

Tiivistelmä: Työturvallisuusrikosten seuraamusjärjestelmä murroksessa – Ruotsin malli ja vastuun kohdentuminen Suomessa Akava Works -raportti 3/2026

The report examines and compares the sanction system for crimes against occupational safety and health occurring in Sweden and Finland, regulation and allocation of responsibility, and the development needs of the Finnish system. It also touches on the EU Charter of Fundamental Rights and the Framework Directive on Occupational Health and Safety (Directive 89/391/EEC), which stipulate the minimum standards for safety and health at work. They allow for the sanction system to be decided at the national level. There are differences between regulations and the structure of the sanction systems in Sweden and Finland.

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Sweden's Work Environment Act is central to promoting occupational safety

Sweden's Work Environment Act (arbetsmiljölagen in Swedish) is a compelling law that emphasises the employer's responsibility for both the physical and mental work environment. It is comparable to Finland's Occupational Safety and Health Act. The Work Environment Act obliges the employer to take all necessary measures to prevent health risks and accidents. Work environment tasks are generally proactive and cross-cutting for the entire organisation. The Work Environment Act is supplemented and further specified by the Work Environment Ordinance and the regulations issued by the Swedish Work Environment Authority, which also include regulations concerning the psychosocial work environment.

Work environment crimes have been laid down in Sweden's criminal code and cover manslaughter, illnesses, bodily harm and reckless endangerment caused to others within the work environment. A crime specified in the Work Environment Act, as opposed to the criminal code, does not need to have consequences for life and health.

The most common penalty for a work environment crime under the criminal code is a company fine, the amount of which is determined by the severity of the crime and the size of the company. In Sweden, the Work Environment Authority may also impose administrative fines on employers who violate or neglect the provisions of the Working Hours Act and the regulations issued pursuant to the Work Environment Act.

In the Swedish system, individual liability is secondary and, in practice, rare due to the precedence of the company fine and the provision on the consideration of charges. Responsibility for work environment tasks can be delegated within the organisation, but the delegation must be clear and the responsible person must have sufficient powers and competence for the task. Due to the precedence of the company fine in Sweden, the regulation concerning the delegation of responsibility has virtually lost its relevance.

The Finnish system emphasises the responsibility of supervisors

Crimes against occupational safety and health have been laid down in Finland's Criminal Code. Criminal liability primarily falls on individuals, i.e. supervisors, but also the legal person, i.e. the employer, can be sentenced to a corporate fine. A corporate fine is not the primary sanction on its own, rather both the individual and the legal person are sentenced to a penalty. The level of fines is low and their preventive effect is generally viewed as being weak. In Finland, administrative penalties are only used to a limited extent and do not apply to violations or negligence of the Occupational Safety and Health Act and its regulations.

The court will determine, on a case-by-case basis, who is subject to criminal liability within an organisation. Delegation and powers are key criteria for this assessment.

Conclusions and proposals for amendments

In Sweden, the sanction system emphasises the employer's responsibility and financial sanctions, which has simplified and improved the system and reduced the significance of individual responsibility. The Finnish system continues to emphasise individual liability, despite the corporate fine, and the use of administrative penalties is limited.

According to the report, Finland should shift the focus of liability to the employer, impose a corporate fine as the primary sanction and extend the scope of administrative penalties to violations and negligence of the Occupational Safety and Health Act and its regulations. In addition, a provision on the consideration of charges that limits individual liability, as in the Swedish model, should be introduced. The amount of the corporate fines in Finland should be increased and the criteria for measuring them developed in order to achieve a preventive effect. The prosecutor should be empowered to deal with corporate fines in simplified prosecution procedures and guilty plea proceedings within certain limits set out in euro. Regulatory amendments should also be assessed from the point of view of the principle of legality within criminal law.