

Translation from Finnish**Legally binding only in Finnish and Swedish****Ministry of Social Affairs and Health, Finland****Occupational Healthcare Act***(1383/2001; amendments up to 555/2021 included)*

By decision of Parliament, the following is enacted:

Chapter 1**General provisions****Section 1****Purpose of the Act**

This Act lays down provisions on the duty of employers to organise occupational healthcare and on the content and delivery of the occupational healthcare provided.

The purpose of the Act is to promote the following through cooperation between employers, employees and occupational healthcare:

- 1) the prevention of work-related illnesses and accidents;
- 2) the health and safety of the work and the working environment;
- 3) the health, ability to work and functional capacity of employees at the different stages of their working careers; and
- 4) the functioning of the workplace community.

Section 2**Scope of application**

This Act applies to work in which employers have a duty to observe the Occupational Safety and Health Act (738/2002). (752/2002)

The organisation of occupational healthcare by entrepreneurs and other self-employed persons shall comply with the provisions of this Act as applicable.

Under chapter 7, section 3 of the Employment Contracts Act (55/2001), chapter 8, section 3 of the Seafarers' Employment Contracts Act (756/2011), section 37 of the Act on Public Officials in Local Government (304/2003), section 27 of the Act on Public Officials in Central Government (750/1994) and chapter 6, section 52 of the Church Act (1054/1993), the employer shall organise occupational healthcare services for an employee, whose contract has been terminated, for a period of six months after expiry of the obligation to work in accordance with the occupational healthcare agreement referred to in section 6 of this Act, if the employee has been employed by the employer for at least five years before the termination of the employment relationship and the employer regularly employs at least thirty people. The employer's duty to organise occupational healthcare will cease once an employee, whose contract has been terminated, transfers to a contractual employment relationship or a public-service employment relationship, which is in effect until further notice or for a fixed period of at least six months, in the service of another employer and the employee receives occupational healthcare organised by that employer. The employee shall notify the employer that he or she transfers to the service of another employer and receives occupational healthcare organised by that employer. (1475/2016)

Section 3

Definitions

In this Act:

1) *occupational healthcare* means the activities of occupational healthcare professionals and experts that employers have a duty to organise by law and that are used to improve the prevention of work-related illnesses and accidents and to promote the health and safety of the work and the working environment, the functioning of the workplace community and the health, ability to work and functional capacity of the employees;

2) *activities to maintain ability to work* mean systematic and purposeful activities focusing on work, working conditions and employees that are delivered through cooperation and that occupational

healthcare uses to help promote and support the ability to work and functional capacity of those in working life;

3) *provider of occupational healthcare services* means the organisation or person that delivers the occupational healthcare that employers have a duty to organise or that they organise voluntarily under section 7 of this Act;

4) *occupational healthcare professional* means a healthcare professional as referred to in the Act on Healthcare Professionals (559/1994), who is qualified as an occupational healthcare specialist or as other licensed physician, a public health nurse or a physiotherapist and has the necessary training to deliver occupational healthcare; (555/2021)

Paragraph 4 as amended by Act 555/2021 enters into force on 1 January 2022. Previous form of wording:

4) *occupational healthcare professional* means a healthcare professional as referred to in the Act on Health Care Professionals (559/1994), who is qualified as an occupational healthcare specialist or as other licensed physician or as a public health nurse and has the necessary training to deliver occupational healthcare;

5) *occupational healthcare expert* means a person qualified as a psychologist and possessing sufficient knowledge of occupational healthcare or a person who has education and training in occupational hygiene or ergonomics or who has technical or other similar education and training and sufficient knowledge of occupational healthcare or a person who is qualified as a specialist in a medical field other than occupational healthcare; (555/2021)

Paragraph 5 as amended by Act 555/2021 enters into force on 1 January 2022. Previous form of wording:

5) *occupational healthcare expert* means a person qualified as a physiotherapist or a psychologist and possessing sufficient knowledge of occupational healthcare or a person who has education and training in occupational hygiene or ergonomics or who has technical or other similar education and training and sufficient knowledge of occupational healthcare or a person who is qualified as a specialist in a medical field other than occupational healthcare;

6) *entrepreneur or other self-employed person* means a person referred to in the Self-employed Persons' Pensions Act (1272/2006) or a farmer referred to in sections 3 and 13 of the Farmers' Pensions Act (1280/2006); (1003/2008)

6a) *drug test* means a test performed to detect the presence or absence of a drug referred to in section 3, subsection 1, paragraph 5, of the Narcotics Act (373/2008) as well as a statement based on the test as to whether the jobseeker or employee has used narcotics for purposes other than medical treatment; (376/2008)

7) *good occupational healthcare practice* means the general principles observed in the organisation, delivery and development of occupational healthcare as provided in this Act and having regard to knowledge and experience of occupational health and the general principles of occupational healthcare.

Further provisions on the education and training referred to in subsection 1, paragraph 4, the sufficient knowledge referred to in subsection 1, paragraph 5, and the principles of implementing good occupational healthcare practice referred to in subsection 1, paragraph 7 may be laid down by government decree.

Chapter 2

Employers' duties

Section 4

Organisation of occupational healthcare

Employers shall organise occupational healthcare at their own expense to prevent and control health hazards and risks related to work and working conditions and to protect and promote the safety, health and ability to work of the employees.

Occupational healthcare shall be organised and delivered to the extent required by the work, working arrangements, personnel and workplace conditions, and by any changes in these, as provided in this Act.

Section 5

Occupational healthcare professionals and experts

In matters concerning the planning, delivery, development and monitoring of occupational healthcare, employers shall make sufficient use of occupational healthcare professionals and any experts that the professionals deem essential, as required for delivering occupational healthcare in accordance with good occupational healthcare practice.

Occupational healthcare professionals and experts shall be professionally independent of the employer, the employees and their representatives, and they shall possess the qualifications referred to in section 3 of this Act as well as knowledge and skills that have been maintained through sufficient continuing education.

Employers of occupational healthcare professionals and experts have a duty to ensure that the professionals and experts attend continuing education to maintain their occupational skills sufficiently often and no less than once every three years. The duty to ensure continuing education applies to even healthcare professionals who are engaged in occupational healthcare as self-employed persons.

The Ministry of Social Affairs and Health may issue instructions on the content, quality, quantity and organisation of continuing education.

Section 6

Agreement on occupational healthcare services

Employers and providers of occupational healthcare services shall draw up a written agreement on the organisation of occupational healthcare, which shall set out the general arrangements for occupational healthcare and the content and coverage of the services. The agreement shall be amended whenever circumstances changes fundamentally.

If employers organise occupational healthcare services themselves, they shall give a description of the points referred to in subsection 1 as appropriate.

Further provisions on the content of the agreement on organising occupational healthcare may be given by government decree.

Section 7

Provision of services

Employers may organise occupational healthcare services referred to in this Act by:

- 1) procuring the services they need from a health centre referred to in the Primary Healthcare Act (66/1972);
- 2) organising the occupational healthcare services they need themselves or together with other employers; or
- 3) procuring the services they need from another unit or person entitled to provide occupational healthcare services.

Providers of occupational healthcare services referred to in subsection 1, paragraphs 1–3, may also procure the laboratory and imaging services, clinical-physiological examinations and clinical neurophysiological examinations included in occupational healthcare from a unit of the hospital district or a private healthcare unit referred to in the Private Healthcare Act (152/1990).

The Public Health Act 66/1972 was repealed by Act 616/2021 that enters into force on 1 January 2023. As of 1 January 2023, see Act on the Implementation of the Reform of Health, Social and Rescue Services and on the Entry into Force of Related Legislation 616/2021.

Section 8

Cooperation

In matters that concern general organisational principles and planning of occupational healthcare in workplaces, including the occupational healthcare plan, the content and coverage of occupational healthcare and the delivery and impact assessment of occupational healthcare, employers shall prepare the necessary decisions for organising occupational healthcare in

cooperation with the employees or their representatives, and shall provide the employees or their representatives with the information necessary for dealing with the matters well in advance.

Before employers decide on the start of or a change in the activities referred to in sections 12 and 14 or on another matter with a material impact on the organisation of occupational healthcare, the matter shall be discussed by an occupational safety and health committee referred to in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) or by some other alternative cooperation procedure or, if there is no occupational safety and health committee or alternative cooperation procedure, together with an occupational safety and health representative. If no occupational safety and health representative has been elected for the workplace, the matters shall be discussed where possible with the personnel. (51/2006)

The employees and their representatives have the right to submit proposals for developing the occupational healthcare activities. The proposals and any necessary measures as a result shall be handled through cooperation as laid down in subsection 1.

Section 9

Compensation for costs of occupational healthcare

Employers, entrepreneurs and other self-employed persons are entitled to receive compensation for the costs incurred in organising occupational healthcare and other healthcare covered by this Act, as provided in the Health Insurance Act (364/1963).

What is provided in subsection 1 does not apply to the costs of drug testing. (760/2004)

The Health Insurance Act 364/1963 was repealed by the Health Insurance Act 1224/2004.

Section 10

Protection of employees

If a health examination performed on an employee reveals that the employee's personal health characteristics make him or her susceptible to health hazard at work, the employee shall not be required to do such work.

Section 10a (20/2012)**Notification of sick leave**

Employers shall notify occupational healthcare of an employee's sick leave at the latest when the absence has continued for one month for assessing the employee's ability to work and for reviewing his or her possibilities to continue working.

Chapter 3**General principles, organisation and content of occupational healthcare****Section 11****Occupational healthcare plan and substance abuse programme (760/2004)**

Employers shall have a written occupational healthcare plan, which shall include the general objectives of occupational healthcare and the occupational healthcare needs based on the conditions in the workplace alongside the measures resulting from them, having regard to what is provided in sections 1, 4 and 12. The plan shall be revised each year on the basis of workplace visits and other investigations carried out by the provider of occupational healthcare services.

The plan shall take sufficient account of the multidisciplinary knowledge available on the relationship between work and health and the health effects of work.

The occupational healthcare plan may form part of the occupational safety and health policy referred to in the Occupational Safety and Health Act or part of another development programme or plan prepared by the employer.

If drug tests referred to in section 3, subsection 1, paragraph 6a, are intended to be performed on jobseekers or employees, employers shall have a written substance abuse programme, which shall include the general objectives of the workplace and the practices observed to prevent substance abuse and to refer persons with substance abuse problems to treatment. The programme may form part of the occupational healthcare plan. Prior to approving the programme, the tasks shall be discussed in a cooperation procedure as laid down in the Act on Cooperation within Undertakings (334/2007), the Act on Cooperation in Government Agencies and Public Bodies

(651/1988) and the Act on Cooperation between Employers and Personnel in Municipalities (449/2007). Within undertakings and bodies governed by public law other than those governed by cooperation legislation, employers shall consult the employees or their representatives before making decisions on the task-specific grounds for drug testing. (456/2007)

The Act on Cooperation in Government Agencies and Public Bodies 651/1988 was repealed by Act on Cooperation in Government Agencies and Public Bodies 1233/2013. See section 9 of Occupational Safety and Health Act 738/2002 on occupational safety and health policy and Government Decree on Drug Testing 218/2005 on drug testing. The name of Act on Cooperation between Employers and Personnel in Municipalities 449/2007 was changed by Act 631/2021, see Act on Cooperation between Employers and Personnel in Municipalities and Wellbeing Services Counties 449/2007.

Section 12

Content of occupational healthcare

The occupational healthcare that employers have a duty to organise under section 4 shall include the following in accordance with good occupational healthcare practice:

- 1) investigating and assessing the health and safety of the work and the working conditions through repeated workplace visits and using other occupational healthcare methods, having regard to exposure agents in the workplace, workload factors, working arrangements and risk of accidents and violence, and taking these factors into account in planning the work, working methods and workspaces and when the working conditions are changing;
- 2) investigating, assessing and monitoring work-related health hazards and risks and the health, ability to work and functional capacity of the employees, including any special risk of illness caused by the work and the working environment, and any health examinations as a result of the above factors, having regard to each employee's personal characteristics;
- 3) making suggestions for action to improve the health and safety of the work, to adapt the work to the employees' abilities where necessary, to maintain and promote the employees' ability to work and functional capacity and to monitor the implementation of the suggestions for action;

- 4) providing information, advice and guidance in matters concerning the health and safety of the work and the health of the employees, including investigating an employee's workload if requested by the employee for good reason;
- 5) monitoring and promoting the ability of employees with disabilities to cope at work taking account of their health requirements, providing them advice on rehabilitation, and referring them to treatment or medical rehabilitation or vocational rehabilitation;
- 5a) drawing up a statement referred to in chapter 8, section 5a, of the Health Insurance Act (1224/2004) on an assessment of an employee's ability to work and possibilities to continue working. The statement shall include an assessment by occupational healthcare on the employee's remaining ability to work and a report the employer has drawn up together with the employee and occupational healthcare on the employee's possibilities to continue working; (20/2012)
- 6) cooperating with representatives of other healthcare services, labour administration, education administration, social insurance, social welfare services, and occupational safety and health authorities; where necessary with the different occupational healthcare providers of the employers in shared workplaces and other necessary parties;
- 7) participating in organising the first aid referred to in section 46 of the Occupational Safety and Health Act; (752/2002)
- 8) assisting in planning and delivering measures to maintain and promote ability to work that are among the occupational healthcare duties and are defined in this Act, including an investigation of the need for rehabilitation where necessary; and
- 9) assessing and monitoring the quality and impact of occupational healthcare activities.

The duties referred to in subsection 1 above are carried out as appropriate in cooperation with the management, line organisation, human resources administration and cooperative organisations.

Employers in shared workplaces shall cooperate, as separately provided, to investigate factors causing a special hazard or factors with widespread health implications, making use of the expertise of occupational healthcare.

Further provisions on what are considered conventional methods and means of organising the duties referred to in subsection 1 are laid down by government decree.

Section 13

Duty of employees to undergo health examinations

Employees may not without good cause refuse to undergo a health examination that, at the start of or at a later stage of the employment, is necessary for:

- 1) investigating the employee's state of health in work or in a working environment that presents a special risk of illness; or
- 2) investigating the employee's ability to work or functional capacity on account of the health requirements associated with the work.

Health examinations are performed in mutual agreement with employees as provided in section 6 of the Act on the Status and Rights of Patients (785/1992).

Any certificate issued based on a health examination referred to in subsection 1, paragraph 2, shall include an overall evaluation of the employee's health requirements for performing the tasks he or she is responsible for or the tasks planned to be assigned to him or her. (760/2004)

Section 14

Other healthcare services

Besides the services referred to in section 12, employers may organise medical care services and other healthcare services for the employees.

Besides the services referred to in section 12, entrepreneurs and other self-employed persons may organise for themselves medical care services and other healthcare services referred to in subsection 1. (1117/2005)

Chapter 4

Handling information in occupational healthcare

Section 15

Duty of employers to provide information

Employers shall provide occupational healthcare professionals and experts with information on the work, working arrangements, occupational diseases, occupational accidents, personnel, and workplace conditions, and on any changes in these, and on other comparable factors, which is needed for assessing and preventing work-related hazard or risk to the health of employees.

Section 16

Duty of employees to provide information

Employees shall give the provider of occupational healthcare services on request information on any health hazards they observe in their workplace.

Section 17

Duty of providers of occupational healthcare services to give advice and information

Providers of occupational healthcare services shall give the employees and the employers necessary information on any health hazards or risks emerging in the work and the workplace conditions and on the means of controlling them. Employees shall be given information on the health examinations performed on them by occupational healthcare and on the purpose, results and interpretation of the health examinations and on other occupational healthcare content.

The employer and the occupational safety and health committee and the occupational safety health representative in the workplace are entitled to receive from persons engaged in occupational healthcare such information these persons obtain on account of their position that is important for the health of employees and for the development of healthier workplace conditions.

Section 18

Disclosure of secret information

Information which is to be kept secret by law may not be disclosed without the consent of the one for whose benefit the secrecy obligation has been laid down, as separately provided.

Notwithstanding the provisions on the secrecy of patient documents in the Act on the Status and Rights of Patients, an occupational healthcare specialist in the service of the provider of occupational healthcare services may supply:

- 1) the employer, in the case of work with a special risk of illness, with a written statement on the conclusions of health examinations and on the occupational safety and health action deemed appropriate based on the conclusions, to the extent that they concern occupational safety and health and occupational healthcare;
- 2) a statement referred to in paragraph 1 to the competent occupational safety and health authority and the expert referred to in section 12 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces for the purpose of enforcing occupational safety and health; and (51/2006)
- 3) a provider of occupational healthcare services, on his or her request for the purpose of monitoring hazards to health, with information on the health examinations performed on an employee who has been a patient and who has been engaged in work causing a special risk of illness and who has transferred to work which is similarly hazardous in the service of an employer whose occupational healthcare is the responsibility of the provider of occupational healthcare services requesting the information.

Section 19 (760/2004)

Drug test and drug test certificate

Any positive result from drug tests performed on jobseekers or employees shall be confirmed in a quality-controlled laboratory. Notwithstanding what is laid down elsewhere by law, those tested are always entitled to obtain the test results in writing.

Provisions on the content of a drug test certificate are laid down in the Act on the Protection of Privacy in Working Life (759/2004). The certificate shall be given to the tested person who shall forward it to the employer.

Further provisions on the quality control of drug testing and on the taking, analysis and interpretation of samples for the testing in accordance with good occupational healthcare practice and the quality standards for laboratories may be given by government decree.

Section 20

Right of authorities to obtain information

The Ministry of Social Affairs and Health and any expert agency appointed by it are entitled to obtain the information necessary for performing their duties under this Act from the healthcare units and healthcare professionals delivering occupational healthcare services.

Section 21

Preparing and storing occupational healthcare documents

What is provided in the Act on the Status and Rights of Patients shall apply to the preparing and storing of patient documents in occupational healthcare.

The Ministry of Social Affairs and Health may issue instructions on the preparing of occupational healthcare documents.

Chapter 5

Miscellaneous provisions

Section 22

Advisory Board on Occupational Healthcare

Operating in conjunction with the Ministry of Social Affairs and Health for the purposes of planning and development of occupational healthcare is the Advisory Board on Occupational Healthcare, whose composition, duties and activities are laid down in more detail by government decree.

Section 23

Penalties

Any employer or their representative who wilfully or negligently fail to observe what is provided in section 8, subsection 2, on cooperation shall be sentenced to a fine for a violation of the duty to cooperate in occupational healthcare.

Any employer or their representative who wilfully or negligently fail to observe what is provided in section 4, subsection 1, on the organisation of occupational healthcare services or fail to comply with a decision by the competent occupational safety and health authority on the nature of the duty to organise the services shall be sentenced to a fine for neglecting to organise occupational healthcare services.

The sentence for violating occupational safety regulations, for causing a defect or fault to occur that violates the occupational safety regulations or enabling the prolonging of a situation that violates occupational safety regulations is prescribed in chapter 47, section 1, of the Criminal Code (39/1889).

Before a public prosecutor brings charges for a violation of this Act or provisions issued under it, he or she shall obtain a statement on the matter from the competent occupational safety and health authority unless that authority has reported the offence for prosecution. The public prosecutor shall notify the competent occupational safety and health authority in good time before taking the case into court.

Section 24 (1559/2009)

Supervision

Supervision of the activities of the health centres, the units providing occupational healthcare services and the occupational healthcare professionals who deliver the occupational healthcare which is the employer's duty to organise under this Act and provisions issued under it and medical supervision of the content of occupational healthcare services are the responsibility of the Ministry of Social Affairs and Health, the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies, as separately provided.

Occupational safety and health authorities shall, as prescribed in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces

(44/2006), ensure that employers organise the occupational healthcare as referred to in this Act or provisions issued under it.

If an employer neglects his or her duty to organise occupational healthcare services as provided in this Act or provisions issued under it, and a dispute arises on the nature of the employer's duty, the competent occupational safety and health authority shall request a statement from the National Supervisory Authority for Welfare and Health before issuing the employer a binding decision referred to in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces.

Provisions on the supervision of activities referred to in section 14 are laid down separately.

Section 25

Making legislation and agreements or descriptions concerning occupational healthcare available for inspection

Employers shall ensure that this Act and the provisions issued under it, the agreement on organising occupational healthcare drawn up between the employer and the provider of occupational healthcare services or the employer's description of the occupational healthcare they themselves organise, and the workplace investigation referred to in section 12, subsection 1, paragraph 1, are made available for inspection by employees at the workplace.

Section 26

Entry into force

This Act enters into force on 1 January 2002. This Act repeals the Occupational Healthcare Act (743/1978) of 29 September 1978, as amended.

Those healthcare professionals and experts who are qualified to operate in occupational healthcare when this Act comes into force shall remain qualified for present and similar occupational healthcare duties, notwithstanding the provisions of this Act.