

- 1) the main contractor or other principal operator;
- 2) employers with regard to their own employees and contractual partners.

(1232/2011)

However, identification shall not be required for:

- 1) persons temporarily carrying goods to the site;
- 2) persons working on a site where a building or a part thereof is being constructed or renovated for the use of a natural person acting as client.

Section 52b (364/2013)

List of persons working on shared construction sites

Main contractors or other principal operators shall keep an up-to-date list of employees and self-employed employees working on a shared construction site to ensure safety at work and for monitoring the obligations laid down in this Act. The list shall indicate:

- 1) the person's forename and surname, date of birth and individual tax number;
- 2) the start and end date of working on the site;
- 3) the name and business identity code of the employee's employer or a corresponding foreign identifier;
- 4) the name and contact information of the representative referred to in section 8 of the Act on Posting Workers (447/2016). (453/2016)

Persons temporarily carrying goods to the site may be omitted from the list.

Employers shall give the necessary information of their employees to the main contractor or other principal operator for keeping the list referred to in subsection 1.

Main contractors or other principal operators shall store the list referred to in subsection 1 for six years following the end of the year in which work on the site was completed.

Subsection 5 has been repealed by Act 755/2021.

The provisions of this section on main contractors and other principal operators shall apply to clients if there is no main contractor or other principal operator on the site.

The list referred to in subsection 1 need not be kept on a site where a building or a part thereof is being constructed or renovated for the use of a natural person acting as client.

Personal Data Act 523/1999 has been repealed by Data Protection Act 1050/2018.

Section 52c (474/2021)

Requirements for working in shipyards

For the purposes of this Act, a shipyard is a shared workplace:

- 1) where vessels intended for merchant shipping or for the use of public authorities are being built or repaired; and
- 2) where vessels of 25 metres or more in length can be built or repaired.

The provisions of sections 52a and 52b on the obligations of main contractors or other principal operators on shared construction sites shall also apply to employers exercising the main authority in shipyards referred to in subsection 1 in cases where work is carried out in a shipyard.

Correspondingly, the provisions of sections 52a and 52b on employers' obligations shall also apply to employers whose employees work in a shipyard.

However, the identification referred to in section 52a is not necessary for persons temporarily carrying goods to a shipyard. Nor is the identification necessary for employees, who are crewmembers on a vessel owned or operated by the company commissioning or operating the vessel and who work in the shipyard in tasks related to the commissioning of the vessel. The persons referred to in this subsection may also be left out of the list referred to in section 52b.

The information on the list referred to in section 52b shall be stored for six years after the start of the year following the end of the calendar year.

Section 52c as added by Act 474/2021 enters into force on 1 July 2022.

Section 53

Obligations of self-employed employees in shared workplaces

Self-employed employees in shared workplaces shall follow the provisions of this Act regarding:

- 1) the qualifications, necessary permits and minimum ages of employees;
- 2) machinery, work equipment, personal protective equipment and other devices as well as statutory initial and periodic inspections of them;
- 3) the handling, storage and marking of hazardous substances;
- 4) the identification of persons working on shared construction sites or in shipyards.

(474/2021)

Subsection 1 as amended by Act 474/2021 enters into force on 1 July 2022. Previous form of wording:

Self-employed employees in shared workplaces shall follow the provisions of this Act regarding:

- 1) the qualifications, necessary permits and minimum ages of employees;

2) machinery, work equipment, personal protective equipment and other devices as well as statutory initial and periodic inspections of them;

3) the handling, storage and marking of hazardous substances;

4) the identification of persons working on shared construction sites.

(1232/2011)

Self-employed persons shall provide the main contractor or other principal operator and the employer exercising the main authority in a shipyard with the information referred to in section 52b, subsection 1, paragraphs 1 and 2, for keeping a list referred to in the said section.

(474/2021)

Subsection 2 as amended by Act 474/2021 enters into force on 1 July 2022. Previous form of wording:

Self-employed persons shall provide the main contractor or other principal operator with the information referred to in section 52b, subsection 1, paragraphs 1 and 2, for keeping a list referred to in the said section. (364/2013)

In addition, self-employed employees shall follow the workplace safety instructions they have received from the employer exercising the main authority in the shared workplace.

Further provisions on the application of the obligations referred to in subsection 1 regarding self-employed employees operating in shared workplaces in different branches and tasks may be given by government decree.

Section 54

Elimination of mutual hazards in workplaces

If the work of one or more employers and self-employed employees operating in a factory hall or business hall or in a similar undivided space, or their common activities in a situation other than the one referred to in section 49, cause any risk or hazard to the employees' safety or health, the employers and self-employed employees shall in adequate mutual cooperation seek to inform each

other of the risk factors and hazards they have discovered and of the measures for eliminating them as well as of the necessary coordination of the activities.

Section 55

Voluntary work

If a person whose work otherwise is not subject to this Act, on the basis of an agreement with the employer other than an employment contract or a commission agreement, or without being in a public-service employment relationship or a comparable employment relationship governed by public law with the employer, performs in a workplace the same or similar work as the employees of the workplace, the employer shall, where appropriate, ensure that no risk or hazard is caused to the safety or health of this person while in the workplace. Correspondingly, the person shall follow the safety instructions regarding the work and the workplace, and use the personal protective equipment and auxiliary equipment provided for his or her use.

Chapter 7

Obligations of other persons who affect safety and health at work

Section 56

Obligations of product manufacturers and suppliers

Separate provisions shall be issued on safety requirements for machinery, work equipment, personal protective equipment and other devices as well as on hazard assessment of chemicals or products containing chemicals and on labelling of the products, and on the obligations of manufacturers, importers, sellers and other suppliers of such products to the market or for use, and on product control.

Section 57

Obligations of designers

Anyone who by commission provides a design concerning structures in the working environment, workspaces, working methods or production methods, machinery, work equipment or other devices shall ensure that the provisions of this Act have been taken into consideration in the design of the item in question according to its intended use as stated by the designer.

Section 58**Obligations of installers of machinery, work equipment or other devices**

Anyone who by commission installs machinery, work equipment or other devices for use in a workplace shall take the manufacturer's instructions and other instructions for installation into consideration and also otherwise for their part ensure that the machinery or devices with related safety devices are put in appropriate condition.

Section 59**Obligations of persons carrying out initial and periodic inspections**

Anyone who by commission carries out an initial or a periodic inspection referred to in section 43 shall ensure that the inspection is carried out in an appropriate manner and that necessary instructions are given regarding such faults and defects as are discovered which affect the safety of the work equipment and, where necessary, the repair or elimination of these.

Section 60**Obligations of persons dispatching and loading goods**

Anyone who dispatches or loads goods for transport shall give the necessary instructions for loading and unloading goods whenever this involves a particular hazard. An object or package to be loaded, the total weight of which amounts to the minimum of 1,000 kilograms, shall be provided with visible and permanent labelling indicating the total weight of the package. If the exact weight of an object cannot be given, an approximate weight shall be marked.

Further provisions on the instructions referred to in subsection 1 as well as on labelling an object or a package for loading on board a vessel or onto other means of transport may be given by government decree.

Section 61**Obligations of owners, other holders or lessors of buildings**

If work subject to this Act is performed in a building or a part of it by consent of the owner or other holder and on the basis of a lease, the owner, other holder or lessor shall for his or her part allow the employer to perform such repairs or alterations as required by this Act.

Section 62

Obligations of port holders and of owners and holders of vessels

Anyone who is in charge of port management as well as the shipowner, shipmaster or other person in charge of a vessel are each for their part required, where appropriate, to follow the provisions of this Act when it concerns work performed in port, on land or on board a vessel to load or unload a vessel used in sea traffic or inland waterway traffic or to refuel a vessel. A port also means a dock, quay or other similar place.

The provisions of subsection 1 apply to ports where extensive loading and unloading of vessels or comparable operations are carried out. Provisions on ports referred to here may be given by government decree.

Chapter 8

Penal provisions

Section 63

Violation of occupational safety and health

Any employer or person referred to in section 7 or their representative who wilfully or negligently fails

- 1) to carry out an initial or periodic inspection;
- 2) to do an analysis or work out a plan;
- 3) to provide or install a safety device or personal protective equipment;
- 4) to obtain permission for work or to notify of work;

5) to give instructions needed for using and servicing machinery, equipment or other technical devices and for using substances hazardous to health, and other similar instructions; or

6) to keep this Act available for inspection,

as provided in this Act or in the provisions issued under it, shall be sentenced to a fine for a violation of occupational safety and health, unless a more severe punishment for the act is provided elsewhere by law.

For a violation of occupational safety and health shall also be sentenced any person

1) who, without permission or without a good cause, wilfully or negligently, removes or ruins a device or an instruction or a warning intended for avoiding any risk of injury or illness;

2) referred to in section 52a or section 52c, who wilfully or negligently fails to meet the obligation, laid down in these sections, to ensure, in contracts he or she has concluded or by other means at his or her disposal, that persons working on a shared construction site or in a shipyard wear identification;

3) who wilfully or negligently fails to keep or store a list referred to in section 52b;

4) who wilfully or negligently fails to give information referred to in section 52b for keeping a list referred to in that section or gives information that is essentially incorrect or incomplete; and

5) who is a self-employed employee and who, when moving on a shared construction site or in a shipyard, fails to keep on display the identification referred to in sections 52a and 52c.

(474/2021)

Subsection 2 as amended by Act 474/2021 enters into force on 1 July 2022. Previous form of wording:

For a violation of occupational safety and health shall also be sentenced any person

- 1) who, without permission or without a good cause, wilfully or negligently, removes or ruins a device or an instruction or a warning intended for avoiding any risk of injury or illness;
- 2) referred to in section 52a, who wilfully or negligently fails to meet the obligation, laid down in that section, to ensure, in contracts he or she has concluded or by other means at his or her disposal, that persons working on a shared construction site wear identification;
- 3) who wilfully or negligently fails to keep or store a list referred to in section 52b;
- 4) who wilfully or negligently fails to give information referred to in section 52b for keeping a list referred to in that section or gives information that is essentially incorrect or incomplete; and
- 5) who is a self-employed employee and who, when moving on a shared construction site, fails to keep on display the identification referred to in section 52a.

(364/2013)

Provisions on the punishment for an occupational safety and health offence are laid down in chapter 47, section 1 of the Criminal Code (39/1889).

Chapter 9

Miscellaneous provisions

Section 64

Opinions of the Labour Council

The Act on the Labour Council and Exceptions Concerning Labour Protection Exemptions (608/1946) lays down provisions on opinions that the Labour Council shall give on the application and interpretation of this Act.

Act on the Labour Council and Exceptions Concerning Labour Protection Exemptions 608/1946 was repealed by Act 400/2004, see chapter 2 of the Act on the Labour Council and Exceptions Concerning Labour Protection Exemptions 400/2004.

Section 65

Supervision of compliance with the Act

Compliance with this Act shall be supervised by occupational safety and health authorities.

Section 66

Authority to issue decrees

Where necessary, further provisions on the implementation of the present Act may be given by government decree.

Section 67

Keeping the Act available for inspection in the workplace

This Act and the provisions issued under it shall be available for inspection by employees in the workplace.

Chapter 10

Provisions on entry into force

Section 68

Entry into force

This Act enters into force on 1 January 2003.

This Act repeals the Act of 26 June 1958 on Occupational Safety and Health (299/1958), as amended.

Subsection 3 was repealed by Act 1016/2004.

However, the decrees and resolutions issued under the repealed section 47 of the Act remain in force until separately repealed by law.