



# **EPSU-HOSPEEM : 1<sup>st</sup> Regional Seminar Dublin, 31 January 2013**

## **Implementing the Directive 2010/32/EU in Finland**

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# Implementation of Directive 2010/32/EU in Finland

- **5.4.2011** the tripartite Advisory Committee in the Ministry of Social Affairs and Health decided to **set up a sub-committee** ( 11 members; 4 from Ministry of Social Affairs and Health, 4 from Trade unions, 2 from employers and 1 from the Finnish Institute of Occupational Health) :
  - to work out the correspondence between the directive and Finnish law and
  - to make the required proposals to amend the legislation

# Duties of the sub-committee

- To make 1) a proposal and 2) well-founded comparison and 3) correspondence chart on the relationship between the directive and the Finnish legislation
- To draw up a well-founded proposal on the need to add, amend or abate statutes required by the appropriate implementation of the directive in our country
- The sub-committee's report will take into account views on the interpretation held by parties as well as the implementation situation in other EU countries

# The timetable

- The sub-committee's initial first deadline was 2/2012, second 5/2012 and third one at the end of December 2012.
- 25 official (19.5.2011 – 17.12.2012) + 1 extra (15.1.2013) meeting altogether
- The tripartite Advisory Committee in the Ministry of Social Affairs and Health will continue negotiations in February 2013.

# Challenges to the implementation

- We have in Finland already plenty of legislation that cover the issues of the directive ( 17 different acts) and we cannot prescribe on the same issue twice
- The new Constitution (2005) of Finland
- The sub-committee`s timetable and mandate

# At the same time, we have two revisions to national legislation related to the implementation of the directive

- Communicable Diseases Act reform (2013- ?)
- Employment Accidents Act and Occupational Diseases Act reforms (2016 -)

# September 2012

- The chairman of sub-committee gave for the first time the proposal of new decree ( 4 § ) and first argumentation.
- The TU-members supported this proposal and the members of employers were against this plan.
- Trade Unions gave their own written proposal, which supported the chairman`s proposal.

# The sub-committee`s extra meeting

## 15.1.2013

- Minister of Social Affairs and Health announced that their will is that the implementation should be carried out by passing a new decree.
- Minister announced also that the dead-line for the implementation (May 11th) must no be exceeded.
- The sub-committee could not reach an agreement but, there is an agreement on the contents but disagreement on how to implement the directive ( by passing a new degree >< no new degree needed)



## Open issues are:

1(3)

- **Clause 6:** Elimination, prevention and protection
  - eliminating the unnecessary use of sharps by implementing changes in practice and on the basis of the results of the risk assessment, providing medical devices incorporating safety-engineered protection mechanisms,
  - the practice of recapping shall be banned with immediate effect,
  - place effective disposal procedures and clearly marked and technically safe containers for the handling of disposable sharps and injection equipment as close as possible to the assessed areas where sharps are being used or to be found,

## 2(3)

- If the assessment referred to in clause 5 reveals that there is a risk to the safety and health of workers due to their exposure to biological agents for which effective vaccines exist, workers shall be offered vaccination;
- Vaccination must be offered free of charge to all workers and students delivering healthcare and related activities at the workplace

### **Clause 9: Reporting**

Workers shall immediately report any accident or incident involving sharps to the employers and/or the person in charge, and/or to the person responsible for safety and health at work.

## Clause 10: Response and follow-up

- The employer takes the immediate steps for the care of the injured worker, including the provision of post-exposure prophylaxis and the necessary medical tests where indicated for medical reasons, and appropriate health surveillance in accordance with clause 6(2)(c),



**The sub-committee agreed on that there is a need for a new guidebook.**

- Thank you for your attention!

