

No. 738/2002
Occupational Safety and Health Act

Chapter 1 – Objectives and scope of application

Section 1 – Objectives

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

Section 2 – General scope of application

- (1) This Act applies to work carried out under the terms of an employment contract and to work carried out in an employment relationship in the public sector or in comparable service relation subject to public law.
- (2) This Act does not apply to ordinary hobby activities or professional sports activities.
- (3) This Act imposes obligations on employers and employees as parties to the legal relationship referred to in subsection 1 in the manner provided below.
- (4) In addition to 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

- (1) Anyone who has labour employed by someone else (leased labour) under their direction is required during the work to observe the provisions of this Act regarding employers.
- (2) Before starting the work, the recipient 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.
- (3) The recipient 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, when necessary, to the arrangements for cooperation and information on occupational safety and health and for occupational health care.
- (4) Further provisions on the obligations of the recipient of labour and the employer 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

- (1) 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;
 - (2) work done by persons involved in employment measures;
 - (3) work associated with rehabilitation and rehabilitative work experience;
 - (4) work done by persons serving a court sentence;
 - (5) work or work activities done by persons undergoing treatment or kept in a place for treatment or a comparable institution;
 - (6) work done by conscripts and women in voluntary military service with the restrictions laid down in section 6;
 - (7) work done by persons in non-military national service;
 - (8) work done by persons belonging to a contractual fire brigade while voluntarily participating in rescue services; and
 - (9) other work as separately provided by statute.
- (2) 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 be applied to persons performing the work or participating in the activities. If students or apprentices mentioned in section 1(1) carry out work or practical training associated with their studies, or get acquainted with working life in a workplace outside the educational institution, the provisions on leased labour laid down in section 3 shall be applied 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 an employee by agreement performs in his or her home or some other place he or she has chosen, in the employer’s home or on the employer’s assignment in some other person’s home or under related conditions. Regarding fulfilment of the obligations laid down in sections 9, 10 and 12 and Chapters 3 and 5 of the Act, the employer’s restricted ability to influence the work and working conditions are taken into account. Also in that case the employer shall comply with the provisions of this Act governing the use of machinery, work equipment, personal protective equipment and other devices as well as substances harmful or hazardous to health in the workplace.

Section 6 – Restriction on the scope of application

This Act does not apply to such military practice and training and directly related work, noted on the service programme or separately ordered in accordance with educational programmes, which persons in the service of the Defence Forces or the Frontier Guard, conscripts or women in voluntary military service or persons in voluntary national defence training carry out by order of, or in the service of, the Defence Forces or the Frontier Guard if the main purpose of the work or activities is to practise special skills needed in military operations.

Section 7 – Other application of the Act

This Act also applies to:

- (1) employers exercising the main authority, other employers and self-employed workers 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; (22.12.2005/1199)
- (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) the owners, other holders and 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

- (1) Employers are required 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 capacities.
- (2) 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.
- (3) Employers shall design and choose 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.
- (4) Employers shall continuously monitor the working environment, the state of the working 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.

- (5) 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

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

Section 10 – Analysis and assessment of the risks at work

- (1) The employer shall, taking the nature of the work and activities into account, systematically and adequately analyse and identify the hazards and risk factors caused by the work, the working premises, other aspects of the working environment and the working conditions and, if the hazards and risk factors cannot be eliminated, assess their consequences to the employees' safety and health. When doing so, the following matters must be taken into account among other things:

(1) the risk of injury and other illness, paying special attention to such hazards and risks of the work or at the workplace concerned as mentioned in Chapter 5;

(2) any accidents, occupational diseases and work-related illness and hazardous incidents at the workplace;

(3) the employees' age, gender, occupational skills and other personal capacities;

(4) factors related to workload; and

(5) the potential risks to reproductive health.

- (2) If the employer does not have adequate expertise for the action referred to in subsection 1, he or she shall use external experts. The employer shall make sure that the experts have adequate competence and other qualifications needed for carrying out the task properly. Provisions on the use of occupational health care experts and professionals and on workplace surveys are laid down in the Occupational Health Care Act (1383/2001).

- (3) The employer shall be in possession of the analysis and assessment referred to in subsection 1. The analysis and assessment must be revised when the conditions essentially change, and it must also otherwise be kept up-to-date.

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

Section 11 – Work that causes particular risks

- (1) If the assessment of risks 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 is competent and personally suitable for it or by another employee under the direct supervision of such an employee. Access to the danger area by other persons shall be prevented by

appropriate measures.

- (2) If work or working conditions may cause a particular risk to a pregnant employee or the unborn child and the hazard cannot be eliminated, the employer shall aim to transfer the employee to suitable work tasks for the time of pregnancy.

Section 12 – Design of the working environment

- (1) When designing the structures of the working environment, working premises, working or production methods or the use of machinery, work equipment and other devices used at work as well as the use of health-hazardous substances, 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(1) shall be observed, as appropriate, in analysing and assessing hazards and risks.
- (2) In connection with design, it shall be ensured that the conditions under design meet the requirements laid down in this Act. When necessary, handicapped employees and other employees whose working activities, as well as health and safety, otherwise call for special measures shall be taken into consideration in the arrangements.
- (3) If the design work referred to in subsection 1 is assigned to an external designer, the employer shall give the designer adequate information on the workplace under design.

13 – Work design Section

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

Section 14 – Instruction and guidance to be provided for employees

- (1) Employers shall give their employees necessary information on the hazards and risk factors of the workplace and ensure, taking the employees' occupational skills and work experience into consideration, that:
 - (1) the employees receive an adequate orientation to the work, working conditions at the workplace, working and production methods, work equipment used in the 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 the work tasks, and before the introduction of new work equipment and new working or production methods;
 - (2) the employees are given instruction and guidance in order to eliminate the hazards and risks of the work and to avoid any hazard or risk from the work jeopardising safety and health;
 - (3) the employees are given 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 complemented, when necessary.
- (2) Further provisions governing the instruction and guidance as well as written working instructions provided for employees and the occupations and tasks requiring special competence, and the ways to prove such competence, may be given by Government decree. An acceptable proof of competence is also a qualification, certificate or other document on education issued abroad in accordance with the provisions of the Act on the Implementation of the General System for the Recognition of Professional Qualifications of European

Community Citizens or the provisions of international agreements binding on Finland.

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

- (1) Employers shall acquire and provide for use by employees appropriate personal protective equipment in compliance with requirements separately provided by statute if the risk of injury or illness cannot be avoided or adequately reduced by measures focused on the work or working conditions.
- (2) Employers shall acquire 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.
- (3) Further provisions may be given by Government decree regarding the assessment of such risks 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 at workplaces.

Section 16 - Employer's substitute

The employer may place another person to represent him or her (*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 accurately enough 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 is sufficiently competent, he or she has received an adequate orientation to the duties and that he or she also otherwise has appropriate capabilities for attending to the duties referred to here.

Chapter 3 – Cooperation

Section 17 – Cooperation between employers and employees

- (1) Employers and employees shall cooperate in maintaining and improving safety in workplaces.
- (2) The employer 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. The employer shall also ensure that these matters are duly and in good time discussed between the employer and the employees or their representatives.
- (3) The employees for their part shall act in cooperation with the employer and the employees' representatives in order to achieve the objectives of this Act. The employees have the right to submit proposals on safety and health in the workplace and other matters mentioned in subsection 2 to the employer and get a response to them.

Chapter 4 – Employees' obligations and right to leave off working

Section 18 – Employees' general obligations

- (1) Employees shall follow the orders and instructions given by the employer within his or her competence. Employees shall also 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.
- (2) 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.

- (3) Employees shall avoid such harassment and other inappropriate treatment of other employees at the workplace which causes hazards or risks to their safety or health.

Section 19 - Elimination of faults and defects and reporting them

- (1) 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 hazards or risks 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 opportunities, eliminate such faults and defects they have discovered which cause evident hazards. An employee must give the report referred to above also in the case that he or she has eliminated or remedied the fault or defect.
- (2) The employer, on the other hand, 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 concerned.
- (3) If an employee performs work in the home of some other person referred to in section 5 or under comparable conditions, the report mentioned in subsection 1 shall also be given regarding such work, where possible, to the owner or holder of the working premises.
- (4) Further provisions on the content of the employee's 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 use and care for the personal protective equipment and other equipment the employer has provided for them in accordance with section 15 with care and according to instructions. Employees shall in their work wear such appropriate clothing that does not cause a risk of injury.

Section 21 – Use of work equipment and dangerous 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 dangerous substances.

Section 22 – Use of safety devices and guards

Safety devices or guards installed in machinery, work equipment or other device or a building shall not be removed or disconnected without a special reason. If an employee, owing to the work task, temporarily has to remove a safety device or guard, he or she must restore or reconnect it as soon as possible.

Section 23 – Employees leaving off work

- (1) If the work causes a serious risk to an employee's own or other employees' life or health, the employee has the right to leave off such work.
- (2) The employer or his or her representative shall be informed of the employee leaving off the work as soon as possible. The right to leave off work continues to exist until the employer

has eliminated the risk factors or in some other way ensured that the work can be done safely.

- (3) Leaving off work shall not restrict working on a larger scale than what is necessary for safety and health. When leaving off work, it must be ensured that the danger that may be caused by this action is as low as possible.
- (4) If an employee, in accordance with this section, leaves off work, he or she 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 loading and some other risks at work

Section 24 – Ergonomics of the workstation, work postures and work motions

- (1) The structures of a workstation and the work equipment used at work shall be chosen, designed and placed in an ergonomically appropriate way taking the nature of the work and the employee's capacities into consideration. As far as possible, the structures shall be adjustable and allow for flexible arrangement and have such operating qualities that the work can be done without causing a harmful or hazardous load on the employee's health. In addition it shall be ensured that:
 - (1) the employee has enough space for working and an opportunity to change work postures;
 - (2) the work is eased by auxiliary equipment, when necessary;
 - (3) manual lifting and moving operations detrimental to health are made as safe as possible if they cannot be avoided or eased by auxiliary equipment; and
 - (4) the hazard caused by repetitive strain to the employee is avoided or, if this is not possible, it is minimized.
- (2) Further provisions on safety requirements for the 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 workloads

If it is noticed that an employee while at work is exposed to workloads in a manner which endangers his or her health, the employer, after becoming aware of the matter, shall by available means take measures to analyse the workload factors and to avoid or reduce the risk.

Section 26 – Work with display screen equipment

- (1) To reduce a harmful or hazardous load on an employee working with display screen equipment, the employer shall make the working as safe as possible.
- (2) 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

- (1) 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 at the workplace.
- (2) The employer 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. When necessary, the functioning of the safety arrangements and equipment must be checked.
- (3) Further provisions on arrangements related to the safety and health of employees in different branches and tasks where evident threats 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 hazards or risks 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

- (1) If an employee works alone and as a result the work entails evident hazards or risks to the employee's safety or health, the employer shall ensure that the hazard or risk is avoided or minimized while the employee is working alone. The employer 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. The employer shall also ensure that there is an opportunity to summon help.
- (2) Further provisions on communication, communication equipment and other safety arrangements in branches and tasks where employees work alone may be given by Government decree.

Section 30 – Night work

- (1) An employee performing night work shall, when necessary, be provided with an opportunity to change tasks or move over to daywork if this is possible in consideration of the circumstances and if changing tasks is necessary, in view of the employee's personal capacities, in order to eliminate risks arising from the conditions of the workplace or the nature of the work to the employee's health.
- (2) The employer shall, when necessary, provide the employee performing night work with an opportunity for having meals if the length of the working time requires it and if providing meals is appropriate in view of the circumstances. The employer may charge the employee a reasonable payment for the meal.

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 short-time 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

- (1) Workplace structures, materials and fittings and equipment shall be safe and healthy for employees. They must be safe to handle, repair and clean.
- (2) 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.
- (3) Workplaces shall have a sufficient number of appropriate means of egress and rescue access routes, which must always be kept free. There shall be appropriate safety signs and other markings in workplaces.
- (4) 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 of workplaces and volume of workrooms

- (1) There shall be enough satisfactory air to breathe at workplaces. The ventilation of workplaces must be appropriate and effective enough.
- (2) The volume and area of workrooms shall be adequate. There must also be enough room for working and for motion required by the work.
- (3) Further provisions on the volume and ventilation of workplaces may be given by Government decree.

Section 34 – Lighting of workplaces

- (1) Suitable and adequately effective lighting as required by the work and the employees' capacities shall be provided at workplaces. As far as possible, enough natural light must come into the workplace.
- (2) Further provisions on the general and special lighting of workplaces may be given by Government decree.

Section 35 – Internal traffic and transfer of goods in workplaces

- (1) The arrangements for vehicular and pedestrian traffic in workplaces shall be safe. The employer shall, when necessary, draw up appropriate traffic rules for internal traffic in the workplace.
- (2) The lifting, transport, handling and storage of goods as well as the goods handling and loading areas shall be so designed and arranged that the lifting and handling equipment or goods transfer or falling goods do not cause hazards or risks to the employees' safety or health.
- (3) 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 hazard or risk is caused to the employees' safety or health.

Chemical, physical and biological agents and use of dangerous substances

Section 37 – Airborne impurities

If airborne impurities, such as dust, smoke, gas or vapour, occur in a workplace to a degree which is 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 an adequate degree by means of appropriate ventilation.

Section 38 – Chemical agents and dangerous substances used at work

- (1) Employees' exposure to chemical agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk 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 risks shall be ensured.
- (2) Special caution shall be exercised when handling, storing or transferring explosive, flammable or corrosive substances or other substances involving similar hazards. The employees shall be given such information on dangerous substances that is necessary considering the working.
- (3) 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 dangerous substances may be given by Government decree.
- (4) Further provisions on the concentrations of chemical agents known to be hazardous 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

- (1) Employees' exposure to thermal conditions, noise, pressure, vibration, radiation or other physical agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees' safety or health or reproductive health.
- (2) The risks from electrical equipment, the use of electricity and static electricity shall be as low as possible.
- (3) 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

- (1) Employees' exposure to biological agents that cause hazards or risks to safety or health shall be reduced to such a level that no hazard or risk from these agents is caused to the employees' safety or health or reproductive health.
- (2) 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.
- (3) Further provisions on the properties of biological agents known to be hazardous 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.

The safety of machinery, work equipment and other devices

Section 41 – Use of machines, work equipment and other devices

- (1) 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 hazard or risk to the employees working with them or other people at the workplace.
- (2) 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.
- (3) Further provisions on the acquisition, safe use and servicing of machinery, work equipment and other devices may be given by Government decree.

Section 42 – Lifting of persons by lifting devices

- (1) Lifting and transferring employees by means of lifting devices (*lifting of persons*) shall be so arranged that no hazard or risk is caused to the safety or health of those involved in lifting or of other employees.
- (2) Further provisions on the lifting of persons may be given by Government decree.

Section 43 – Initial and periodic inspections of work equipment

- (1) If the installation or the installation conditions or operating conditions of machinery, work equipment or other device affect safety, it shall be ensured by means of inspection that the machinery, work equipment or other device has been correctly installed and that it is in safe functional order before being taken into use for the first time as also after being mounted 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, equipment or other device has been taken into use and, when necessary, also after an exceptional situation to ensure the functional order of the machinery, work equipment or other device (*periodic inspection*).
- (2) The inspector shall be a person in the employer's staff competent for carrying out the inspection or other person competent for the task. When determining the competence, familiarity with the construction, use and inspection of the work equipment concerned shall be taken into consideration. Inspections of dangerous machinery, work equipment or other devices shall be carried out only by an expert body or other independent expert. At the inspection, the safety of the work equipment shall be assessed from the user viewpoint in particular and the regulations on inspection shall be followed. The manufacturer's instructions shall also be taken into account in an appropriate manner at the inspection.
- (3) 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 competence of inspectors and on the contents, dates and recording of inspections, and other procedures associated with

inspections, may be given by Government decree.

Eliminating the risk of accident, rescue services and first aid

Section 44 – Risk of accident

- (1) If substances that may cause a major accident are handled or stored in the workplace, or a major accident hazard 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. When necessary, exercises shall be arranged.
- (2) Furthermore, work shall be so arranged that the risk of fire, explosion, drowning or other accident is as low as possible.
- (3) Further provisions on controlling major accident hazards may be given by Government decree.

Section 45 – Alarm, safety and rescue equipment and instructions

- (1) If the working conditions so require, workplaces shall be provided with the necessary alarm, fire safety, life saving and rescue systems and equipment. If there is a risk to life or health due to falling into water at a workplace, rescue equipment shall always be available in a suitable place in the workplace.
- (2) The employees shall be given necessary instructions on the use of such systems and equipment as referred to in subsection 1, as also in the case of fire, drowning or other risk. Instructions shall also be given regarding the measures to be taken in the case of fire, taking the conditions in the workplace into consideration. When necessary, the instructions shall be kept available in the workplace for inspection by the employees. When necessary, exercises shall be arranged.
- (3) Further provisions on providing a workplace with such systems and equipment as referred to in subsection 1 and on the instructions mentioned in subsection 2 may be given by Government decree.

Section 46 – First aid

- (1) The employer 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 accident or illness.
- (2) Taking into consideration the extent and location of the workplace, the number of employees and the nature of the work and the 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.
- (3) In the workplace, there shall be premises suitable for giving first aid whenever the number of employees, the nature of the work or the other working conditions so require.
- (4) Further provisions on first aid premises in workplaces as well as on their dimensions and supplies may be given by Government decree.

Section 47 – Appointing first aid and rescue personnel

Whenever the number of employees, the nature of the work and the working conditions so

require, the employer shall appoint one or more employees to carry out first aid and fire control measures and rescue operations unless the employer has, in such a plan as referred to in the Act on Rescue Services (561/1999), assigned the safety personnel to corresponding duties. The number of these personnel 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 risks involved and the size of the workplace. When appointing personnel, the provisions of section 17 shall be taken into consideration.

Facilities provided for use by employees

Section 48 – Personnel rooms

- (1) Taking into consideration the nature and duration of the work and the number of the employees, adequate and appropriately fitted rooms for washing, dressing and keeping of clothes 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.
- (2) Pregnant women and breast-feeding mothers shall, when necessary, have an opportunity to go to rest in a break room or other suitable place.
- (3) Employees working aboard shall be provided with appropriate rooms for accommodation on board.
- (4) Further provisions on personnel facilities in workplaces and their fittings and on residential facilities on board may be given by Government decree.

Chapter 6 – Special situations of organising work

Section 49 – The duty of those operating at a shared workplace to exercise care

If one employer exercises the main authority at a workplace and if more employers than one or more self-employed workers 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 workers 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 at a shared workplace

- (1) The employer exercising the main authority at a shared workplace shall, taking the nature of the work and activities into consideration, ensure that the external employers organising work at the workplace and their employees have received the necessary information and instructions on the hazards and risk factors concerning the work at 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 action in connection with fire control, first aid and evacuation and on persons appointed to these tasks according to section 47.
- (2) Both the external employers and the self-employed workers referred to in subsection 1 shall inform the employer exercising the main authority and other employers of the hazards and risk factors that may be caused by their work.

Section 51 – Obligations of the employer exercising the main authority at a shared workplace

- (1) At a shared workplace, the employer exercising the main authority shall, taking the nature

of the work and activities into consideration, ensure:

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

Subsection 2 repealed by Act 20.1.2006/53.

- (2) 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 a shared construction site

- (1) 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 danger arises from the work to those working on the site or other persons in the zone affected by the work.
- (2) Further provisions on the obligations of the client, main contractor or other principal operator on a shared construction site and on the division of those obligations may be given by Government decree.

Section 52a – Identification of persons working on a shared construction site (22.12.2005/1199)

- (1) The client directing or supervising a shared construction site 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 is a worker in an employment relationship or a self-employed person. The identification must bear the name of the employer.
- (2) Identification shall not, however, 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 built or renovated for the use of a natural person acting as client.

Section 53 – Obligations of self-employed workers at a shared workplace

- (1) A self-employed worker at a shared workplace shall follow the provisions of this Act regarding:
 - (1) the competence of employees, necessary permissions and minimum ages;
 - (2) machinery, work equipment, personal protective equipment and other devices as well as statutory initial and periodic inspections of them; and
 - (3) the handling, storage and marking of dangerous substances.
- (2) In addition, a self-employed worker shall follow the workplace safety instructions he or she has received from the employer exercising the main authority at the shared workplace.

- (3) Further provisions on application of the obligations referred to in subsection 1 regarding self-employed workers operating at a shared workplace 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 workers 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 hazard or risk to the employees' safety or health, the employers and self-employed workers shall in adequate mutual cooperation seek to inform each other of the hazards and risk factors 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 between him or her and the employer other than an employment contract or a commission agreement, or without being in an employment relationship in the public sector or in other comparable service relationship with the employer, performs at a workplace the same or similar work as the employees of the workplace, the employer shall, where appropriate, ensure that no hazard or risk is caused to the safety or health of this person while at 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 regarding safety requirements for machinery, work equipment, personal protective equipment and other devices as well as assessment of the risks of chemicals or products containing chemicals, and labelling of the products, as also the obligations of manufacturers, importers, sellers and other persons supplying such products to the market or for use, and the surveillance of the products themselves.

Section 57 – Obligations of designers

Anyone who by commission provides a design concerning a structure in the working environment, working premises, a working or production method, machinery, work equipment or other device 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 the installers of machinery, work equipment or other devices

Anyone who by commission installs machinery, work equipment or other device for use at 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 device with related safety devices is 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, when necessary, the repair or elimination of these.

Section 60 – Obligations of persons dispatching and loading goods

- (1) Anyone who dispatches or loads goods for transport shall give the necessary instructions for loading and unloading goods whenever this involves a particular risk. 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 must be marked.
- (2) Further provisions on the instructions referred to in subsection 1 as well as on labelling an object or package for loading on board a vessel or onto other means of transport may be given by Government decree.

Section 61 – Obligations of building owners, other holders or lessors

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 their part allow the employer to perform such repairs or alterations as required by this Act.

Section 62 – Obligations of port holders and the owners and holders of vessels

- (1) Anyone who is in charge of port management as well as the shipowner, ship master 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 which is performed in port, on land or on board a vessel in connection with loading or unloading a vessel used in sea traffic or inland waterway traffic or refuelling a vessel. A port also means a dock, quay or other similar place.
- (2) What is provided in subsection 1 applies to a port 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

- (1) Any employer or person referred to in section 7 or their representative who intentionally or through carelessness 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 the use and service of machinery, equipment or other technical device and a substance hazardous to health, or 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 violation of occupational safety and health, unless a more severe punishment for the act is prescribed elsewhere in law.
- (2) Also, a person shall be sentenced for *violation of occupational safety and health*
 - (1) if he or she, either without permission or without a good cause, or through carelessness, removes or ruins a device or an instruction or a warning intended to avoid the risk of

accident or illness, or

(2) if a person referred to in section 52a, intentionally or through carelessness, fails to fulfil the obligation, laid down in that section, to ensure, by concluding agreements or otherwise by available means, that persons working on a shared construction site wear identification.

(22.12.2005/1199)

- (3) Punishment for a crime against occupational safety and health is provided for in Chapter 47 section 1 of the Penal 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 which the Labour Council shall give on the application and interpretation of this Act.

Section 65 – Enforcement of the Act

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

Section 66 – Power to issue decrees

Further provisions on the implementation of this Act shall, when necessary, be given by Government decree.

Section 67 – Keeping the Act available for inspection at the workplace

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

Chapter 10 – Provisions on entry into force

Section 68 – Entry into force

- (1) This Act enters into force on 1 January 2003.
- (2) This Act repeals the Act of 26 June 1958 on Occupational Safety and Health (299/1958), as amended.

Subsection 3 repealed by Act 26.11.2004/1016