

Finland

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PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining	Industry, but much is left to company negotiations
	Workplace Representation	Union
	Board-level Representation	Yes for state-owned and private enterprises
National worker representation	Employee representation at the workplace is primarily provided by the local union bodies within framework of the statutory structures. Legislation gives union representatives rights in enterprises and other organisations with 20 or more employees. (The employment threshold was reduced from 30 in 2007.)	
Principal legal documents on H&S	<p>Principal legal documents on H&S are:</p> <ul style="list-style-type: none"> – The Occupational Safety and Health Act lays down that employers are obliged to look after the safety and health of employees. – The Occupational Health Care Act applies to all employment for which the employer is bound by the Occupational Safety and Health Act. – The Employment Contracts Act contains provisions on the rights and responsibilities of employers and employees in an employment relationship. These provisions pertain among other things to non-discrimination, family leave, lay-offs and the termination or cancelling of employment contracts. – Employment relationships are also governed by the Non-discrimination Act and the Act on the Protection of Privacy in Working Life; compliance with these is monitored by the OSH authorities. – A separate body of legislation governs working hours. This includes the general Working Hours Act and the complementary sector-specific Acts. – There is a separate Annual Holidays Act, and the Study Leave Act and the Act on Job Alternation Leave also belong to this group. The OSH authorities monitor compliance with these Acts, too. – The right of employees to receive compensation for occupational accidents is provided for in the Employment Accidents Act. Employers are required by law to take out an insurance policy with an insurance enterprise. – The safety of work depends greatly on the characteristics of the machinery, personal protective equipment, other technical equipment and chemicals used in the work. Manufacturers of technical equipment are subject to certain requirements as stated in the Act on the Conformity of Certain Technical Devices to Relevant Requirements. The law is binding on both the manufacturer and any representative of same. Pursuant to this Act, Decrees have been issued for instance on machinery, personal protective equipment and tractors. The Chemicals Act contains similar provisions applying to chemical manufacturers. The OSH authorities monitor compliance with these Acts, too. – There is a chapter on employment offences in the Criminal Code. Sanctions are specified in the Criminal Code for work safety offences, working hours offences, work discrimination, exploitative work discrimination, violation of the rights of an employee representative, violation of the right to organise, employment agency offences and offences related to illegal employment of foreign employees. Sanctions may be imposed on an employer, an employer's representative or a legal entity. Depending on the offence, the sanction may be a fine or imprisonment, in aggravated cases up to two years. – The rights and responsibilities of the OSH authorities are provided for in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces. Cooperation on OSH matters between employers and employees shall be organised as provided for in this Act if there is no valid agreement between the relevant social partners which applies to the workplace in question. 	
Public authorities on	The Ministry of Social Affairs and Health is responsible for the enforcement and development of occupational safety and health and for the preparation of related legislation. The ministry acts in close cooperation with	

H&S	<p>e.g. the Ministry of Employment and Economy , Ministry of the Environment, Ministry of Transport and Communications the Ministry of Education and Culture, the Ministry of the Interior, the Ministry of Agriculture and Forestry and other authorities on any matters that may have a bearing on occupational safety and health .</p> <p>Besides occupational safety and health administration, other authorities and their expertise also promote occupational safety and health and contributory actions. Such authorities are the National Product Control Agency for Welfare and Health (STTV) and the Radiation and Nuclear Safety Authority (STUK) in the administrative sector of the Ministry of Social Affairs and Health, and the Safety Technology Authority (TUKES), the Finnish Consumer Administration (Kuvi) and the Finnish Vehicle Administration AKE from other administrative sectors.</p>		
Employers' obligations on H&S	Employers have a statutory duty to ensure safety and health at work. The employer is also responsible for occupational safety and health action at the workplace and the costs incurred by improvements in the working environment.		
Worker representative bodies on H&S	<p>A safety rep and two assistant representatives must be elected by workers in any undertaking employing at least 10 people. Such a representative may be elected in undertakings with fewer than 10 workers.</p> <p>A safety committee must be set up in all undertakings employing more than 20 people. This is not a joint body in the strict sense, since its composition gives 50% of seats to representatives of shop floor staff, 25% to representatives of office staff and 25% to representatives of the employer.</p>		
Organisation of the social dialogue on H&S issues within the country	<i>Actors involved</i>	<i>Their role</i>	<i>Scope of influence</i>
	<p>Social partners: Private employers are represented by The Confederation of Finnish Industries (EK). Employers in public sector are represented by The Commission for Local Authority Employers (KT), The Commission for Church Employers (KIT) and The Office for the Government as Employer.</p> <p>Organisations representing employees are The Central Organisation of Finnish Trade Unions SAK, The Finnish Confederation of Salaried Employees STTK and Akava – Confederation of Unions for Professional and Managerial Staff in Finland.</p>	The Finnish social dialogue concerning working conditions and Health & Safety is a part of the operation of social partners, and it is strongly based on the long tradition of national incomes policy agreement system. Social partners have multiple roles in H&S issues in Finland including informing, consulting, negotiating and co-deciding and participating tripartite working groups preparing and developing H&S legislation and national programmes.	Enterprise level, on local level and on national level
	Tripartite Advisory Committee on Occupational Safety and Health linked to the Ministry of Social Affairs and Health	N/A	National
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>
	Regional tripartite OSH committee.	N/A	N/A
	Advisory committee within regional offices of the Finnish Institute of Occupational Health	N/A	N/A
			<p>Each occupational safety and health division at the Regional State Administration Agencies has a tripartite OSH committee (similar to national one)</p> <p>At every office of the Finnish Institute of Occupational Health there is an advisory committee whose members represent the OSH authorities, the social welfare and health care authorities, the key labour market and entrepreneurs' organisations, local businesses and residents, and other major organisations and communities.</p>

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	According to the Occupational Health and Safety Act, the employer must nominate an OHS manager for the co-operation concerning occupational safety and health or take the position himself. Occupational safety and health administration, occupational health care services and other expert services support the activities of workplaces. Occupational safety and health inspectorates monitor compliance with occupational safety and health legislation.
Interaction of H&S representation with the general representation of workers	H&S reps and general representation of workers are closely co-operating on different levels. However, some problems remain so far.
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	All workers. However, some problems remain so far. Professional and managerial staff are not fully covered by their own H&S representation.
<i>Thresholds of implementation</i>	If there are more than 10 employees at a workplace, they must choose an OHS representative. Furthermore, at workplaces with at least 20 employees, an OHS committee comprised of representatives of the employer, workers and clerical employees must be established.
<i>Role of the trade unions</i>	Trade unions have significant role with regard on health and safety issues. H&S reps are usually (not necessarily, since all employees with an employment contract may put forward candidates) members of trade unions. Trade unions provide training and support to H&S reps in Finland.
<i>Composition, mode of nomination or election of members</i>	The H&S Committee members consist of occupational safety and health representatives and other employee representatives and representatives appointed by the employer (it is composed of 50% of seats to representatives of shop floor staff, 25% to representatives of office staff and 25% to representatives of the employer). The occupational safety representative and his deputies and, where necessary, other employee representatives and the occupational safety ombudsmen, are elected by the employees. An occupational safety representative, his/her deputies and committee members are elected for a period of not less than two and not more than four calendar years. The time, place and other arrangements for the election of representatives must be agreed beforehand with the employer. The employer shall provide the election arrangers with a list of employees and, where necessary, a separate list of the salaried staff. The election is organised by the employees. All employees with an employment contract may put forward candidates, stand for election and vote. If only one person agrees to stand for each post, the election need not be held. The election return is entered in the election minutes, copies of which are displayed in the workplace and sent to the employer. The employer is required to notify the Occupational safety personnel register of the names and contact information of the occupational safety supervisor, the occupational safety representative and his deputies as well as the occupational safety committee members).
<i>Area of competencies</i>	The rep's responsibilities are essentially the same as the tasks of the safety committee. As a general rule, they have no independent decision-making powers. Matters to be dealt with in occupational safety and health cooperation include all work-related matters affecting the safety and health of employees. If the matter concerns one employee, it will be discussed between the employee and the superior but the occupational safety and health representative has the right to participate in the discussion. The OSH representative has the right to receive from the employer information necessary for carrying out the duties. Broad questions are discussed in the occupational safety and health committee.
<i>Functions</i>	Consult and negotiate
Rights of workers' representatives on H&S	

<i>Right of withdrawal, of production stop in case of immediate danger</i>	Yes OSH representatives may stop any dangerous work that is being performed by the employees they represent. However, in real life it has never happened; only the employer says when to start and stop working.
<i>Right to conduct surveys</i>	Yes in connection with Risk assessment
<i>Right to require external assessments</i>	No It must be in agreement with employers.
<i>Right to lodge an appeal</i>	Yes Workers have the right to call the Labour Inspectorate anonymous and to claim composition in connection with a work accident.
<i>Right to receive training</i>	Yes The OSH representative has the right to obtain training for the duties as a representative and to be released from other tasks in order to attend to those duties.
	<i>Amount of training</i> Not strictly defined by law.
	<i>Frequency of training</i> Not strictly defined by law.
	<i>Training providers</i> training is provided by specialized organisations (The Centre For Occupational Safety TTK) and trade unions.
<i>Allocated time during working hours to conduct their role</i>	Yes H&S representatives have the right to be released from other tasks in order to attend to their duties
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes
	H&S representatives are protected against unilateral termination of their labour contract by law.
Link and the nature of the relations between the employee representatives and the trade unions	H&S reps are usually (not necessarily, since all employees with an employment contract may put forward candidates) members of trade unions.

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	No	
	<i>Objectives of these changes</i>	Not any significant amendments on legislation have been prepared during the last 5 years. H&S legal framework and practices have been quite unchanged during that period. However, some agreements have been negotiated by social partners and information campaigns organized. These information campaigns have been focused on violence and harassment, work related stress and wellbeing at work.
	<i>Management of these changes</i>	Some have been negotiated
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	Measures have been related on agreements on European level.
Assessment of the achievements on H&S issues through social dialogue	Stable (perhaps challenged due to the economic crisis)	
	<i>Some important milestones</i>	the raise of knowledge and understanding on psychosocial risks at work and the importance of wellbeing at work can be mentioned as some important milestones

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	Contemporary H&S legislation can be considered as a framework legislation. Legislation should be more definite and precise in order to improve good social dialogue at all levels and especially among different workers groups.
Existing key success factors	Long tradition in tripartite co-operation in Finland

PART 4 – APPENDICES

Interesting links

Finnish Institute of Occupational Health

Sources

Trade union contacts	Akava	Ilveskivi Paula
Other	<ul style="list-style-type: none"> - http://www.worker-participation.eu - Questionnaire reply - Ministry of Social Affairs and Health, "Occupational Safety and Health in Finland", 2007. 	