

Election of Occupational Safety and Health Representatives at Industry and Service Sector Workplaces

Election instructions 2021 EK, AKAVA, SAK, STTK

Cooperation on occupational safety and health (OSH)

The cooperation on occupational safety and health (OSH) in Finland is based on law and on the agreements between labour market organisations. The parties to this cooperation are the employer and the employees. The aim of regulated cooperation on OSH is to support the interaction between employer and employee and to provide employees with the opportunity to take part in and influence safety and health concerns in the workplace.

The employer's representative in the cooperation on OSH is the OSH manager appointed by the employer. The employees' representatives are the OSH representatives and their deputies, and the members of the OSH committee representing the employees. The employees' representatives also include the occupational safety ombudsmen if so agreed locally.

At workplaces where at least 10 employees work on a regular basis, an OSH representative and two deputies must be elected. At workplaces with at least 20 employees, an OSH committee must also be established.

These election instructions are intended to serve as guidelines in the practical arrangements related to the election of OSH representatives and their deputies. These instructions may also be applied when the members of the OSH committee and occupational safety ombudsmen are elected.

The instructions are based on the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) and on the agreements between central labour market organisations.

More specific provisions pertaining to the organisation of the cooperation on OSH, the election of the OSH personnel

and the election procedure may be provided in industry-specific collective agreements.

These instructions for arranging OSH elections at workplaces have been prepared by the Centre for Occupational Safety. The instructions are also available on the Centre for Occupational Safety website at ttk.fi/oshcooperation.

Preparing for the elections

When necessary, the employer is required to give information at the workplace on the employees' right to select an OSH representative. It is the duty of the OSH manager as the employer's designated representative to take the necessary measures to organise the cooperation.

The employer must allow the employees to use suitable premises in its control for carrying out the election. The employer may not prevent or complicate the organisation of the election. The election may not cause any unnecessary inconvenience to the normal activities at the workplace.

The employees (blue collar) and salaried employees (white collar) at the workplace must contact the employer for the purpose of agreeing on the election arrangements. The employer will then arrange negotiations where the specifics related to the election procedure are agreed upon.

Workplace

For the purpose of carrying out the election, the parties must first define the workplace ('cooperation workplace') for which the representatives are elected in the OSH elections. The cooperation workplace means an entity that comprises one or more places of business or operational units of the same employer. Several cooperation workplaces may also be defined within the company.

When the cooperation workplace is defined, consideration must be given to the nature and extent of the operations, the number of employees in the places of business or oper-

ational units, and risks and hazards involved with the work concerned. The parties to the cooperation must be provided with genuine possibilities for liaising with one another and attending to their duties.

Term of the persons being elected and the time of the election

The term of the representatives is defined in calendar years with the exception of the OSH manager appointed by the employer. The elections normally take place in November-December. The representatives are elected for the next two calendar years unless, for a well-founded reason, a longer term is agreed upon in the applicable industryspecific collective agreement, or locally in the OSH committee of the workplace or through an equivalent cooperation procedure. However, under the law a term of no more than four calendar years may be agreed upon locally. The duration of the term must generally be known prior to the election.

Representatives elected in the election

The employees at workplace will elect:

- An occupational safety and health representative and two deputies, at a workplace with at least 10 regular employees (may also be elected at smaller workplaces).
- The members and deputy members of the occupational safety and health committee or a corresponding cooperation body, at a workplace with at least 20 regular employees. The composition of the committee is based on law, collective labor agreement or local agreement.
- The occupational safety ombudsmen, if agreed locally.

The salaried employees at a workplace are entitled to elect their own occupational safety and health representative and two deputies as well as members and deputy members to the occupational health and safety committee or a corresponding cooperation body.

The members of the OSH committee other than the OSH representatives and potential occupational safety ombudsmen are elected following the instructions concerning the election of OSH representatives as applicable.

By-election

If the employment relationship of the OSH representative ends or the individual concerned resigns from his or her duties as an OSH representative in midterm, he or she will be replaced by a deputy representative for the rest of the term. If the position of the OSH representative cannot be filled by the deputies elected for the term concerned, a by-election must be held. If the only deputy representative of the workplace substitutes for the OSH representative, a by-election of a deputy representative should be held following the same rules.

Salaried employee or employee

An employee is an individual governed by an employees' collective agreement, and a salaried employee an individual governed by a salaried employees' collective agreement. In this regard, salaried employees also include senior salaried employees.

List of employees

The employer must provide a list of all employees and salaried employees of the workplace, including those employed for a fixed term or parttime. A list of salaried employees must be separately provided if they have notified the employer that they will elect their own OSH representative and his or her deputies.

The individuals who are on holiday and who have been laid off for any reason must also be included in the list. Additionally, an agreement must be reached as to how the right to vote of those employees and salaried employees whose employment commenced after the date of said list is determined.

Conducting the election

When the date of the election has been agreed upon, the date and place of the election must be announced with a notification placed on display at the workplace or by means of other communication served on all employees and salaried employees of the workplace no less than 14 days prior to the date of the election.

If employees and salaried employees have notified the employer that they will elect their own representatives, efforts must be made to carry out the elections concurrently.

Any offensive or degrading slogans may not be used in the election.

Election committee

The existing OSH committee or equivalent cooperation body will form an election committee from the personnel representatives that will assume responsibility for carrying out the election.

If there is no existing OSH committee or equivalent cooperation body, the employees and salaried employees of the workplace must contact the employer for the purpose of agreeing on the election arrangements. The employer will then arrange negotiations where the specifics related to the election procedure, such as the composition of the election committee, are agreed upon. The election committee must comprise at least three members.

The members of the election committee are responsible for carrying out the actual ballot and for counting the

votes. The loss of income incurred by those taking part in the election procedure will be compensated, and compensation will be paid for any duties carried out outside working hours. The fee is determined according to the agreements pertaining to cooperation in different industries or according to the law.

Nomination of candidates

Entitled to nominate candidates and stand as a candidate are those employees and salaried employees who, according to the list provided by the employer for the election, are in an employment relationship with the cooperation workplace the election pertains to. The names of the candidates and their consent must be notified to the election committee in writing by the agreed deadline.

When the election committee announces the date and place of the election and the election procedure, it must also indicate the date by which the candidates must be nominated. At least 7 days must be allowed for the nomination of candidates.

The nomination of candidates shall end 7 days before the date of the election. Any candidates nominated after this date will not be included in the list of candidates confirmed by the election committee. The position(s) for which the individual concerned stands as a candidate must be clearly indicated when the candidates are nominated.

Consensus election

If the number of candidates fielded for a specific position is greater than the number to be elected, an election must be held. If there are no candidates for a specific position, the nomination of candidates must be repeated.

If only one consenting candidate has been nominated for each respective position and an agreement is reached on the order of the deputy representatives, the election committee shall confirm the election.

The election may also be carried out at an election meeting, for example, if those entitled to vote are unanimous as to the procedures to be followed and the persons elected. The personnel must be notified of the election meeting 14 days before the meeting.

Minutes must be drawn up of the election carried out by way of a consensus election and put on display for the personnel, and a copy of the minutes must be provided to the employer.

Right to vote

Entitled to vote in the election are those employees and salaried employees of the workplace who are in an employ-

ment relationship on the election date, including part-time or fixed-term employees or employees who have been laid off or who are on parental leave.

If the salaried employees choose to elect their own OSH representative, they are only entitled to vote in the election for the salaried employees' OSH representative. Conversely, the employees are eligible and entitled to vote in the election of their own representative.

Voting

The election must be carried out as a majority election by secret ballot. Some other election procedure may also be agreed upon by a unanimous decision of the election committee, such as vote by post or electronically.

The vote must be carried out in such a way that election secrecy is maintained. A note must be made in the electoral roll of those who have exercised their right to vote.

Efforts must be made to arrange voting during so many days that all off-shift employees, etc. will also have an opportunity to vote.

A ballot must be provided for the vote that is used for simultaneously voting for the OSH representative and the deputy representatives and, where applicable, the members of the committee or, alternatively, separate ballots must be provided for each vote. The ballots used in the vote must be unambiguous to avoid misunderstandings. The vote is carried out by marking the names or numbers of the candidates in the ballot(s).

A ballot receptacle for placing the ballots must be provided at the polling station. The receptacle must be sealed, locked or otherwise secured. The first voter shall confirm that the receptacle is empty when the election is commenced.

The ballots must be marked before they are placed in the receptacle. The vote must be so arranged that election secrecy is maintained. A list of candidates confirmed by the election committee must be displayed at the polling station.

The candidates may not be advertised at the polling station.

Vote by post

If it is difficult to arrange a voting date and place that is convenient for all, a vote by post may be agreed to be used.

If the vote is carried out by post, the confirmation of the voter's right to vote and the securing of election secrecy must be ensured.

The vote by post is carried out using two envelopes. The filled-out ballot is enclosed inside the first envelope, which in turn is enclosed inside the outer envelope together with an indication of the voter's name. This envelope is delivered to the election committee by post or in some other reliable manner.

The election by post must end well on time so that those who have already exercised their right to vote can be marked in the electoral roll before the election is commenced at the actual polling station.

Electronic vote

The vote can also be carried out using an electronic system. A prerequisite for conducting the election electronically is that the employer provides the election committee with the email addresses of all employees entitled to vote or that a shared group mailing list or other system by means of which all employees entitled to vote can be reached is in use at the workplace.

The electronic vote must be carried out in such a way that election secrecy is maintained and those who exercise their right to vote are duly marked in the electoral roll.

Election result and minutes

When the voting time has ended, the election committee shall open the receptacle, calculate the voting result, draw up minutes of the election and confirm it with their signature. The election committee shall decide whether or not a given ballot is to be accepted.

The candidate receiving the highest number of votes in the election of occupational safety and health representative is elected to the position. Also the candidate receiving highest number of votes in the election of the deputies is elected to the position of the first deputy and the candidate receiving the second highest number of votes to the position of the second deputy.

If the same individual receives votes both in the election of a representative and deputy representatives, the votes shall be calculated separately for both elections.

If the same individual gets a sufficiently high number of votes to be elected both the representative and either of the deputy representatives, he must be considered having been elected to the position of the representative.

In the event of a tie, the result of the election shall be decided by drawing lots.

The minutes of the election shall be put on display at the workplace, and a copy of the minutes shall be provided to the employer.

Disputes

The election committee shall indicate the date by which any protests concerning the election must be filed with the committee. Fourteen (14) days must be reserved for filing potential protests.

In the event that any uncertainty or dispute arises with regard to the arrangement of the election and the employer concerned is represented by a labour union, the dispute will be resolved by the unions of the industry concerned. In other cases, the OSH division of the respective regional state administrative agency will provide the necessary instructions.

Notification to the Register of Occupational Safety and Health Personnel

The employer is required to send a notification of the individuals elected for OSH duties to the Register of Occupational Safety and Health Personnel maintained by the Centre for Occupational Safety. Instructions for submitting an electronic notification and printable notification forms are available on the Centre for Occupational Safety website at ttk.fi/occupational-safety-personnel-register.

Notification to the registers maintained by unions In the event that the person elected is a member of any wage-earner union, he or she personally or the union concerned in accordance with its standard practices is responsible for ensuring registration into the register of OSH personnel of the union concerned.

Summary of the employer's duties in the election procedure

The employer's duties in the election procedure are based on the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces and include the following:

- When necessary, the employer shall give information at the workplace on the employees' right to select an OSH representative.
- The employer shall agree on the time and place of the election in advance with employees and salaried employees.
- The employer shall provide a list of all employees of the workplace, and a separate list of salaried employees if the latter have notified the employer that they will elect their own OSH representative.
- The employer shall allow the employees to use premises in its control that are suitable for the purpose free of charge.
- The employer shall compensate the members of the election committee taking part in the election procedure for any loss of income incurred, and pay compensation for any necessary duties carried out outside working hours.
- The employer shall send the details of persons elected to the Register of Occupational Safety and Health Personnel maintained by Centre for Occupational Safety.

Minutes of the election committee

Minutes of the election of occupational safety and health personnel

Workplace _____

Date ____ / ____ / _____

Present at the election were the Chair of the Election Committee

and member

1§

Polling was commenced on ____ / ____ / _____ at _____ ,on which occasion the first voter _____ confirmed that the ballot receptacle was empty, following which the receptacle was closed.

2§

Polling ended on ____ / ____ / _____ at _____
The number of those who had voted was counted according to the voting list, totally _____

The number of ballots was counted, totally _____

The votes was divided as follows

The number of rejected ballots was _____

These minutes were examined

Chair of the Election Committee

Secretary of the Election

Member

Election of occupational safety and health representative

Ballot template

Election of occupational safety and health representative and deputy representatives

As the employees' / salaried employees' occupational safety and health representative:

First name

Last name

As the deputy representative:

First name

Last name

DRAFT

Ballot template

Election of occupational safety and health committee member / occupational safety ombudsman

As occupational safety and health committee member / occupational safety ombudsman:

First name

Last name