The Centre for Occupational Safety

SUPERVISOR ORIENTATION

– Getting to know the key legislation

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INTRODUCTION

This publication is intended to support the development of supervisors' skills. Knowledge of labour law and collective agreements is central to a supervisor's competence. The basic elements of an employment relationship are responsibility and trust. This refers to a commitment to act as agreed.

The supervisor is also responsible for promoting a good working atmosphere, the employee's performance at work and professional development. The supervisor is responsible for the operations of their unit in accordance with the objectives and tasks set. In order to succeed in their role, supervisors need the support of both their own supervisors and their subordinates.

The material includes an overview of a supervisor's skills, followed by the significance of well-being at work in management and orientation. The last section contains key obligations related to the employer's role and supervisory work based on working-life regulations, starting from the Employment Contracts Act and the Occupational Safety and Health Act. Other acts are discussed in alphabetical order.

SUPERVISOR'S SKILLS

At its best, leadership involves the tuning of emotions, inspiring people and communicating concrete goals and feedback. The aim is to enable good, smooth work. Leadership is also about ensuring competence, building trust, showing direction and addressing problems.

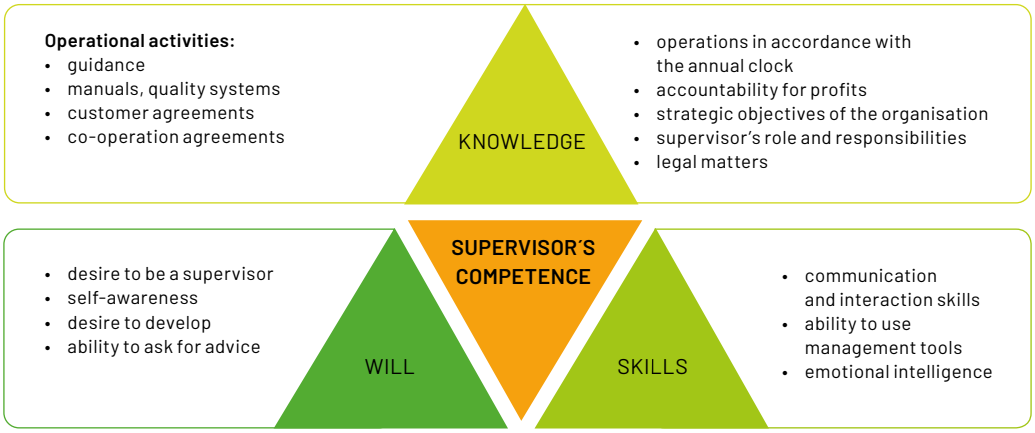
The employer is primarily responsible for the safety, health and well-being of the personnel. An employer is defined as a person who uses external labour in exchange for compensation. Supervisors represent the employer at the workplace. In a multi-tier organisation, the employer's responsibility is divided between senior management, middle management and immediate supervisors. In a line organisation, responsibility is based on the decision-making and authority of supervisors. Senior management must ensure that supervisors are given orientation regarding a supervisor's skills as a whole.

The basic task of a supervisor is management. In order for a supervisor to achieve the goals set for them, they must be able to manage both things and people. The work of an immediate supervisor is primarily about leading people. It covers all the daily work that a supervisor does when working with their subordinates.

The main task of a supervisor, like all employees, is to implement the company strategy. The supervisor implements the strategy for their part by directing their subordinates to strategy-oriented operations. Understanding the basic task is a prerequisite for the implementation of the strategy. Defined job descriptions that explain each employee's tasks and responsibilities help to clarify the basic task. It is also the supervisor's task to look at operations from the perspective of the entire organisation. The supervisor is also responsible for resourcing work, helping to resolve conflicts within the organisation and managing the financial side of the group's operations.

It is also important to ensure that the employee can perform their work when changing or developing the company's operations, work or working methods. The supervisor must strive to promote the employee's opportunities to develop according to their abilities in order to advance in their career.

CORE COMPETENCIES FOR SUPERVISORS



Hyppänen 2007

WELL-BEING AT WORK IN MANAGEMENT

Well-being at work as a concept has become more widespread and has become part of workplace development activities alongside productivity. Management of well-being at work is an important part of management and day-to-day operations in the work community.

Ethical management refers to value-based management with a commitment to the continuous improvement of productivity and well-being at work as well as fairness and honesty. Ethical management also includes building trust, impartiality and integrity. Fair leadership includes hearing employees on matters that are important to them and decisions concerning their work as well as an open and truthful flow of information. Decision-making processes are required to be transparent and consistent.

> Well-being at work means safe, healthy and productive work carried out by skilled employees and work communities in a well-managed organisation. Employees and work communities find their work meaningful and rewarding, and the work supports their life management.
>
> Työhyvinvointi – uudistuksia ja hyviä käytäntöjä. TTL/EU Progress funding programme 2009

Definition of well-being at work

Measures to develop well-being at work can be divided into

- supporting the individual's health, work capacity and resources
- improving the functioning of the work community and the organisation
- developing the working environment and work, and
- activities promoting professional competence.

Promoting well-being at work concerns everyone in the work community, but, ultimately, it is the responsibility of the organisation's senior management. However, the immediate supervisor is the most important influencer at the work unit level. Management of well-being at work is an integral part of management and one of the core issues of personnel management.

The alignment of values, personnel strategy and management practices is the foundation on which the management of well-being at work is built. Ethical principles and moral practices guide the development of well-being at work. Management of well-being at work is part of the competence capital of the organisation, the social capital of the work community and comprehensive co-operation.

Measuring, assessing and developing well-being at work

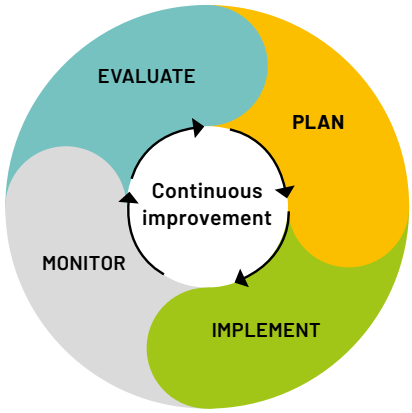
In order to manage and develop well-being at work effectively, it must be possible to measure and assess it. This requires a diverse set of indicators and long-term effort. There are a wide range of indicators and assessment methods that are used.

However, before the assessment, the organisation's basic task, purpose, values, goals and means of achieving the goals must be defined and known. This also includes defining the activities related to the well-being of the personnel and the goal state. What are the goals and what are the indicators that best support monitoring and can be genuinely used in development?

Indicators related to well-being at work can be divided into financial, individual, work community and work environment indicators. The personnel can be described according to, for example, time use, employment relationship, health, safety, community, competence and performance. Compiling statistical data on the status and development of personnel enables the systematic development of personnel capital.

Good indicators support the needs of the organisation and industry. The indicators must be devised based on the organisation's strategy and risk assessment. Monitoring requires various predictive, retrospective, quantitative and qualitative indicators. Improving well-being at work requires the commitment of management and the entire personnel. The key figures are monitored, and any deficiencies identified are addressed. The assessment methods themselves must also be evaluated and developed.

MANAGEMENT SYSTEM



EXAMPLES OF INDICATORS AND ASSESSMENT METHODS

Health

- Workplace survey
- Health checks, work ability assessments
- Assessment of workload and work ability as part of (supervisory) work, development discussions
- TIKKA workload assessment, FIOH
- Work stress survey
- Bergen Burnout Index
- Costs from absences and incapacity for work
- Sickness appointments
- Sickness absences and occupational diseases
  - number, absence percentage
  - causes and prevalence
  - costs incurred

Safety

- Safety observations, including reports of hazardous situations, near misses, safety deviations
- Hazard mapping and risk assessment
- Occupational safety inspections, safety walks, discussions and audits
- Number and implementation rate of corrective measures
- Number and quality of occupational safety training sessions
- Assessment of order and tidiness
- Assessment of the occupational safety level and the level of the occupational safety management system
- Accidents: accidents at the workplace and on the way to work
  - number, frequency, prevalence, absence percentage
  - investigation, severity
  - costs incurred
  - accidents of contract partners

Work community operations, management, competence

- Key financial figures
- SWOT analysis
- Risk assessment
- Well-being at work and work atmosphere surveys
- Development discussions
- Feedback systems, customer feedback
- Quality management systems
- Personnel age, gender, turnover
- Quality of employment relationships
- Employee participation in joint development, training
- Competence assessments
- Initiatives, ideas and innovations
- Number and quality of training sessions
- Development discussions, number and quality

ORIENTATION

Orientation refers to all measures that enable a new employee or a person transferring to a new position to get to know their workplace, its ways and people as well as their work and the related expectations, responsibilities and obligations.

New employees and employees transferring to new tasks, such as supervisory tasks, must be instructed in safe working methods, and it must be ensured that the information provided has been understood. Guidance and instructions are also needed in connection with work-related changes.

The employer is responsible for orientation and work guidance. It is important that supervisors are provided with thorough orientation regarding their own tasks and responsibilities.

The objectives of orientation are:

- Creating a positive attitude towards work and the employees
- Promoting activity and independence
- Building knowledge and one's skill set
- Promoting occupational health and safety

Example of orientation content

- The organisation, its operations, personnel and customers
- The organisation's operating concept, business and service idea
- Operating methods in the company
- Employment contract, employment terms, working hours, shifts and breaks
- Salary matters
- End of employment
- Occupational health care
- Workplace facilities, working environment
- Safety matters, property protection
- Occupational safety and health cooperation
- Own tasks and areas of responsibility, work instructions
- Training and internal communications
- Personnel services and benefits

KEY LEGAL OBLIGATIONS AND RIGHTS OF THE EMPLOYEE

Obligations under labour law

Compliance with working-life legislation is overseen by the **occupational safety and health authority**. The oversight is guided by the Ministry of Social Affairs and Health. In the Regional State Administrative Agency, the oversight is divided into five areas of responsibility for occupational safety and health. The aim is to ensure that work in Finland is as healthy and safe as possible and complies with the regulations concerning working life.

In addition to oversight, the occupational safety and health authorities provide instructions and advice on matters related to occupational health and safety and employment terms.

The occupational safety and health authority has four tasks:

1. Occupational safety oversight initiated by customers and authorities
2. Investigating and preventing the causes of serious occupational accidents, occupational diseases and work-related illness
3. Product monitoring
4. Participation in the processing of work-related crimes.

In addition, the occupational safety and health authorities co-operate closely with employer and employee organisations in occupational safety and health matters.

The most important areas of working-life legislation are:

- Employment contract, co-operation, equality and privacy
- Working hours, annual holidays and leave
- Occupational safety and its oversight
- Health care, occupational diseases and accident insurance
- Young employees

Employer definitions

- Anyone who commissions work in an employment relationship or in an official or comparable employment relationship under public law and anyone who actually exercises the decision-making power of an employer.
- The party that employs the employee.
- A natural or legal person who uses external labour in exchange for compensation. Entered into the employer register maintained by the Tax Administration.

Employment Contracts Act 55/2001

The Employment Contracts Act lays the foundation for the management of employment matters. The Employment Contracts Act is applied to an agreement, whereby the employee or employees together personally undertake to work under the employer's management and supervision in exchange for a salary or other consideration. The law applies even if the work is carried out at the employee's home or at a place chosen by the employee.

The employment contract can be concluded orally, in writing or electronically. It is valid until further notice, unless it has been made fixed-term for a justified reason. The employer and the employee may agree on a probationary period of a maximum of six months from the start of work. During the probationary period, the employment contract may be terminated by either party. However, the employment contract may not be terminated on inappropriate grounds. The employer may also not terminate the employment contract if it has neglected its notification obligation.

The employer has the right to manage work and issue instructions and orders related to the management of work as well as to terminate the employment contract within the limits permitted by law.

The Employment Contracts Act also defines the employee's obligations, rights to family leave, the principles of layoffs and the termination of employment and employment contracts. Furthermore, provisions have been laid down on international employment contracts and the liability for damages, freedom of association, right of assembly, trade union representatives, benefits and deviations, penalties and supervision.

Key obligations of the employer

- Promoting relationships with employees and relationships between employees.
- Ensuring that the employee can perform their work also when changing or developing the company's operations, work or working methods.
- Striving to promote the employee's opportunities to develop according to their abilities in order to advance in their career.
- Treating employees equally, unless deviating from this is justified, taking into account the employees' tasks and position. The employer must also comply with the prohibition on discrimination when hiring employees.
- The employer may not without acceptable grounds put employees in a different position due to age, health status, disability, national or ethnic origin, nationality, sexual orientation, language, religion, opinion, belief, family relationships, trade union activities, political activities or other comparable characteristics.
- The terms and conditions of employment for fixed-term and part-time employment relationships may not be less favourable solely because of the duration of the employment contract or the length of working hours, unless it is justified for appropriate reasons.
- Ensuring occupational safety to protect the employee from accidents and health hazards.
- Providing the employee with a written account of the key terms and conditions of working:
  - employer's and employee's place of residence or business
  - the time of the start of work

  - the grounds for a fixed-term employment contract and the end date or estimated end date of the contract
  - probationary period
  - the place of work or a report on the principles according to which the employee works at different sites
  - the employee's primary duties
  - the collective agreement applicable to the work
  - the basis for determining the salary and other remuneration and the salary payment period
  - regular working hours
  - determination of annual holidays
  - notice period or the grounds for its determination
  - in the case of work abroad lasting at least one month, the duration of the work, the currency in which the monetary salary is paid, the monetary compensation and fringe benefits paid abroad and the conditions of the employee's integration.
- In addition, providing the employee with a written account of any changes to the terms and conditions of working as soon as possible.
- Offering work to a part-time employee and announcing vacancies.
- Complying at least with the provisions of the universally binding collective agreement on the terms of employment and working conditions that apply to the work performed by the employee or to work closely comparable to it.

Key obligations of the employee

- Carrying out their work carefully and in accordance with the employer's instructions.
- Avoiding anything that conflicts with what is reasonably required of an employee in their position.
- Observing the due diligence required by the work tasks and working conditions and taking care of their own safety and the safety of other employees.
- An employee may not engage in competing activities that harm the employer.
- The employee may not use or disclose the employer's professional secrets to others during the employment relationship.

Occupational Safety and Health Act 738/2002

The Occupational Safety and Health Act is the basic act on occupational safety and health, which defines the obligations of the employer and employees for implementing occupational safety and health as well as the grounds for occupational safety and health co-operation and deals with hazard and risk factors at workplaces and their prevention measures. The Occupational Safety and Health Act requires an employer to provide sufficient orientation to its employees to their work, tasks and working conditions and to ensure that the employee has understood the instructions.

The purpose of the Occupational Safety and Health Act is to improve the working environment and working conditions in order to secure and maintain employees' work ability and to prevent and combat occupational accidents, occupational diseases and other harm to the physical and mental health of employees caused by the work and the working environment.

According to the Occupational Safety and Health Act, the employer is obligated to ensure the safety and health of employees at work through the means necessary. The

employer must give consideration to the circumstances related to the work, working conditions and other aspects of the working environment as well as to the employees' personal abilities.

The employer and employees must work in co-operation to maintain and improve occupational safety at the workplace. The employer must provide the employees with the necessary information on matters affecting the safety, health and other working conditions of the workplace as well as the assessments and other reports and plans concerning them, in sufficient time. The employer must also ensure that these matters are dealt with between the employer and the employees or their representatives appropriately and in sufficient time.

Key obligations of the employer

- Taking care of the occupational safety and health of employees, preventing harm and hazards.
- Preparing an occupational safety and health policy and discussing it in co-operation with the occupational safety and health personnel.
- Identifying health and safety hazards at work and assessing the risks associated with them, including the risk of a major accident.
- Carrying out improvement actions as required by the results of the risk assessment.
- Implementing the necessary regulations and instructions and clear safety instructions: on the required protective equipment for machines and equipment and the use of personal protective equipment, including in case of disruptions and exceptional situations.
- Monitoring compliance with regulations and instructions.
- Taking care of the implementation of orientation and work guidance.
- Promoting occupational safety in co-operation.
- Ensuring that, if the work involves a special risk of injury, illness or fire, it may not be carried out, even temporarily, by a person other than a competent person or another employee under the direct supervision of such a person. It must be ensured that only these employees have access to the hazard zone in question.
- Taking care of work ergonomics and monitoring the workload of employees and taking measures to investigate a harmful workload and avoid or reduce the hazard. Sufficient breaks from work must be allowed, if necessary.
- Taking measures to investigate and resolve cases of harassment and inappropriate treatment.
- Taking care of co-operation, agreeing on responsibilities and communicating at the shared workplace.
- An employer exercising main authority at a shared workplace must ensure that an external employer performing work at their workplace and the external employer's employee working there have received the necessary information and instructions on the workplace's hazards and risks related to the work.
- Informing the employer of a temporary employee of the professional skills and special features required by the work in sufficient detail before the start of the work. They must then inform the employee of these and ensure that the employee has sufficient professional skills, experience and suitability for the work to be performed. The person receiving the work must ensure that the employee is familiarised with the work and the conditions of the workplace.

- The Occupational Safety and Health Act also includes provisions on VDU work, threats of violence, working alone, night work, structural and functional safety and health at the workplace, accident prevention, rescue, first aid, the prevention of hazards in shared workplaces and the duties of other persons who have an influence on the safety of work.
- Government decisions and decrees supplement and specify the requirements of the Occupational Safety and Health Act.

Key obligations and rights of the employee

- Complying with regulations and instructions.
- Maintaining order and tidiness.
- Taking care of their own safety and the safety of their colleagues.
- Avoiding harassment and inappropriate treatment of other employees.
- Reporting defects and deficiencies and rectifying them where possible.
- Using and maintaining the protective equipment and other equipment provided.
- Wearing appropriate clothing.
- Using machines, equipment and hazardous substances in accordance with instructions.
- Not disabling safety devices or protective devices.
- The right to refuse to carry out dangerous work

Act on Equality between Women and Men 609/1986, amendments 1329/2014

The purpose of the Act on Equality between Women and Men is to prevent discrimination based on gender and to promote equality between women and men and to improve the position of women, particularly in working life. The law also aims to prevent discrimination based on gender identity or gender expression.

The grounds for discrimination prohibited by the Equality Act

- Gender (incl. pregnancy, family responsibilities)
- Gender identity
- Gender expression

Young Workers' Act 998/1993

This act and the decrees issued on the basis of it provide for the protection of young employees. The purpose of the act is to protect young people from excessive strain at work. A young employee is defined as a person under the age of 18.

The employer must ensure that the work does not require unreasonable effort or responsibility in relation to the age and resources of the adolescent. The employer must always provide the young employee with careful guidance and orientation. The work must not harm the adolescent's health or development or interfere with their education. Guidance and supervision of young people's work must be carried out particularly carefully. Young people under the age of 18 must notify the occupational safety and health authority of starting hazardous work. The responsibility for submitting the notification lies with either the employer or the training organiser, together with the employer.

The employer may recruit a young person who has reached the age of 15 and who has completed their compulsory education to a permanent employment relationship. Students subject to compulsory education

The Equality Act requires the employer to draw up a **gender equality plan** concerning remuneration and other terms of employment if the number of employees in the employment relationship is regularly at least 30 employees.

- A gender equality plan must be drawn up at least every two years.
- The personnel must be informed of the gender equality plan and updating it.
- The personnel representatives must have sufficient opportunities to participate in and influence the preparation of the plan.

may work for a maximum of half of their holiday time, and their working hours are limited during the semester.

During the current calendar year, a young person aged 14 or over may only work with the permission of a guardian. During the current calendar year, persons aged 13 or younger may only work with an exemption granted by the occupational safety and health authority.

An employment contract should always be made in writing, even if an oral contract is also valid. The 15-year-old can conclude and terminate their employment contract themselves. On behalf of a person under the age of 15, the employment contract is signed by the guardian or the young person themselves with the guardian's consent. The guardian has the right to terminate the employment contract of a young employee if, in their opinion, it is necessary for the young person's upbringing, development or health.

The salary is agreed in the employment contract. Collective agreements may have agreements on the minimum salary paid to young employees in the industry. The salaries of young employees are, on average, 70–90 per cent of the lowest salary scale.

A payslip must always be provided in connection with a salary payment. Separate compensations or supplements (e.g. evening allowance, Sunday work compensation and holiday compensation) may not be included in the basic salary; they must be paid in addition and itemised in the payslip.

Young people are not allowed to do all work

An example list of light work suitable for young people has been drawn up in a decree by the Ministry of Social Affairs and Health. Some jobs have been considered to be so dangerous or harmful that their performance is restricted for young people. Certain jobs are prohibited for young people altogether.

The employer may deviate from the restrictions on working restrictions concerning young people only if the Regional State Administrative Agency's occupational safety and health responsibility area grants an exemption. Starting from 1 January 2016, exemption permits concerning the working of young employees will be granted centrally by the occupational safety and health responsibility area of the Regional State Administrative Agency for Eastern Finland.

Act on Amending the Act on Cooperation between the Employer and Employees in Municipalities 631/2021

The purpose of the act is to promote co-operation in municipalities and wellbeing services counties. The aim is to enable the personnel to participate in the development of the municipality's and the wellbeing services county's operations, give the personnel the opportunity to influence the preparation of decisions concerning their own work and their work community, promote the performance of municipal service production and promote the quality of employees' working life.

The purpose of co-operation is to promote the creation of an atmosphere of trust, which is a prerequisite for well-being at work and productive operations, and to form the basis for high-quality service production.

- An annual personnel plan or similar plan must be drawn up, specifying the principles for the use of different forms of employment.
- Once a year, the municipality and wellbeing services county must provide the employees with information on the employment situation of the municipality or wellbeing services county, the state of operations and finances and their probable development.
- The municipality and wellbeing services county must upon request provide personnel representatives with a quarterly report describing the labour force situation of the municipality or wellbeing services county on the number of people in fixed-term and part-time employment relationships in the municipality or wellbeing services county.

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces 44/2006

This act lays down provisions on the procedure for supervising compliance with occupational safety and health regulations by the occupational health and safety authority and on occupational health and safety co-operation between employers and employees at the workplace. The objective of occupational safety and health co-operation is to promote interaction between the employer and employees and to enable employees to participate in and influence matters concerning safety and health at the workplace.

The parties to the co-operation are the employer and its employees.

Occupational health and safety co-operation at workplaces is based on legislation and the agreements of labour market organisations.

Key obligations of the employer

- Designating an occupational safety manager to represent the employer in occupational safety and health co-operation.
- Handling occupational health and safety issues in co-operation.
- Promoting co-operation and interaction at the workplace.
- Helping and informing employees regarding their duty to elect an occupational safety officer and two deputy officers as representatives for occupational health and safety co-operation at workplaces where at least 10 employees work regularly.
- Ensuring that an occupational safety committee is elected for a workplace where at least 20 employees work regularly.

Act on Co-operation within Undertakings 1333/2021

The purpose of this act is to promote an operating culture at workplaces in which the employer and employees operate in a spirit of co-operation, respecting each other's rights and obligations while taking into account each other's interests. Another purpose of the act is to continuously develop the company's operations and work community and to improve the productivity of operations and well-being at work.

The act is also aimed at ensuring a sufficient and timely flow of information between the employer and employees and at ensuring that the personnel have the opportunity to influence the company's decision-making when it concerns their work, working conditions or position in the company. The aim is also to improve co-operation between the employer, and employment authorities in order to improve the position of employees and support their employment in connection with operational changes.

Parties to co-operation

- Employer and company personnel
- Representatives of personnel groups: shop steward, occupational safety officer or co-operation representative

Scope of the act

The act applies to companies and organisations with at least 50 employees (for certain provisions, the threshold is 20 employees). The provisions on personnel management representatives apply to companies with at least 150 employees in Finland. The act does not apply to agencies or institutions of the state or municipalities.

The employer and employees or their representatives must engage in regular dialogue. The dialogue can cover, among other things:

- the financial situation of the company or entity
- workplace rules and practices
- personnel structure and competence needs
- well-being at work.

The workplaces themselves agree on how they will implement the dialogue in practice. The dialogue should take place at least quarterly. In smaller companies with 20–29 employees, dialogue should take place twice a year. If, on the other hand, the company has not elected an employee representative, dialogue once a year is sufficient. A plan for the development of the work community must be drawn up as part of the dialogue.

Before the employer makes a decision on matters that have a material impact on the position of the personnel, such as the reduction of the workforce, it must negotiate with employee representatives or employees. In the amended act, the process is referred to as change negotiations.

The procedures of change negotiations will remain essentially the same as in the current act. However, the right of the employee representative to make suggestions and propose alternative solutions will be strengthened. In addition, the time at which the negotiations must be initiated will be specified.

Employee representation in the company's administration promotes the flow of

information and makes the personnel's expertise available for decision-making. In the act, the personnel representative in a company's administration is referred to as an administrative representative. The personnel must be represented in a body that effectively deals with important matters concerning business, finances and the position of employees.

Act on the Protection of Privacy in Working Life 759/2004

The purpose of the act is to implement the protection of private life and other fundamental rights protecting privacy in working life. The act provides for the processing of personal data concerning employees, the tests and inspections carried out on employees and the requirements concerning them, technical surveillance at the workplace and the retrieval and opening of employees' e-mails. This act provides for the processing of personal data concerning employees, the tests and inspections carried out on employees and the requirements concerning them, technical surveillance at the workplace and the retrieval and opening of employees' e-mails.

Key obligations and rights of the employer

- May only process personal data necessary for the employee's employment relationship.
- Collecting personal data concerning the employee primarily from the person themselves; otherwise the employee's consent must be obtained. Consent is not necessary if the authority discloses information to the employer for the purpose of performing the task provided for their statutory duties or for the purpose of investigating the employee's reliability. In this case, the employer must submit an advance notification of the investigation of information.
- Processing information about the employee's health if it has been collected from the employee or from elsewhere with the employee's written consent.
- Specifying the persons whose duties include the processing of health information. These persons may not disclose this information to third parties during or after the employment relationship.
- The right to use the applicant's credit information to assess their reliability in specific tasks that require reliability.
- Ensuring that health care professionals are used for examinations concerning the employee's health in accordance with health care legislation.
- The right to implement camera surveillance to ensure safety, protect property and oversee the production process. However, not for monitoring a specific employee, unless monitoring is necessary due to a security threat.
- The right to retrieve and open e-mails sent to or from an e-mail address specified by the employer for the employee's use, under certain conditions.
- Furthermore, the act provides for the processing of data concerning the use of drugs, drug tests, personality and suitability assessment tests and genetic research.

Rescue Act 379/2011

The aim of this act is to improve the safety of people and reduce accidents. The act is also aimed at saving people in the event of an accident, or if an accident has taken place, securing important operations and effectively limiting the consequences of an accident.

Employer's responsibility

- Prepare a rescue plan together with the property owner

Health Insurance Act 1224/2004

This act provides for the reimbursement of costs arising from the organisation of occupational health care in accordance with good occupational health care practice and the reimbursement of annual holiday costs accrued during parental leave so that the cost burden resulting from annual holiday costs to employers can be offset.

In order to receive the full Kela reimbursement, working ability management practices are required as part of the occupational health care action plan (Kela reimbursements 60%). A separate written description must be available at workplaces of more than 20 persons.

Working Hours Act 872/2019

The Working Hours Act contains key provisions on working hours. The purpose of the act is to protect employees. The act is a general law that applies to all employment relationships in general. There are also provisions on working hours in collective agreements. The Working Hours Act does not apply to work carried out by the management of a company or to work that, due to the special characteristics of related operations, is carried out in such conditions that it cannot be considered to be the employer's responsibility to supervise the arrangements for the time spent on it. As a rule, remote work is also covered by the Working Hours Act. Working hours include the time spent on work and the time during which the employee is obligated to be at the employer's disposal at the workplace. Contractual daily rest periods are not counted as working hours if the employee is allowed free access to leave the workplace during these periods. Time spent travelling is not counted as working hours, unless it must also be considered as work performance.

The Working Hours Act covers regular working hours, such as flexible working hours, flexible working hours and reduced working hours, additional work, overtime and emergency work as well as night and shift work. Working hours are the time that the employee spends on work and the time that they are otherwise obligated to be at the workplace or at the employer's disposal. Regular working hours are eight hours per day and 40 hours per week. Regular weekly working hours can also be arranged as an average of 40 hours over a period of no more than 52 weeks without exceeding eight hours of regular daily working hours, with the exception of periodic working hours and exemptions granted by the Regional State Administrative Agency. The working hours can also be arranged more flexibly by way of agreement.

Regular working hours can be arranged at the workplace in accordance with the collective agreement. In flexible working hours, regular daily working hours can be extended or shortened by a flexitime period of up to four hours per day. The average weekly regular working hours may not exceed 40 hours during a four-month monitoring period, which can also be longer or shorter within the flexitime limits. At the end of the monitoring period, the accumulation of excess may not exceed 60 hours and the accumulation of shortfall may not exceed 20 hours.

Flexible working hours can be agreed for tasks where at least half of the working hours are such that the employee can decide on their placement and place of work independently. The employer defines the tasks and objectives. Regular weekly working hours may not exceed 40 hours on average over a four-month period. This form of working hours meets the need for flexibility, particularly in demanding expert work where the content of the work is the production of information.

The working time bank is a system for reconciling work and leisure time, which can be used to save and combine working time, earned leave or cash benefits converted into leave. The employer and the shop steward or, if no shop steward has been elected, other employee representative or the employees or an employee group may jointly agree in writing on the introduction of a working time bank. The agreement on a working time bank concluded by the representative is binding on the employees that the representative is deemed to represent.

The accumulation of overtime can be reduced with leave given to the employee. Additional work and overtime may only be carried out with the employee's consent, unless there are agreements as to additional work in the employment contract. However, the employee has the right to refuse additional work on a marked leave day for justified personal reasons. An employee's working hours, including overtime, may not exceed an average of 48 hours per week over a period of four months.

As a rule, the employee must be given at least 11 hours of uninterrupted rest during the 24 hours following the start of each shift, with the exception of work performed during stand-by time. However, in periodic work, the daily rest period may be reduced to nine hours for reasons related to work arrangements. When flexitime or flexible working hours are applied, the daily rest period may be reduced to seven hours at the employee's initiative.

Working hours must be arranged (with certain deviations) so that the employee receives at least 35 hours of uninterrupted time off once a week, which, if possible, shall be placed in connection with Sunday. However, weekly rest can be arranged for an average of 35 hours over a period of 14 days. Even in this case, the rest period must be at least 24 consecutive hours during each seven-day period.

In uninterrupted shift work, the rest period can be arranged for an average of 35 hours over a maximum of 12 weeks. However, the rest period must be at least 24 consecutive hours during a period of seven days. If the arrangements of work so require, the rest period may be arranged in the above manner if the employee has consented to it. If the employee's daily working hours are not more than three hours, the employee may be given at least 24 hours of uninterrupted leave once per seven days instead of 35 hours.

A shift schedule must be drawn up for each workplace, indicating the start and end of the employee's regular working hours along with the rest periods. The employer must record the hours worked and the corrections received per hour. Regular working hours, additional working hours, overtime, emergency working hours and Sunday working hours and the compensations paid for them or all working hours performed as well as overtime, emergency working hours and Sunday working hours and the bonuses paid for them must be entered separately in the working hours records. The working hours records and any related agreement between the employer and employees

must be shown to the occupational safety inspector and the shop steward or occupational safety officer if so required.

Workers' Compensation Act 459/2015

This act provides for the employee's right to compensation for an occupational accident or occupational disease and an entrepreneur's right to insure themselves against an occupational accident or occupational disease. The purpose of statutory accident insurance is to compensate employees or their relatives for losses or damage caused by occupational accidents or diseases. Today, statutory accident insurance covers almost all accidents and illnesses caused by work-related circumstances.

The statutory accident insurance is implemented by non-life insurance companies. Employers finance the scheme by paying an insurance premium. The employer is obligated to take out statutory accident insurance for its employees from a statutory accident insurance company. The employer is the policyholder, the insurance company is the insurer and the employee is the insured. Taking out insurance is mandatory for the employer, and the insurance company cannot refuse to issue insurance. All employees are, therefore, covered by the statutory accident insurance.

Occupational diseases are diseases that are primarily caused by a physical, chemical or biological factor at work. A causal connection between an illness and a physical, chemical or biological factor occurring at work is considered to exist when the factor referred to in the decree has been present at the work to the extent that it could primarily cause an illness referred to in the decree.

The liability for compensation, the compensation and the processing of compensation-related matters are laid down in the Accident Insurance Act, the Act on Agricultural Entrepreneurs' Accident Insurance and the Act on Accident Compensation for Accidents of Public Officials.

Key obligations of the employer

- Taking out accident insurance for their employees in an employment relationship for occupational accidents and occupational diseases.
- Providing the insurance company with the necessary information to determine the insurance amount.
- Upon request, providing a certificate to the injured party.
- Reporting the occupational accident to the insurance company without delay within 10 days (on weekdays Monday–Friday).
- Reporting a serious and fatal occupational accident to the occupational safety authority and the police.
- Maintaining a list of accidents.
- Providing the insurance institution and appellate body with the necessary information to resolve the insurance and compensation matter.

Occupational Health Care Act 1383/2001

This act provides for the employer's obligation to organise occupational health care and the content and implementation of occupational health care. The act is aimed at promoting the prevention of work-related illnesses and accidents, the health and safety of work and the work environment, the health and functional capacity of employees at different stages of their careers and the operations of the

work community through co-operation between the employer, the employee and occupational health care.

The Occupational Health Care Act is applied to work in which the employer is obligated to comply with the Occupational Safety and Health Act.

Key obligations and rights of the employer

- Organising occupational health care to the extent required by the work, work arrangements, employees, workplace conditions and changes in them and receiving compensation for the costs incurred (Kela).
- Sufficiently making use of occupational health care professionals and experts that they deem to be necessary in matters related to the planning, implementation, development and monitoring of occupational health care.
- Preparing a written agreement on occupational health care services, specifying the content and scope of the services. If the circumstances change, the agreement must be revised.
- Occupational health care services can be arranged at a health station, independently or together with another employer, or procured from an operating unit or person entitled to provide occupational health care services.
- Co-operating in preparing decisions, action plans, assessments and development related to occupational health care.
- Preparing an occupational health care action plan in co-operation.
- Taking care of monitoring sickness absences and occupational accidents and agreeing on reporting practices.
- Contributing in the implementation of statutory occupational health care services:
  - monitoring the safety and health of working conditions and investigating work-related hazards and harm (workplace survey)
  - organising health checks in hazardous work
  - preparing proposals on health and safety measures, communications and providing advice
  - activities to maintain work ability and monitoring and promoting the coping at work of an employee with reduced work ability
  - assessing the employee's work ability and providing a statement on opportunities to continue at work
  - co-operation with different operators
  - participation in the provision of first aid
  - monitoring the quality and effectiveness of operations
- Implementing a substance abuse programme if drug tests are carried out at the workplace.
- Occupational safety and health of an employee: If a health examination of an employee shows that their state of health is such that it is endangered at work, they may not be placed in such work.
- Notifying the occupational health care of the employee's sickness-related absence in order to assess the employee's work ability and to determine the possibility of continuing at work, at the latest when the absence has continued for one month.
- Providing occupational health care professionals and experts with the necessary information (working conditions, accidents, occupational diseases) for assessing and preventing health hazards arising from work.

An employee cannot without a justified reason refuse a health examination carried out in order to determine the employee's state of health in work that poses a special risk of illness or to assess the employee's work ability.

Annual Holidays Act 162/2005

The Annual Holidays Act defines, among other things, the length of annual holidays and the annual holiday period and salary and holiday compensation. In addition, provisions have been laid down on annual holidays with regard to timing, communications, distribution, saving, the impact of incapacity for work and deviations related to the collective agreement.

Key obligations of the employer

- Explaining the principles related to annual holidays to employees and their representatives and allowing employees the opportunity to express their opinions on the timing of the holiday.
- Taking into account, where possible, employees' proposals regarding the timing of holidays and observing fairness in the allocation of holidays.
- When the employer determines the time of the holiday, it shall inform the employee of this at least one month before the start of the holiday or, if this is not possible, two weeks before the start of the holiday.
- Keeping records of the employee's annual leave, saved leave periods, salaries and compensation. **The annual holiday records** must indicate the lengths and times of annual holidays as well as the amount of salaries and compensation and the grounds for their determination.
- If necessary, presenting annual holiday records to the occupational safety authority in connection with the inspection as well as to the shop steward or occupational safety officer.

Non-Discrimination Act 1325/2014)

The purpose of the Non-Discrimination Act is to promote non-discrimination and prevent discrimination, as well as to enhance the legal protection of victims of discrimination. The law requires employers to assess and promote equality in their own operations. The obligation to promote equality applies to all discrimination grounds mentioned in the law.

If the employer regularly employs at least 30 people, the workplace must have in place a plan for the necessary measures to promote non-discrimination. There is no prescribed format for the plan, but it must be verifiable and auditable. The plan can be combined with another plan drawn up at the workplace, such as an occupational safety and health policy or a gender equality plan.

Promotional measures and their effectiveness must be discussed with the employees or their representatives (shop steward). The employee representative has the right to know, upon request, what measures the employer has taken to promote equality at the workplace.

The non-discrimination plan can be drawn up separately or as part of some other plan, such as the personnel plan, the gender equality plan or the occupational safety and health action programme.

The Non-discrimination Act includes prohibitions of discrimination based on grounds other than gender.

Grounds for discrimination prohibited by the Non-Discrimination Act

- age
- origin
- nationality
- language
- religion
- belief
- opinion
- political activities
- trade union activities
- family relationships
- health
- disability
- sexual orientation or other personal reason.

COLLECTIVE AGREEMENTS

Many industries follow collective agreements (TES) agreed by negotiating organisations or unions. A collective agreement is an agreement between an employee organisation and an employer or employers' organisation on sector-specific terms of employment. These include salaries, working hours, holidays and other employment terms that apply within the scope of the agreement. Collective agreements can be either normally binding or universally binding. With a collective agreement, the employers' union and the negotiation organisation or trade union agree on salary increases and other terms of employment in the sector. In the public sector, salary increases and other employment terms are agreed in collective agreements for civil servants (VES).

The salaries and other terms of employment agreed in the collective agreement are minimum terms that must not be undercut. Workplaces can also always agree on terms of employment that are better than the collective agreement terms and on exceptions permitted in collective agreements A collective agreement can be confirmed as universally binding, in which case it must be complied with throughout the sector, i.e. also in companies that are not members of an employers' union, without the possibility of local bargaining. A normally binding collective agreement is only complied with in companies belonging to an employer union.

A universally binding collective agreement also applies to non-organised employers. A universally binding, national collective agreement includes provisions on the terms of employment and working conditions that apply to the work performed by the employee or to work closely comparable to it. A universally binding collective agreement must be complied with in all companies operating in the sector, i.e. also in companies that are not members of the employers' union that concluded the collective agreement. If a term in the employment contract conflicts with the corresponding provision in the universally binding collective agreement, it is invalid. The provision in the universally binding collective agreement must be followed instead. **Normally binding** collective agreements are binding on those parties who have signed the agreement or who belong to an organisation that has concluded a collective agreement.

SOURCES AND ADDITIONAL INFORMATION

Finnish legislation and collective agreements: www.finlex.fi

Ethical leadership: www.juuriharja.fi

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Perehdyttäminen ja työnopastus, Ennakoivaa työsuojelua, Centre for Occupational Safety 2013

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Työhyvinvoinnin portaat – viisi vaikuttavaa askelta, Edita 2012

Supervisor orientation – Getting to know the key legislation

This publication is intended to support the development of supervisors' skills. It starts with an overview of a supervisor's skills and then goes into the significance of well-being at work in management and orientation. The last section contains key obligations related to the employer's role and supervisory work based on working-life regulations.

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