

# Well-being through work



**Finnish Institute of  
Occupational Health**



**Finnish Institute of  
Occupational Health**

# **The Finnish policy on workplace reproductive risks and practical experiences**

Heikki Frilander, chief physician  
Specialist in occupational medicine  
Occupational medicine team

# Contents of the lecture

- Legislation
- Special maternity leave
- Role of occupational health services
- Experiences

# Background



- The legislative basis for workplace safety and health in Finland is the Occupational Safety and Health Act
- The practical basis rests on the obligatory analysis and identification of workplace hazards and risk factors
- The assessment of reproductive risks is integrated in this process

# Occupational Safety and Health Act 738/2002, 10 §

- *The employer shall... systematically and adequately analyse and identify the hazards and risk factors* caused by the work, the working premises, other aspects of the working environment and the working conditions ...
- ... if the hazards and risk factors *cannot be eliminated*, assess their consequences to the employees' safety and health ...  
*the potential risks to reproductive health*

***Both female and male reproductive health!***

# Occupational Safety and Health Act 738/2002, 10 §



- If the employer does not have adequate expertise for the action he or she shall use *external experts*
- The employer shall make sure that the *experts have adequate competence* and other qualifications needed for carrying out the task properly
- Provisions on the use of occupational health care experts and professionals and on workplace surveys are laid down in the Occupational Health Care Act

# Occupational Safety and Health Act 738/2002, 11 §



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

# Occupational Safety and Health Act 738/2002, 38 - 40 §

Employees' exposure to

- chemical agents
- thermal conditions, noise, pressure, vibration, radiation or other physical agents
- biological agents

that cause hazards or risks to safety or health shall be reduced to such a level that *no hazard or risk* from these agents is caused to the employees' safety or health or *reproductive health*



# Employment Contracts Act 55/2001, 2. chapter, 3 §

## Occupational safety and health

...

- If the working duties or conditions of a pregnant employee endanger the health of the employee or the foetus and if the hazard cannot be eliminated

= > the employee shall if possible be transferred to other duties suitable in terms of her working capacity and skills for the period of pregnancy

# Government Decree on controlling the hazard at workplaces to foetus, reproduction and heredity 1044/1991



- Chemical, physical and biologic hazards
- The employer shall inform the employees of hazards
- Primary solutions: structural and other technical means to control the exposure
- Secondary: personal protective devices
- When choosing working practises for pregnant workers you have to take into account the weight of loads to carry, postures and work movements
- In a hazardous work the employee has to notify her employer in order to start protective measures

# Decision of the Ministry of Labour on the hazards at workplaces to foetus, reproduction and heredity 1043/1991



## Lists

- 7 chemicals hazardous to the heredity
- 9 chemicals hazardous to reproduction
- chemicals labelled R45, R46, R47
- carcinogenic agents, listed in a separate decree
- 6 other chemicals
- 8 biologic agents
- 1 physical agent

*Needs updating*

# Employment Contracts Act 55/2001, 4. chapter, 1 §

## Maternity, special maternity, paternity and parental leave

- Employees are entitled to take leave from work during maternity, *special maternity*, paternity and parental benefit periods as referred to in the Sickness Insurance Act

# Health Insurance Act

## (1224/2004) 9th chapter , 4 §

### Special maternity allowance

- An insured who is pregnant and engaged in gainful employment or own work, with the exception of tasks carried out in one's own household, is *entitled to special maternity allowance* if
  - a chemical substance
  - radiation
  - infectious disease
  - other similar matterrelated to her duties or working conditions could endanger her own or the foetus' health

# Health Insurance Act

## (1224/2004) 9th chapter, 4 § Special maternity allowance

Further provisions on

- when duties or conditions at the workplace can be considered to endanger the insured's own or the foetus' health
- further clarifications required to provide when claiming special maternity allowance

are given by government decree

# Health Insurance Act

## 1224/2004 9th chapter, 4

### §



- Payment of special maternity allowance requires that the insured is *capable of work* and that *other duties cannot be assigned* to her and the insured has to be absent from work because of this
- A further requirement is that the insured is *not engaged in other gainful employment or own work*, with the exception of tasks carried out in one's own household



# Governmental Enforcement Decree 1335/2004



- The following **chemical agents** in the workplace can be assessed to endanger the health of the pregnant worker or the foetus
- 1) **anaesthetic**
- 2) **lead or derivate**
- 3) **mercury or derivate**
- 4) **cytostatic**
- 5) **carbon monoxide**
- 6) **pesticide** assessed to be hazardous to the pregnant worker or the foetus



# Governmental decree 1335/2004 II



- 7) **organic solvent** assessed to be hazardous to the pregnant worker or the foetus
- 8) substance classified hazardous to the **reproduction**, to be **carcinogenic** or to damage the **genotype**
  - Agents that statutory are labelled with R 40, R 45, R 46, R 49, R 61, R 63, R 64 or R68
  - **Nb** REACH not nationally enforced in this decree
  - *carcinogenic* agents mentioned in decrees 838/1993 and 1232/2000
- 9) **environmental tobacco smoke**

# Government decree 1335/2004 III

- **ionizing radiation** incl. radionuclides and other objectively harmful radiation  
Radiation decree 1143/1998: max. 1 mSv after detection of pregnancy
- Some **infectious diseases:**
  - toxoplasmosis
  - listeriosis
  - rubella
  - herpes
  - chickenpox
  - hepatitis B and C
  - cytomegalic infection
  - HIV infection
  - other comparable diseases

# Governmental Decree 1335/2004 IV



- Other similar workplace exposure
  - underground mining work
  - working in pressurised room
  - diving

# Role of the Occupational Health Services

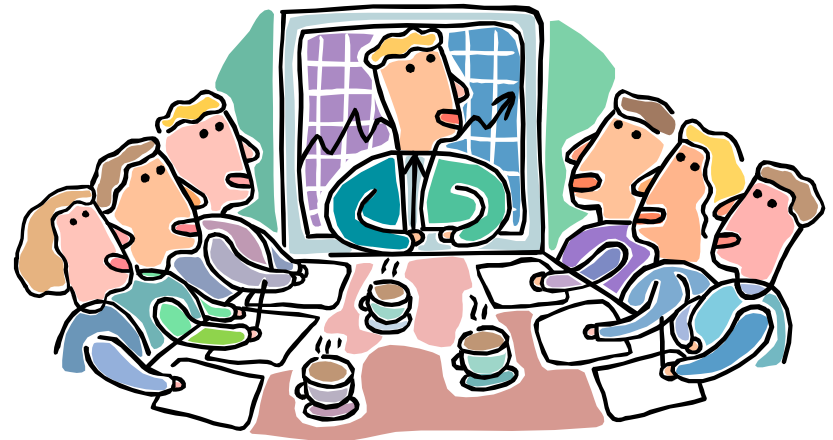
(Government decree 1335/2004) **V**

- Evaluation of the hazard when **planning the work environment**
- **Identifying** hazardous exposure and work in workplace surveys and finding out the quantity of the exposure
- **Risk evaluation: medical knowledge, exposure** (intensity, amount, periodical nature, duration)
- **Informing** the employer and employee about the hazard
- **Suggestions** for eliminating the hazard or for protection from it



# Means

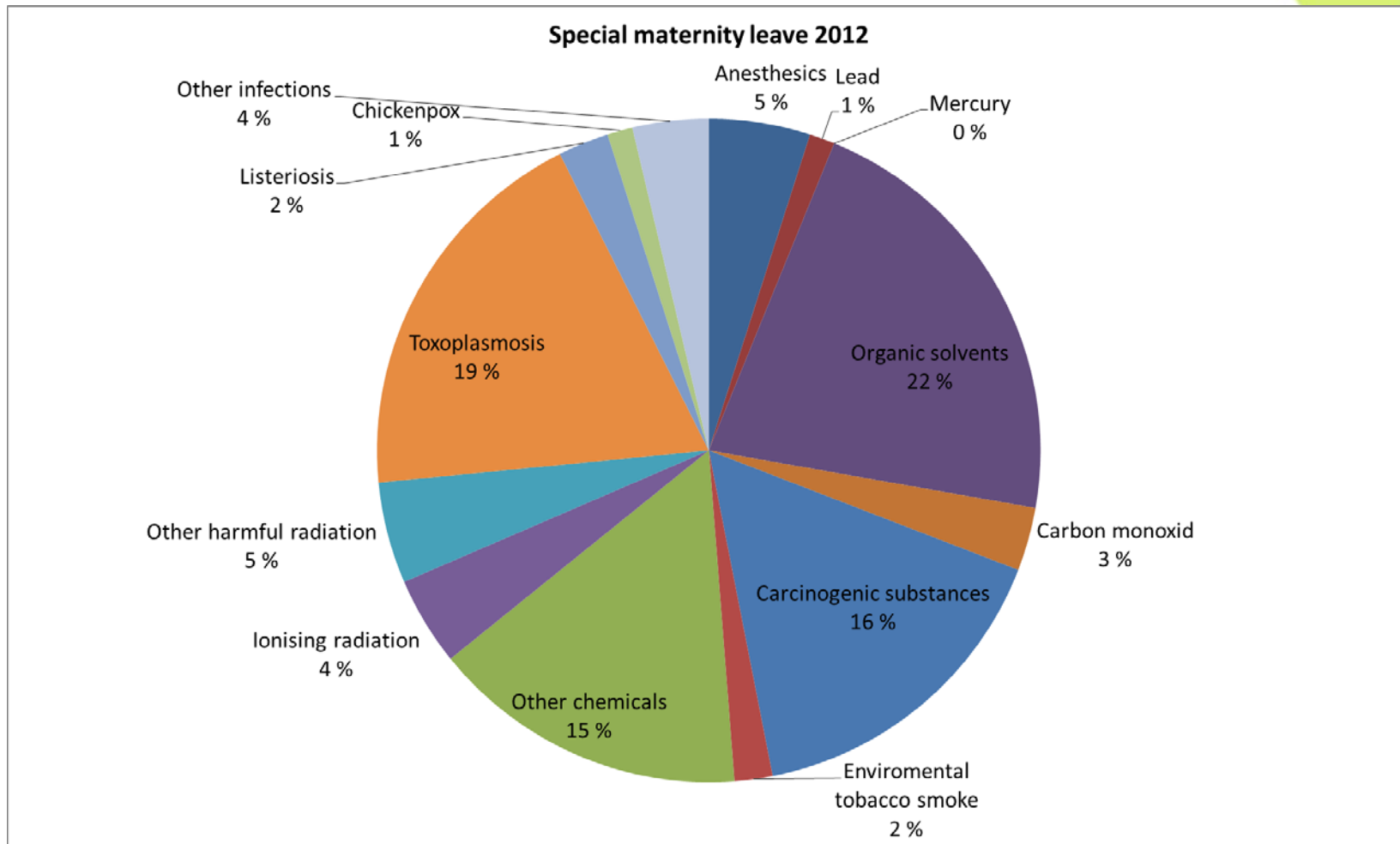
- Replacement of hazardous substance and methods with harmless ones
- Minimise amount and duration of exposure
- Structural and other protective means
- Personal protective equipment
- Transfer to other work duties
- Special maternity leave



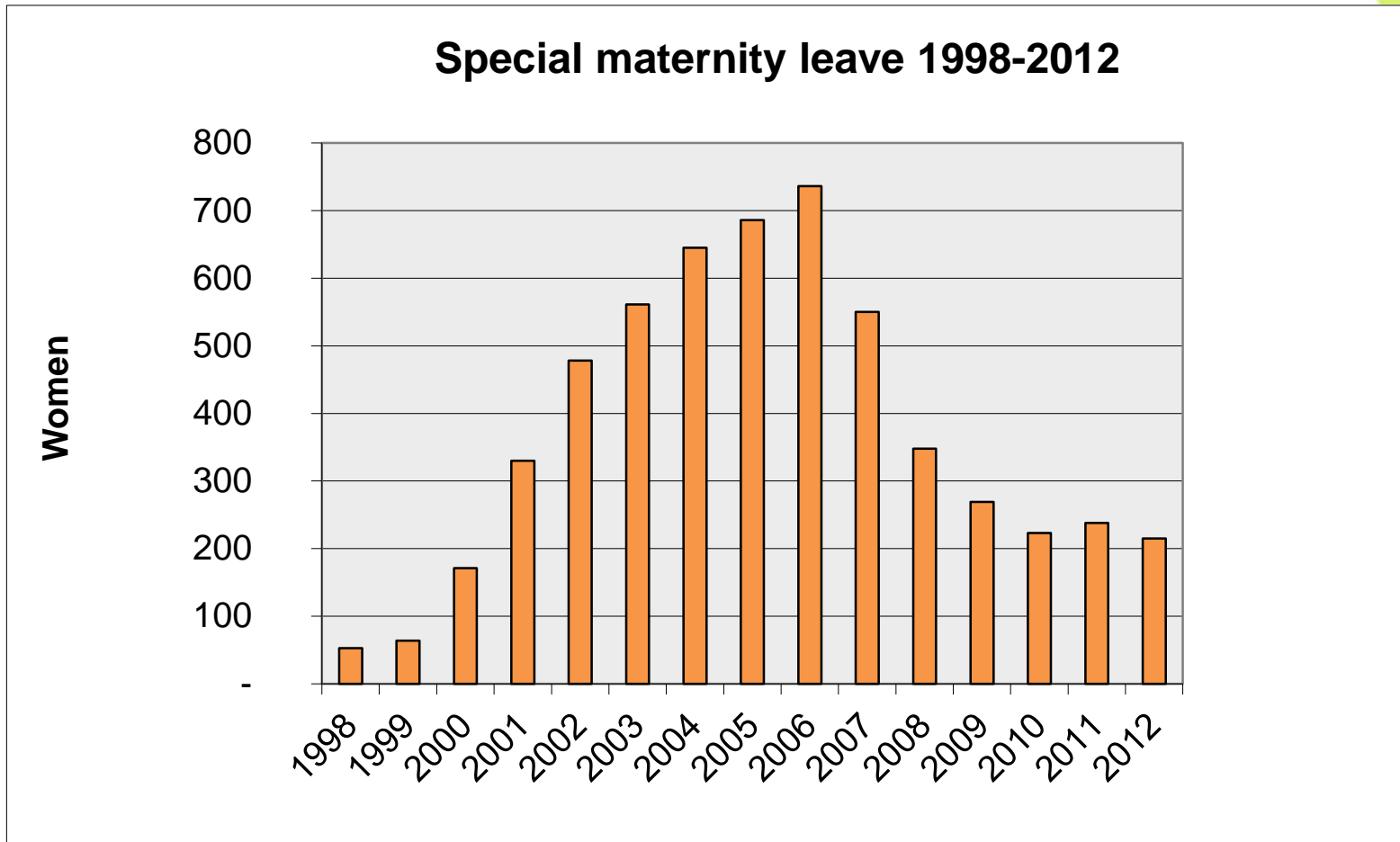
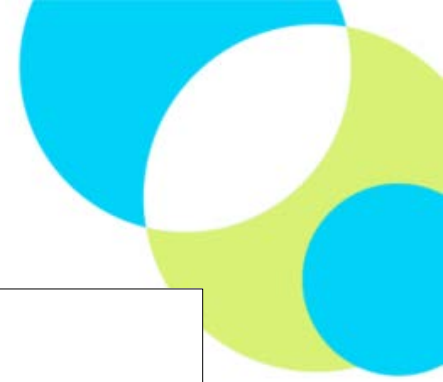
# Physical risks

- The employer shall evaluate these according to the Occupational Safety and Health Act
  - the weight of loads to carry, postures and work movements
- Night work
- Work noise currently under evaluation
- Ergonomic risks do not constitute grounds for special maternity leave

# Reasons for special maternity leave



# Special maternity leave





# Consultation services

Both for experts and citizens

- **Pregnancy and work – information service at FIOH**
  - Both telephone and internet inquiry service
- **Helsinki university hospital/ Teratology Information Service**
  - Drugs and pregnancy
- **Radiation and Nuclear Safety Authority**
  - Radiation

# Labour inspection 2009 project, use of CMR agents



- Spot checks
- The proportion of CMR agents of the chemicals used in the enterprises was small
- Usually few chemicals and the amount used small
- On the other hand there were enterprises which used thousands of kgs
- Of the CMR chemicals used
  - carcinogenic 51%
  - hazardous to reproduction 24%
  - and to heredity 9%

# In an eggshell

- Focus on prevention as an integral part of the preventive work at the workplace
- Major players:
  - the employer: responsibility
  - occupational health service: expertise
- Both female and male reproduction in theory, but *mostly female in practice*
- Challenges: female workers in traditionally male dominated, physically demanding professions



**Thank You!**  
**Questions, please!**