



Occupational Safety and Health in Finland

■ *For Health
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Protection.*



Brochures of the Ministry of Social Affairs and Health 2006: I6eng

Occupational Safety and Health in Finland

■ MINISTRY OF SOCIAL AFFAIRS AND HEALTH

Helsinki, Finland 2007

ISSN 1236-2123

ISBN 978-952-00-2348-5 (pb)

ISBN 978-952-00-2349-2 (PDF)

Translation Ministry of Social Affairs and Health

Layout and printed by University Printing House, Helsinki 2007

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1 The content and purpose of occupational safety and health (OSH)

Meaningful work where the individual's physical and mental health is ensured is essential for the quality of life and wellbeing of people. Good working conditions increase productivity and are an important competitive advantage.

In Finland, besides healthy and safe working conditions, occupational safety and health also covers the conditions and terms of employment, mental wellbeing, management and the efficient functioning of organisations, and productivity.

The main responsibility for the development of working conditions rests with the workplaces. 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. On the other hand, employees must take care of their own safety and the safety of others at the workplace. Occupational safety and health administration, occupational health care services and other expert services support the activities of workplaces.

Occupational safety and health authorities focus their action on issues that are crucial for workplace welfare. To improve the safety, health and wellbeing of employees and the outcome of production and service activities, occupational safety and health administration acts in close cooperation with the parties in the labour market.

The priorities of the occupational safety and health strategy of the Ministry of Social Affairs and Health are:

- maintenance and promotion of employees' work ability and functional capacity
- prevention of occupational accidents and occupational diseases
- prevention of musculoskeletal disorders
- mental wellbeing at work
- coping with work life
- control over one's work.





The goal-oriented efforts to improve occupational safety and health have considerably decreased the number of occupational accidents and diseases during the past 20 years. In this respect, Finland reaches the world's top level and European average. Nevertheless, about 120 000 cases of occupational accidents or diseases are still annually recorded in statistics. Mental health problems and musculoskeletal disorders are frequent causes for disability pensions.

The European Union's strategy on health and safety at work aims to reduce risks present at work, to combine a variety of political instruments, such as legislation, social dialogue, progressive measures, best practices and economic incentives, and to build partnerships for improvement of workplace welfare.

Division of duties and cooperation between ministries

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 e.g. the Ministry of Labour, Ministry of Trade and Industry, Ministry of the Environment, Ministry of Transport and Communications and with various special authorities on matters associated with occupational safety and health.

The Ministry of Social Affairs and Health prepares legislation on health and safety at work and also deals with matters concerning occupational accident insurance and occupational health care.

The Ministry of Labour prepares statutes in the field of labour law as well as deals with matters concerning employment, unemployment benefits and employees' pay security. Settling labour disputes is also the responsibility of the Ministry of Labour.

2 Occupational safety and health is governed by legislation

The main part of new Finnish OSH legislation has been prepared on the initiative of the European Commission in the institutions of the European Union. Finnish experts have an active role in the preparation of EU legislation on health and safety at work. Finland's goal is modern and effective Community legislation based on facts and evidence.

The Constitution of Finland provides that the public authorities shall ensure the protection of the labour force. According to the Occupational Safety and Health Act, employers are required to protect the health and safety of their employees. The OSH Act also lays down provisions on the obligations of employees and on cooperation between the employer and employees on promoting health and safety at work. The OSH Act applies to all paid work and any other comparable activities.

The Occupational Health Care Act applies to any work where the employer shall observe the Occupational Safety and Health Act. The employer is required to provide and pay for health care services and certain expert services needed to prevent risks and adverse health effects arising from work and working conditions.

The Employment Contracts Act lays down provisions on the rights and obligations of employers and employees in employment relationships. These provisions concern, for example, prohibition of discrimination, family leave, lay-offs, and termination and cancellation of employment contracts. The Employment Contracts Act also provides for the general applicability of collective agreements.

The legislation governing employment relationships also includes the Non-Discrimination Act and the Act on the Protection of Privacy in Working Life, which are enforced by occupational safety and health authorities. On the other hand, the Act on Equality Between Women and Men is not within the enforcement powers of OSH authorities.

The legislation governing working hours is a separate entity. It includes the general Working Hours Act complemented by working hours acts for individual sectors of industry and services. A separate act governs annual holidays. This group of acts also includes the Study Leave Act and the Act on Job Alternation Leave. Occupational safety and health authorities also monitor compliance with these acts.

The general applicability of collective agreements – what does it mean?

A collective agreement is an agreement concluded between one or more employers or employer associations and one or more registered employee associations. A collective agreement contains regulations on the terms and conditions of employment. A collective agreement is binding on those who have concluded it or associated with it. This is called normal applicability. If a collective agreement is national – which means that it is considered representative in the sector of industry concerned – it is a generally applicable collective agreement. General applicability extends the minimum terms of the agreement to include also employees in the service of unorganised employers. Unorganised employers must follow the regulations of the generally applicable collective agreement that concerns their sector of industry. A special board confirms by its decision which collective agreements are generally applicable.

The Employment Accident Insurance Act provides for employees' rights to receive compensation for an occupational accident. Employers are required to take out insurance from an insurance company. Occupational safety and health authorities monitor that employers fulfil this obligation. Similar provisions apply to the compensation of occupational diseases.

Employees' health and safety at work is greatly influenced by the machinery, personal protective equipment and other technical devices, and the properties of chemicals, used at the workplace. The obligations of manufacturers of technical devices are laid down in the Act on the Conformity of Certain Technical Devices to Relevant Requirements. The act imposes obligations on the manufacturer or the manufacturer's representative. Decrees based on the act have been issued concerning, among other things, machines, personal protective equipment and tractors. The Chemicals Act similarly imposes obligations on the manufacturers of chemicals. Occupational safety and health authorities monitor compliance with these acts.

The Penal Code has a chapter on employment offences. It prescribes penalties for a work safety offence, working hours offence, work discrimination, work discrimination with undue influence, violation of the rights of an employee representative, violation of the rights to organise, employment agency offence and work permit offence. The penalty may be imposed on the manufacturer, manufacturer's representative or a juristic person. Depending on the offence, the penalty consists of a fine or imprisonment, which may be two years in the most severe cases.

Enforcement legislation

Occupational safety and health authorities' rights and obligations are laid down in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces. Cooperation between employers and employees in occupational safety and health matters must be organised as provided by the above Act, unless an agreement between labour market parties on the matter is to be followed at the workplace.

Occupational safety and health enforcement follows two lines of action. Workplace inspection includes monitoring of workplace conditions

and compliance with the legislation to be observed by the employer. Market surveillance means monitoring that products on the market conform to the relevant requirements.

Workplace inspections

Occupational safety and health inspectorates monitor compliance with occupational safety and health legislation. OSH inspectors have the right to enter workplaces and carry out health and safety inspections there. They also have the right to receive from the employer information and analyses necessary for inspection purposes. The employer is informed of the coming inspection in advance, unless a surprise inspection is necessary for enforcement purposes. An inspection report is written after the inspection.

In the inspection report, the inspector gives the employer written advice on how to remedy minor defects. In the case of more serious defects, the inspector issues an improvement notice and monitors that the employer complies with it. When necessary, the OSH authority – the office of the OSH Inspectorate – may issue a binding decision and intensify its effect by imposing a penalty payment. If the hazardous situation involves a risk to life, the inspector may prohibit the continuation of work or issue a prohibition notice concerning the source of risk.

The employer may appeal against a decision issued by the OSH authority to an administrative court. If action during the workplace inspection has been unlawful, a written complaint may be made about it to the OSH office.

If the OSH authority suspects that such a punishable employment offence as referred to in the Penal Code has been committed in a workplace within the sphere of its inspection powers, the OSH authority will report the offence to the police. Consideration of charges is the duty of the public prosecutor. OSH authorities must be heard as experts during the pre-trial investigation and consideration of charges, and still during the oral hearing in court.

Compliance with collective agreements is monitored by the labour market organisations concerned. OSH authorities monitor that unorganised employers follow generally applicable collective agreements. When doing so, OSH authorities act in cooperation with the employer and employee associations that have concluded the agreements in question.





Market surveillance

The Occupational Safety and Health Department of the Ministry of Social Affairs and Health makes the necessary decisions in market surveillance. By these decisions, authorities prevent or restrict the availability of dangerous products in the market. Such decisions must usually be communicated to the European Commission and all other EU member states. Investigations needed as the basis for these decisions are usually carried out by OSH offices, which acquire the necessary information in connection with workplace inspections. A decision made by the Ministry may be appealed to the Supreme Administrative Court.

Special legislation

Legislation and authority action related to technical safety are closely connected to occupational safety and health. The Occupational Safety and Health Act is a general act complemented by special acts. There is special legislation concerning, for example, electrical safety, radiation safety, pressure vessels, lifts and chemicals. Competent special authorities enforce these special acts.

3 *Cooperation on occupational safety and health*

Cooperation on occupational safety and health at workplaces is most often based on the relevant agreements between labour market organisations. However, the enforcement act lays down provisions on OSH cooperation in case such an agreement does not exist. The act also contains provisions on matters that allow no exceptions to the provisions of the act by agreement. Agreements may not be made in order to:

- restrict occupational safety and health representatives' right to have access to information or to stop dangerous work;
- limit the protection of occupational safety and health representatives against unilateral termination.

Occupational safety and health representatives represent employees in OSH cooperation. The law requires that the employees at workplaces

with a minimum of ten employees shall elect an occupational safety and health representative among themselves. 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. The OSH representative has the right to receive from the employer information necessary for carrying out the duties. OSH representatives may stop any dangerous work that is being performed by the employees they represent. The employer's representative is the occupational safety and health manager, unless the employer attends to the cooperation duties himself.

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. Broad questions are discussed in the occupational safety and health committee, the members of which consist of occupational safety and health representatives and other employee representatives and representatives appointed by the employer.

The Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces provides only for cooperation that concerns health and safety questions. There are separate laws on other employee participation systems, e.g. the Act on Codetermination in Companies.

4 Occupational safety and health administration

Occupational safety and health administration and its duties are governed by the Act on Occupational Safety and Health Administration. The Finnish occupational safety and health administration is composed of the Department for Occupational Safety and Health of the Ministry of Social Affairs and Health and the district administration for occupational safety and health. The Ministry directs the activities of OSH administration, develops occupational safety and health and prepares legislation. The Occupational Safety and Health Inspectorates monitor compliance with laws and regulations. They also give instructions and advice. The district administration is independent in attending to its

enforcement duties. Occupational safety and health authorities receive their necessary annual appropriation from the government budget.

Under the direction of the Ministry of Social Affairs and Health, the occupational safety and health administration is responsible for the regional direction and enforcement of occupational safety and health. The OSH district authorities, i.e. the OSH offices of OSH Inspectorates, are subordinate to the Ministry. The number of OSH Inspectorates is eight. The annual performance targets for OSH Inspectorates are set by an agreement concluded in negotiations between the Ministry and the Inspectorates.

The OSH office is responsible for the development and monitoring of working conditions in its region. The head of the office, i.e. the head of the Inspectorate, ensures that the duties are carried out so as to reach the performance targets.

The occupational safety and health administration comprises about 550 government officers. There are 90 posts in the Ministry's OSH Department and 460 posts in the district administration. The OSH Inspectorates monitor about 240 000 workplaces. Inspectors carry out about 23 000 inspections annually.

Development activities, network cooperation and programmes

Employers and employees at workplaces are primarily responsible for improving working conditions and workplace welfare. In this work they are supported by research, education, information and, for example, the safety work done by insurance companies. Thus there are many players both at the national and regional level acting for the common safety and health objectives. In Finland, cooperation on the improvement of working conditions is carried out both through permanent organisations and procedures as well as through several programmes and projects. The Ministry of Social Affairs and Health has an important role in maintaining and developing the cooperation network. Cooperation with the Finnish Institute of Occupational Health plays a key role.

Occupational safety and health administration acts in close cooperation with employer and employee organisations. The tripartite Advisory Committee on Occupational Safety and Health dealing with questions

of principle in the field of occupational safety and health is linked to the Ministry of Social Affairs and Health. Each OSH Inspectorate similarly has a tripartite Occupational Safety and Health Board. In addition, there are several permanent and temporary preparatory bodies, which are tripartite as well.

To develop working life and workplace welfare in Finland, national programmes have been implemented and are being implemented. Within them different ministries, labour market parties and other players act in close cooperation.

The most important programmes are:

- Finnish national workplace development programme (Tyke and Tykes programmes) 1996 –
- National programme on ageing workers 1998 – 2002
- Wellbeing at work programme 2000 – 2003
- National occupational accident prevention programme 2001 – 2005
- National action programme on prolonging work careers, coping with work life and rehabilitation (Veto programme) 2003 – 2007.

The Tykes programme of the Ministry of Labour supports research-aided development, which aims to promote the quality of working life and productivity at Finnish workplaces in a sustainable way. The Veto programme under the direction of the Ministry of Social Affairs and Health promotes the attractiveness of working life by several actions. The aim of the programme is, among other things, to prolong work careers and reduce sick absenteeism and occupational accidents.

The European Agency for Safety and Health at Work in Bilbao, Spain, has a leading role in the cooperation on occupational safety and health within the European Union as an adaptor and disseminator of information. The Ministry of Social Affairs and Health carries out duties in relation thereto as a national focal point.

Finnish employers and employees are organised. Private employers are represented by The Confederation of Finnish Industries (EK). Organisations representing employees are The Central Organisation of Finnish Trade Unions SAK, The Finnish Confederation of Salaried Employees STTK and Akava - The Confederation of Unions for Academic Professionals in Finland. The rate of organisation among employees is 80%.

The principle of tripartism

The International Labour Organization's (ILO) principle of tripartism is a fundamental rule of action for the Finnish occupational safety and health administration. Tripartism means that, along with the government, the representatives of employers and employees also participate in planning, adopting and implementing occupational safety and health actions. In this way actions are effective and based on reality.

5 Occupational Safety and Health Inspectorates direct and monitor health and safety at work

Occupational Safety and Health Inspectorates monitor compliance with occupational safety and health legislation at workplaces. They also disseminate information and give advice on good safety and health practices. The purpose of authority guidance and monitoring is that the workplaces would increasingly evaluate their working conditions themselves and take the necessary actions to improve workplace safety.

Occupational safety and health authorities monitor compliance with over a hundred statutes. The most important of these are the Occupational Safety and Health Act and the decrees issued by virtue thereof, the Working Hours Act, the Annual Holidays Act, the Employment Contracts Act, the Occupational Health Care Act and the Act on the Protection of Young Workers. The OHS Inspectorates also investigate severe occupational accidents and occupational diseases. Both employers and employees may request the OSH Inspectorates for advice and workplace inspections.

OSH inspectors have the right to enter all workplaces and other locations of supervision and inspect documents necessary for enforcement purposes. When necessary, the OSH Inspectorate may oblige the employer to remedy the defects discovered in health and safety at the workplace. Inspectors are bound to secrecy in regard to business secrets and information on employees' health condition and requests for inspection received from workplaces.

On the basis of authority observations and other sources of information, labour inspection is targeted to industries where the problems are most serious. A request may be made from a workplace to the Inspectorate asking an OSH inspector to pay an inspection visit to the workplace. Inspectors also give information by telephone. The most frequent questions concern concluding an employment contract, payment of wages, termination of employment, working hours and overtime work as well as data secrecy in working life, annual holidays and collective agreements.

The home of the national Occupational Safety and Health Exhibition is in Tampere. In addition to it, there are minor exhibitions in Lappeenranta in the OSH Inspectorate of East Finland and in Oulu in the OSH Inspectorate of North Finland. Safety and health matters are presented at fairs and several events throughout the country.



6 Other players in the sector of occupational safety and health

The most important players in occupational safety and health are the people at workplaces. This applies both to voluntary improvement of working conditions and statutory occupational safety and health. The line organisation of the workplace plays a key role. Cooperation between the employer and employees is a central element of occupational safety and health. The best results are achieved when the employer and employees at the workplace act in unison to improve the working conditions.

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.

Finnish Institute of Occupational Health (FIOH)

The Finnish Institute of Occupational Health is a multidisciplinary research and specialist organisation, which promotes health and safety at work and employees' wellbeing. The Institute seeks solutions for the needs of its customers and working life by means of research, training, expert service and communication. The objective of FIOH's activities is that working should be healthy and safe during the person's whole work career. FIOH pursues its activities at several localities in Finland. The headquarters are situated in Helsinki. The Institute has over 800 persons in its service.

The Finnish Work Environment Fund

The Finnish Work Environment Fund finances research, development and information activities which improve working conditions and promote the safety and productivity aspects of work activities at workplaces.





Federation of Accident Insurance Institutions

The Federation of Accident Insurance Institutions is a central body for statutory accident insurance. Its main duty is to coordinate the implementation of statutory accident insurance. Every insurance company carrying on statutory accident insurance business in Finland must be a member of the Federation. The Federation keeps statistics on the number, causes and consequences of such occupational accidents and diseases for which indemnity has been paid within the statutory accident insurance system.

The Centre for Occupational Safety

The Centre for Occupational Safety is an organisation administered by labour market organisations. It produces training, information, publications and development services based on today's knowledge in order to help improve working conditions as well as safety and health at work and the productivity of work.

VTT, Technical Research Centre of Finland

VTT is an independent expert organisation, which develops new technologies and produces research, development, testing and information services. VTT pays ever more attention to safety and user security in order to identify and reduce risks of accidents and to ensure continuous and undisturbed activities.

The Finnish Standards Association SFS

The Finnish Standards Association SFS is the central organisation of standardisation in Finland. Its members are the Finnish government and organisations of trade and industry. The purpose of standards is to benefit the whole society, for example, by taking safety and environmental aspects into consideration.

7 Occupational health care

The purpose of occupational health care is to ensure safe and healthy work and work environment for employees and maintain employees' health and work ability. Employers shall provide and pay for preventive health care for their employees. The Ministry of Social Affairs and Health, the State Provincial Offices and occupational safety and health authorities monitor the implementation of occupational health care legislation. The Social Insurance Institution (KELA) reimburses employers for 60% of the costs for the occupational health care employers are required to provide by law.

Occupational health care staff carry out workplace analyses and, on the basis of them, make risk assessments and monitor employees' health condition. Occupational physicians and nurses monitor by health examinations how employees cope with their work. Occupational health care also takes part in workplace health promotion.

In addition to statutory occupational health care, employers may arrange for medical treatment and other health care services for their employees. The Social Insurance Institution reimburses employers for 50% of the costs for these voluntary services.

Employers may acquire occupational health care services from a health centre, organise the services themselves or together with other employers, or acquire the services from private occupational health care providers (medical clinics). According to the data from 2004, 64% of enterprises and 37% of employees used the occupational health care services of health centres. The services of private medical clinics were used by 32% of enterprises and 39% of employees. In 2004, occupational health care covered 79% of the employed workforce.

Occupational health care is developed on a tripartite basis as part of the general social and health policy. The strategic guidelines are:

- maintaining and promoting health and work ability
- improving the quality of working life
- ensuring comprehensive high-quality occupational health care services.

These guidelines support workplace welfare, employees coping with work life and equality between men and women.

8 Workplace health promotion

Workplace health promotion, in other words, action for maintaining employees' work ability, is an important way of promoting workplace welfare. The sub-areas of workplace health promotion are promoting the individual's health and resources, professional competence, developing work and the work environment and promoting the efficient functioning of work communities and work organisations. The goal is coordination and balance between the employees' resources and the demands of the work. Good cooperation between the superior, employees and the work community are essential in workplace health promotion. Occupational health care and the occupational health care organisation support the maintenance and development of employees' work ability and functional capacity.

9 International relations

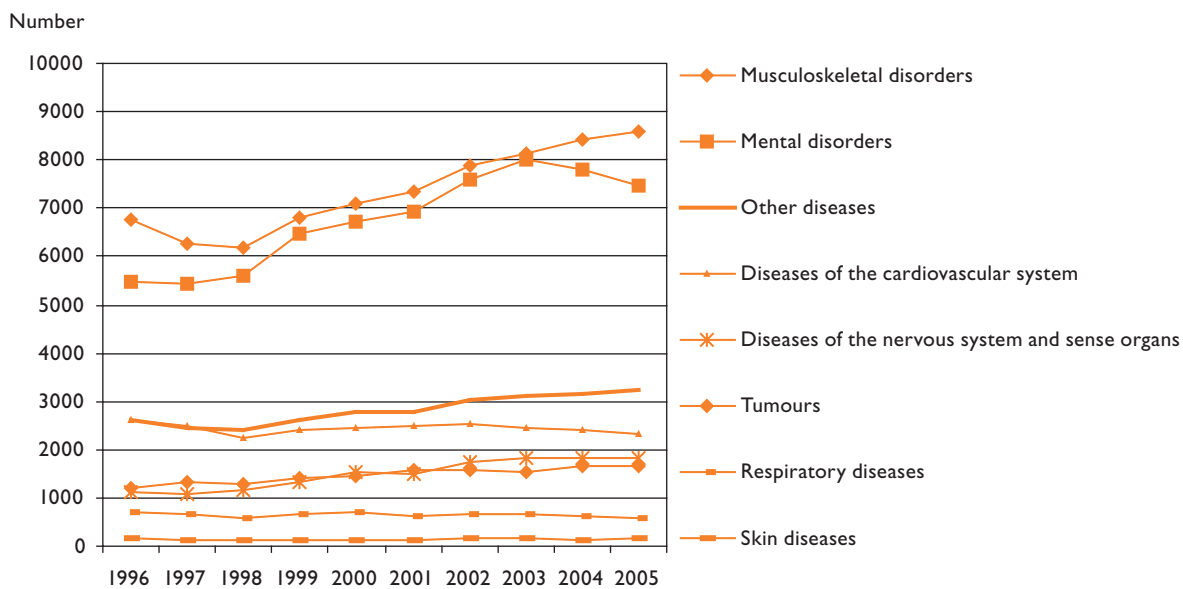
The International Labour Organization ILO has greatly contributed to the development of occupational safety and health in Finland. Finland is one of the states that have ratified most of the ILO Conventions. Finland has also supported the ILO's activities to achieve decent working conditions in the whole world.

Nordic cooperation on occupational safety and health has been active and resourceful. The Nordic countries have had a mutual work environment agreement since 1989. Along with European integration, the content of cooperation has changed during the past few decades. Cooperation under the Nordic Council of Ministers is guided by the cooperation programme for the labour market and work environment sectors, where the work environment is one of the three sub-sectors of work life policy. The programme highlights interaction with the EU and other international forums. The Council of Ministers has permanent bodies that administer the organisation of the cooperation.

In addition to multilateral cooperation, Finnish authorities pursue bilateral cooperation with the occupational safety and health authorities of many countries.

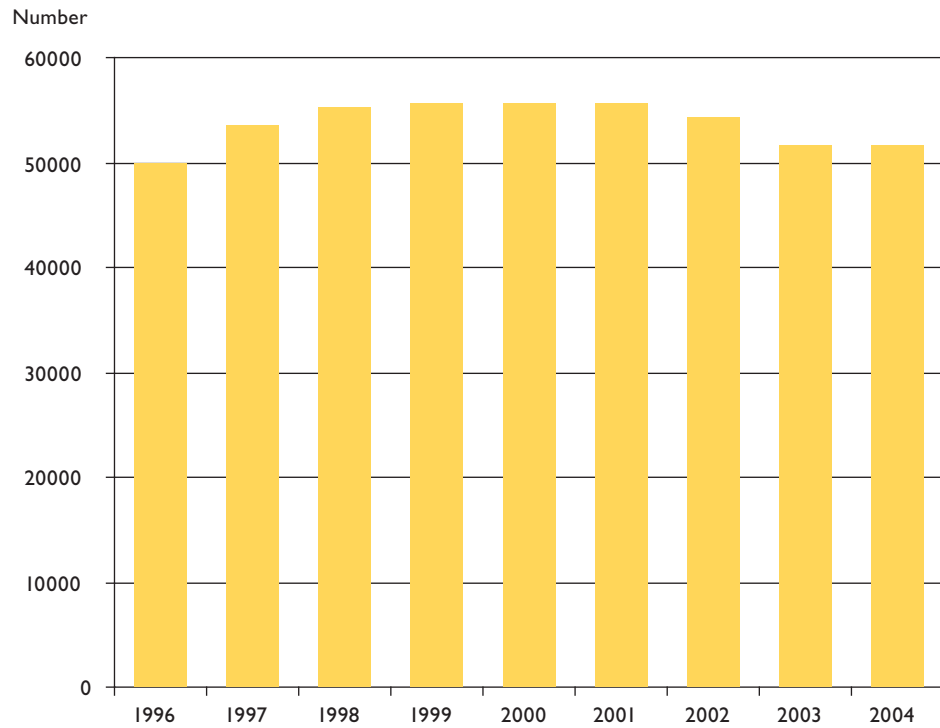
10 Statistical data

Figure 1. The number of persons retired on disability pension by disease in 1996–2005



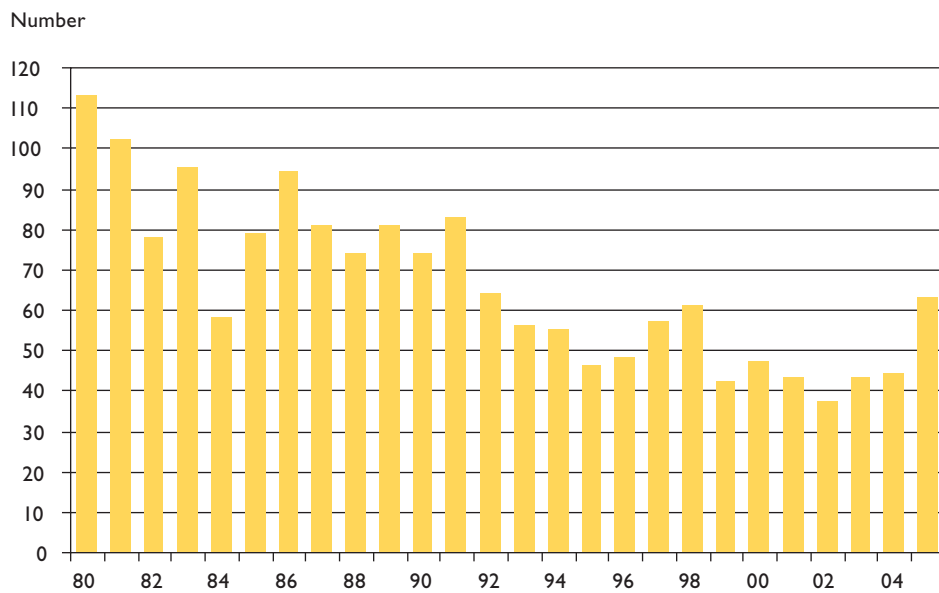
Source: Recipients of earnings-related pensions in Finland in 1996 – 2005, Finnish Centre for Pensions, Local Government Pensions Institution, State Treasury

Figure 2. Workplace accidents leading to disability longer than three days in 1996–2004.



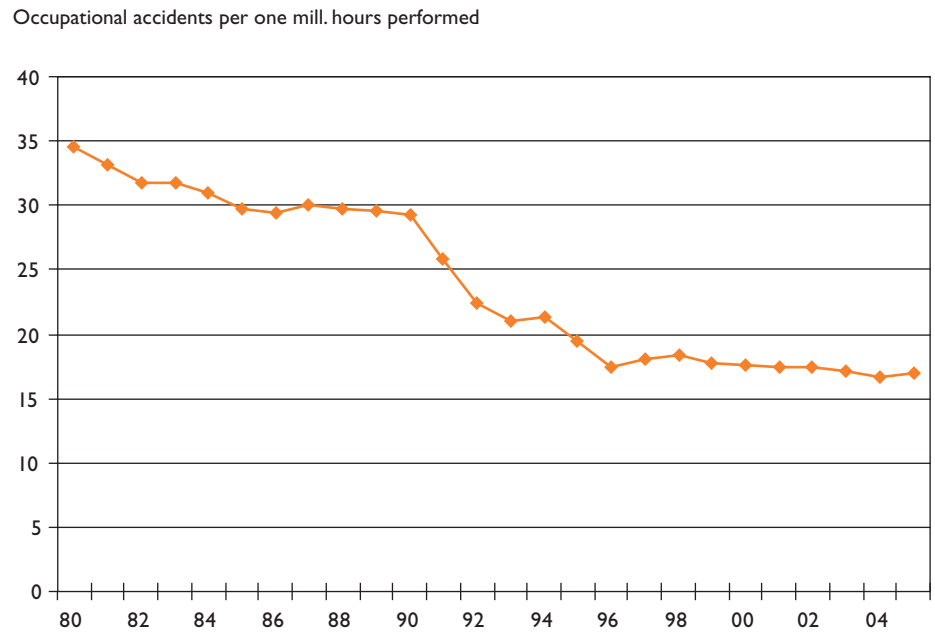
Source: Federation of Accident Insurance

Figure 3. Fatal occupational accidents among employees in 1980 – 2005.



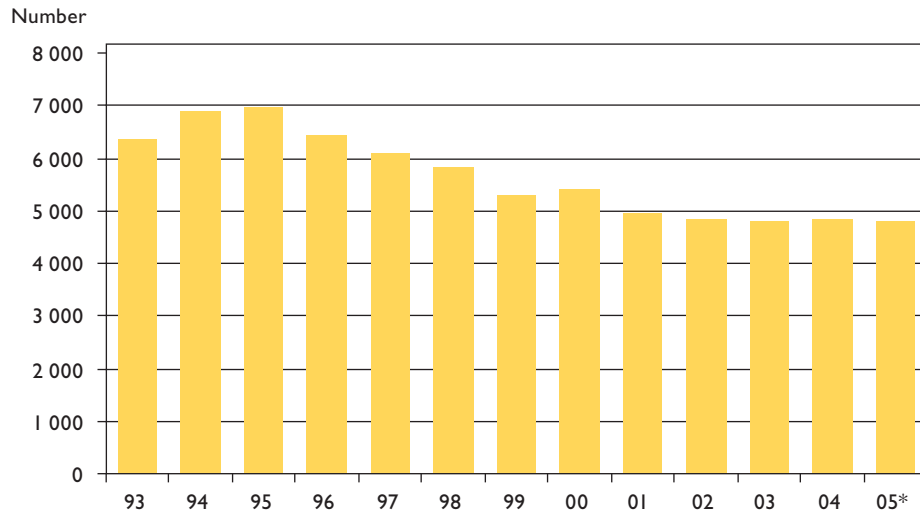
Source: Statistics Finland, preliminary data; year 2005. Federation of Accident Insurance

Figure 4. Occupational accidents among employees per one million hours performed in 1980 – 2005.



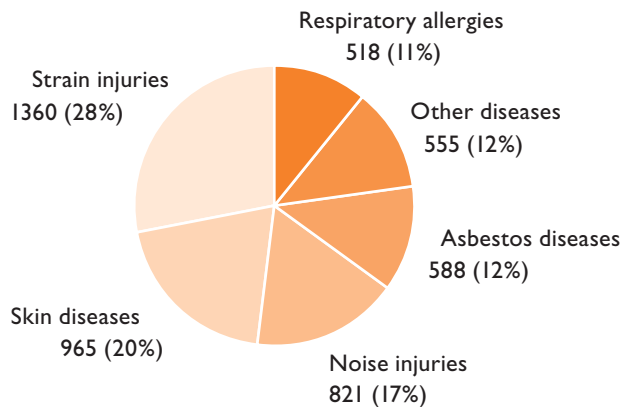
Source: Statistics Finland, estimate: year 2005

Figure 5. Occupational diseases and suspected occupational diseases among employees in 1993 – 2005.



Source: Federation of Accident Insurance Institutions 2006, Occupational accidents and diseases in 1993 – 2006. * preliminary data 2005

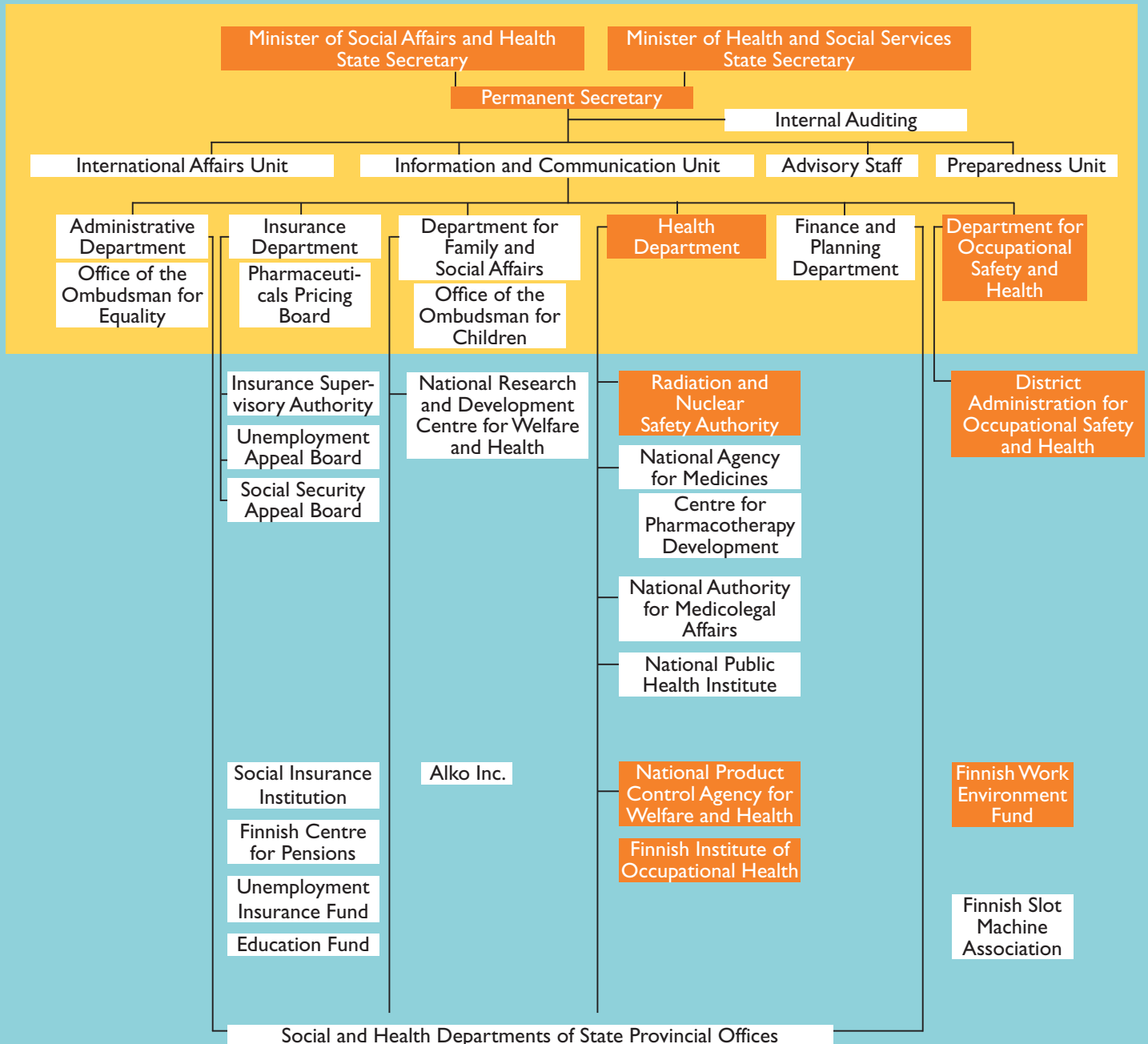
Figure 6. The number of occupational diseases by disease group in 2002.



Source: Finnish Institute of Occupational Health, Register of work-related diseases

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Occupational safety and health matters in the Ministry's administrative sector



Finnish labour market in a nutshell

- Finland is a sparsely populated country large in area. Its total area is 338 000 km²; less than ten per cent of this area is cultivated land and over one half is covered with forest. The country's southernmost point is in Hanko. The northernmost place in Finland and the European Union as well is in Utsjoki. The distance from Hanko to Utsjoki is 1 157 km.
- The number of inhabitants is nearly 5.3 million. Life expectancy is 75 years for men and 82 years for women.
- The gross domestic product was 152 billion euros in 2004, which makes 29 060 per person.
- The labour force consists of 2.6 million persons. About 2.4 million of them are employed. Agriculture and forestry employ about 116 000 persons, industry and construction about 620 000 persons and services about 1 600 000 persons. Municipalities have about 507 000 employees and the central and regional government about 149 000 employees.
- There is a total of 2 098 000 wage earners. The number of entrepreneurs and their family members is 301 000, of which 82 000 persons work in agriculture, forestry and fishery.
- The working population is ageing. 28% of the labour force is over 50 years and 42% is over 45 years.
- In 2004, 63% of women (aged 15 – 74) and 68% of men belonged to the labour force. The share of women was 48% and that of men 52% of all employed persons of working age (15 to 74 years).
- The number of workplaces in Finland is about 250 000. Most of them are small with less than 10 employees. Only seven workplaces in a hundred have more than 10 employees.

(Source: Statistics Finland)

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MINISTRY OF SOCIAL AFFAIRS AND HEALTH

ISSN 1236-2123

ISBN 978-952-00-2348-5 (pb)

ISBN 978-952-00-2349-2 (PDF)

