

INVESTIGATION OF SERIOUS OCCUPATIONAL ACCIDENTS ON BOARD SHIPS

IMSAS AUDIT 2024

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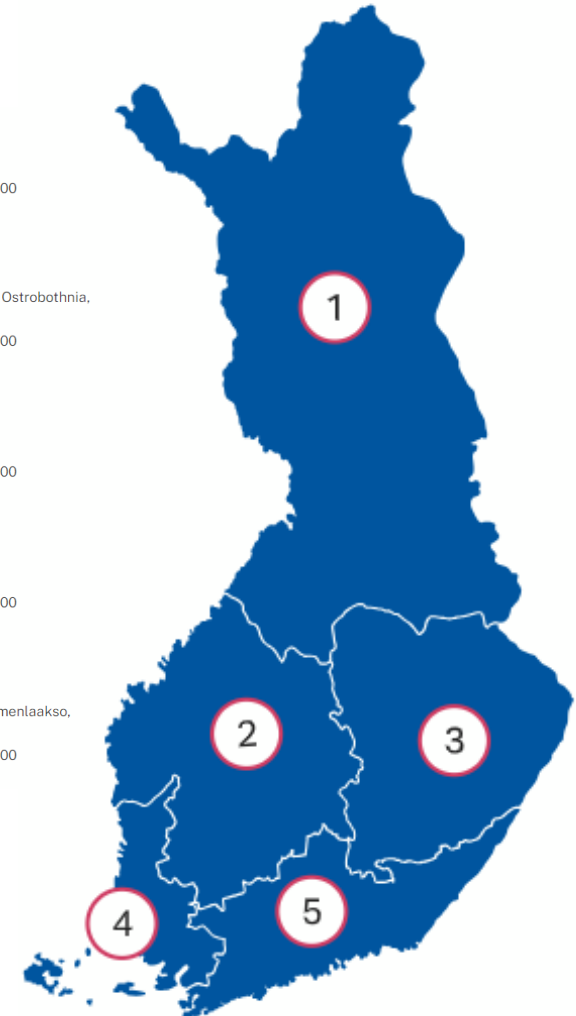


Divisions of occupational safety and health

- The occupational safety and health authorities operate in **five divisions**, one at each Regional State Administrative Agency (AVI) and are under the direct control of the Ministry of Social Affairs and Health.
- 6 Maritime inspectors, 4 divisions. Southern Finland AVI handles also inland waters.



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Functions of the occupational safety and health authorities

- Under the divisions of occupational safety and health we enforce regional compliance with occupational safety and health laws. Our most important method of enforcement is [occupational safety and health inspections](#).
- We also issue [advice and guidelines](#) concerning occupational safety and health and concerning the terms and conditions of employment relationships. We also process applications for permits and notifications of work for which legislation imposes restrictions or notification obligations.
- Our duties include investigating the reasons for serious occupational accidents, occupational diseases and work-related illnesses and to take measures to prevent them We also supervise that the machines, tools, personal protective equipment and other technical equipment used in work meet the requirements set for them.
- When we suspect that an employment offence punishable by law has been committed in a workplace under our supervision, we inform the police. As the case progresses, we will be consulted as an expert.

The Enforcement Act determines duties and methods

- The Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces, also known as the Enforcement Act, provides on the ways in which the occupational safety and health authorities supervises occupational safety, employment relationships and compliance with other occupational safety and health related provisions. The Act also provides on how we monitor cooperation on occupational safety and health between employers and employees at workplaces. According to International Labour Organization (ILO) conventions, the occupational safety and health authority is **independent** in carrying out its supervisory function.

The Ministry steers the activities of the OSH Divisions

- The Department for Work and Gender Equality of the Ministry of Social Affairs and Health issues instructions on occupational safety and health supervision in order to ensure consistency in enforcement, improve the quality of occupational safety and health inspections and increase transparency in operations. The instructions are drawn up by Regional State Administrative Agencies' Divisions of Occupational Safety and Health and the Ministry's Department for Work and Gender Equality, in consultation with key stakeholders.
- The four-year framework programme describes the vision of occupational safety and health enforcement and defines the strategic objectives for the activities. The strategic goals determine objectives for the four-year period as well as annual operative performance targets.

The objectives of the framework programme are based, above all, on [the Ministry of Social Affairs and Health's strategy](#) and [the 2030 work environment and occupational safety and health policy](#).

• [Healthy work: Framework plan for Occupational Safety and Health Divisions 2024–2027](#)

Monitoring in numbers


- There are about 250,000 workplaces in Finland subject to monitoring by the occupational safety and health authorities. We aim to target our inspections so that our monitoring will be as effective as possible. About half of our inspections concern workplaces with fewer than ten employees.
- In 2023, we performed about 24,500 workplace inspections initiated by authorities or customers. We issued about 6,300 improvement notices and about 45,000 written advices on matters that should be corrected at workplaces. We submit an inspection report to the workplace in question no later than one month after the end of the inspection, or when the Occupational Safety and Health Division has access to all the necessary material.
- We received about 36,000 communications from customers in 2023. More than 2,100 of these communications led to an occupational safety and health inspection.
- On about 450 occasions we were obliged to use coercive measures: prohibitions on use, various obligatory decisions and fines for neglect of contractor's liability.
- We filed over 500 reports with the police concerning aggravated occupational safety and health offences, and we issued 711 statements to the police and prosecutors. We also **investigated nearly 900 occupational accidents in 2023**.
- For more information, please see [the Annual Reports of the Occupational Safety and Health Administration](#).

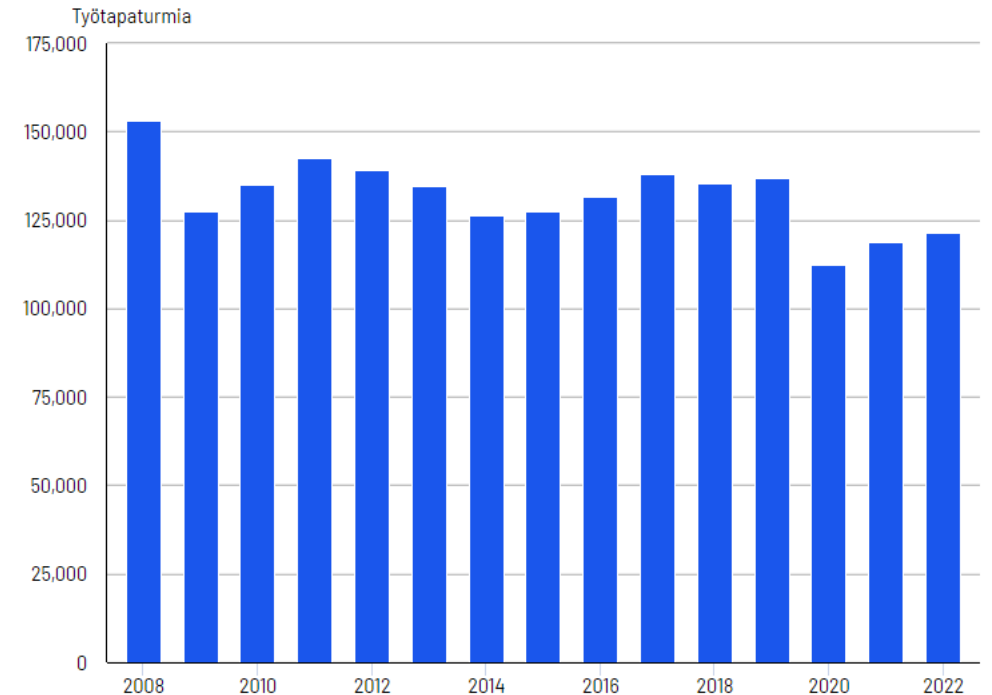
Annual Report of the Occupational Safety and Health Administration in Finland 2023



Occupational accidents

- An occupational accident is a sudden and unexpected accident caused by external factors due to which the employee suffers injuries. As an occupational accident is considered an accident occurring in the workplace premises or, on the way home from work or vice versa or while the employee is away on a business trip or running an errand ordered by the employer.
- The employer must immediately report **severe** occupational accidents to both the police and to the Occupational Safety and Health Division of the Regional State Administrative Agency. The notification duty is based on the [Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces](#).
- The Occupational Safety and Health authority investigates all **severe** occupational accidents

Accidents at work 2008–2022 



Source: Statistics Finland, occupational accident statistics

Severe occupational accidents

- The occupational accident is severe if the employee dies or if he or she suffers a permanent or severe injury. Severe injuries are for example:
 - long bone fractures or fractures which may need surgery, difficult spinal fractures, viscerocranial fractures, multiple rib fractures and hemothorax, severe skull compound fractures, severe fractures to neck, chest or lumbar spine
 - severe dislocation causing permanent injury
 - loss of limb for example a finger or part of it, shortening of limb
 - injury to the abdominal cavity organs requiring surgery
 - brain injury leaving also light injuries
 - loss or permanent weakening of speech, sight or hearing, loss of eyes
 - burn or similar injuries to skin requiring skin transplantation, extensive burns or frostbites
 - severely disfiguring deformities, for example loss of ear lobe or nose or part of it or other severe deformity
 - permanent severe health harm or a life-threatening disease or lesion.

Severe occupational accidents

- When the final severeness of the injury is not clear, the accident must be reported, as the nature of the injuries may become clear only through later examinations.
- Serious injuries must also be reported to the police, who must conduct a police investigation at the scene of the accident.
- Neglecting to report an accident to the Regional State Administrative Agency and the police is a penal offence as well as not reporting all accident to the insurance company.

- [Occupational Safety and Health Act \(738/2002\)](#)
- [Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces \(44/2006\)](#)
 - Chapter 2 Section 6 Accident investigation
 - Chapter 7 Section 46 Notification of an occupational accident and occupational disease
 - Chapter 8 Section 51 Penal provisions (violation of the obligation to notify the Regional State Administrative Agency)
- [Occupational Accidents, Injuries and Diseases Act \(459/2015\)](#)(in Finnish)

Investigation of severe occupational accidents

- The investigation is started immediately after receiving notification and nominating inspector – within 2 work days
- If the employer fails to report a fatal or serious injury accident, the authority must still investigate if it becomes aware of the incident through other means
- The investigation duty for work accidents is tied to the severity of the injuries sustained by the worker. Less severe accidents must also be investigated under Section 5 of the Occupational Safety and Health Act if the report suggests a violation of occupational safety legislation. Employers do not need to report less severe work accidents to the occupational safety authority.

Accident investigation objectives

- **Event Sequence:** Determine the sequence of events leading to the accident, including the production phase, tools used, and any substances or environmental factors involved.
- **Immediate and Underlying Causes:** Identify both immediate and underlying causes of the accident, such as management deficiencies, lack of training, or environmental factors.
- **Prevention Measures:** Recommend changes to workplace conditions to prevent similar accidents in the future and utilize information from accidents for ongoing risk assessment.
- **Compliance and Oversight:** Ensure compliance with occupational safety regulations and address any violations or deficiencies found during the investigation.



Authorities and Experts in Accident Investigation

- In accident investigations, it is beneficial for the inspector to collaborate with the police. The inspector can exchange information with the police, assist in the investigation, and obtain photos related to the case from the police. In some cases, the police's technical investigation, such as drone photography and other technical clarifications, can be utilized.
- During the investigation, it may be necessary to use an external expert to support the investigation. These can include various tests, statements, measurements, or calculations. Using external experts can help determine the true causes of the incident or ensure that the equipment or personal protective equipment used in the case meets the requirements. When using an external expert, it must be ensured that they have no conflicts of interest or other ties to the case.

Inspection Report and Obligations

- **Inspection Report:** The inspector prepares an inspection report and issues necessary warnings, instructions, and temporary bans. The report should clearly and comprehensively describe the key aspects of the events, conclusions about the causes of the accident, and how similar accidents can be prevented. It must not include health information or other confidential details. It is recommended to attach photos of the incident site.
- **Distribution:** The report is delivered to the employer, the occupational safety manager, the occupational safety representative, and other obligated parties as needed. If the injured party is consulted during the investigation, they are asked if they want the report and their contact details are collected for delivery (email or postal address).

Accident investigations on foreign ships

- The Ministry of Social Affairs and Health has outlined that a foreign ship is not subject to national legislation. This means that, as a rule, an occupational accident on a foreign ship is not investigated by Finnish OSH authorities, and no obligations are imposed on the foreign ship on the basis of national legislation.
- However, according to the Ministry of Social Affairs and Health, an inspection may be carried out on a foreign ship if it is suspected that the accident on board the ship is due to deficiencies in the requirements of the Maritime Labour Convention regarding the working and living conditions of seafarers or if a complaint has been received from the ship.
- Accidents on foreign ships are reported to Traficom. By reporting the accident, it can also be ensured whether Traficom needs assistance in monitoring any potential deficiencies related to the Maritime Labour Convention (MLC 2006) on the vessel. According to the MLC, a work accident on a vessel must be reported to the vessel's flag state.

