

Statutory Workers' Compensation Insurance



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Statutory Workers' Compensation Insurance

Statutory workers' compensation insurance covers accidental injury sustained by an employee at work, on his way to/from work or in circumstances arising from employment. It also covers occupational diseases.

1 Obligation to insure

Employers pay statutory workers' compensation insurance premiums – employees are not charged any premiums. The obligation to take out insurance is based on the Finnish Employment Accidents Insurance Act and the employment contract between the employer and employee. An employer providing work for a maximum of 12 days per calendar year has no obligation to take out insurance.

In the event of an occupational injury or occupational disease, an employee is entitled to compensation based on the Employment Accidents Insurance Act even in cases where the work concerned is not covered by insurance. The employee receives compensation from the Finnish Federation of Accident Insurance Institutions (TVL) in cases where the employer has no obligation to insure (i.e. the number of working days is 12 or less during a calendar year). For accidents that occur in such work, the Federation collects a deductible from the employer, whose amount is determined annually.

An employee is entitled to compensation for an occupational injury and an occupational disease. The same applies to a partner or shareholder covered on an obligatory basis under the Employment Accidents Insurance Act.

If an employer has failed to fulfil the obligation to insure, the Federation of Accident Insurance Institutions (TVL) will pay the compensation and collect some of it from the employer. Furthermore, the employer must pay increased premiums to TVL for the time of payment default.

2 Those insured

All employees and, by and large, partners and shareholders working for a company are covered on an obligatory basis by workers' compensation insurance. On those who are not covered on an obligatory basis by workers' compensation insurance may be taken out a voluntary accident insurance.

2.1 Employees

A company must take out statutory workers' compensation insurance covering all of its employees.

This employer/employee relationship is characterised by the following facts:

- The employer and the employee have concluded a written or oral employment contract
- The employee works for the employer
- The employer has the right to direct work
- The employee receives salary or other remuneration (eg fringe benefits, gratuities) for the work he has done.

All the above criteria must be met for the employer to be obligated to take out insurance.

2.2 Private entrepreneur, partners and shareholders

In certain cases, a company may take out statutory workers' compensation insurance on its partners or shareholders who work for it. Factors affecting this include the type of business organisation concerned, ownership and the person's position and work in the company. Farmers are not covered by statutory workers' compensation insurance because their business falls within the scope of the Act on Farmers' Employment Accident Insurance.

The table below shows which owners, shareholders or partners must be covered by statutory workers' compensation insurance. A voluntary accident insurance can be taken out on those who are not covered by this statutory insurance

Insurance cover for partners and shareholders

Type of business organisation	Those covered by statutory insurance	Those eligible for voluntary accident insurance
Limited liability company	Shareholder not in executive position. Shareholder who holds a maximum of 50% of the company's shares alone or together with his family.	Shareholder in executive position holding over 50% of the company's shares alone or together with his family.
Limited partnership	General partner who, alone or together with his family, has a maximum of 50% of the general partners' control / of the total partnership shares. Limited partner. Hired family member of partner.	General partner who, alone or together with his family, has over 50% of the general partners' control / of the total partnership shares.
General partnership	Partner who, alone or together with his family, has a maximum of 50% of partnership control / partnership shares. Hired family member of partner.	Partner who, alone or together with his family, has over 50% of partnership control / partnership shares.
Proprietorship or private entrepreneur	Hired common-law spouse. Hired common-law spouse of employer's family member.	Employer himself or his common-law spouse or family member.

Points to note for limited liability companies

For the family members' shares to be taken into account and added to the personal holding, the person himself must hold at least one share. When spouses hold the share capital on a 50/50 basis, they are both excluded from the obligation to insure if they both hold an executive position simultaneously. When common-law spouses have a 50/50 holding of the share capital, they are both covered by insurance on an obligatory basis if they work for the company.

Executive position refers to a managing director, chairman of the board of directors or a regular board member. Other senior management duties are also regarded as executive positions when they involve equivalent decision-making powers exercised daily.

The number of votes conferred by shares is not taken into account in the determination of whether or not shareholders are covered by statutory workers' compensation insurance. A holding through another company is not taken into account in a limited liability company or in any other type of business organisation.

Points to note for limited partnerships

When spouses own the general partners' partnership share on a 50/50 basis, neither of them is covered by the obligation to insure. Common-law spouses in a corresponding situation are both covered by the insurance on an obligatory basis when working for the company.

Who is considered a family member?

Under the Employment Accidents Insurance Act, a family member is a person living permanently in the same household as a private entrepreneur, shareholder or partner, and who is related to him/her or to his/her spouse in direct ascending or descending line, or is his/her adopted child or adoptive parent or a spouse of any person mentioned above.

In addition to a spouse, family members include grandparents, and children and their spouses, provided that they live permanently in the same household as the employer. Living in

the same household means that the family member does not pay any compensation to the employer for accommodation and expenses. Those living in a registered partnership (civil union) are regarded as spouses.

In determining whether a person is covered by workers' compensation insurance, a common-law spouse is not a family member of a private entrepreneur, partner or shareholder. The common-law spouse of a private entrepreneur is covered as an employee to be insured on an obligatory basis when he works for the company and receives remuneration.

The common-law spouse of a shareholder or partner working for a company is covered by insurance on an obligatory basis unless the common-law spouse holds shares or partnership shares. A common-law spouse may be excluded from the obligation to insure on the grounds of personal ownership and status.

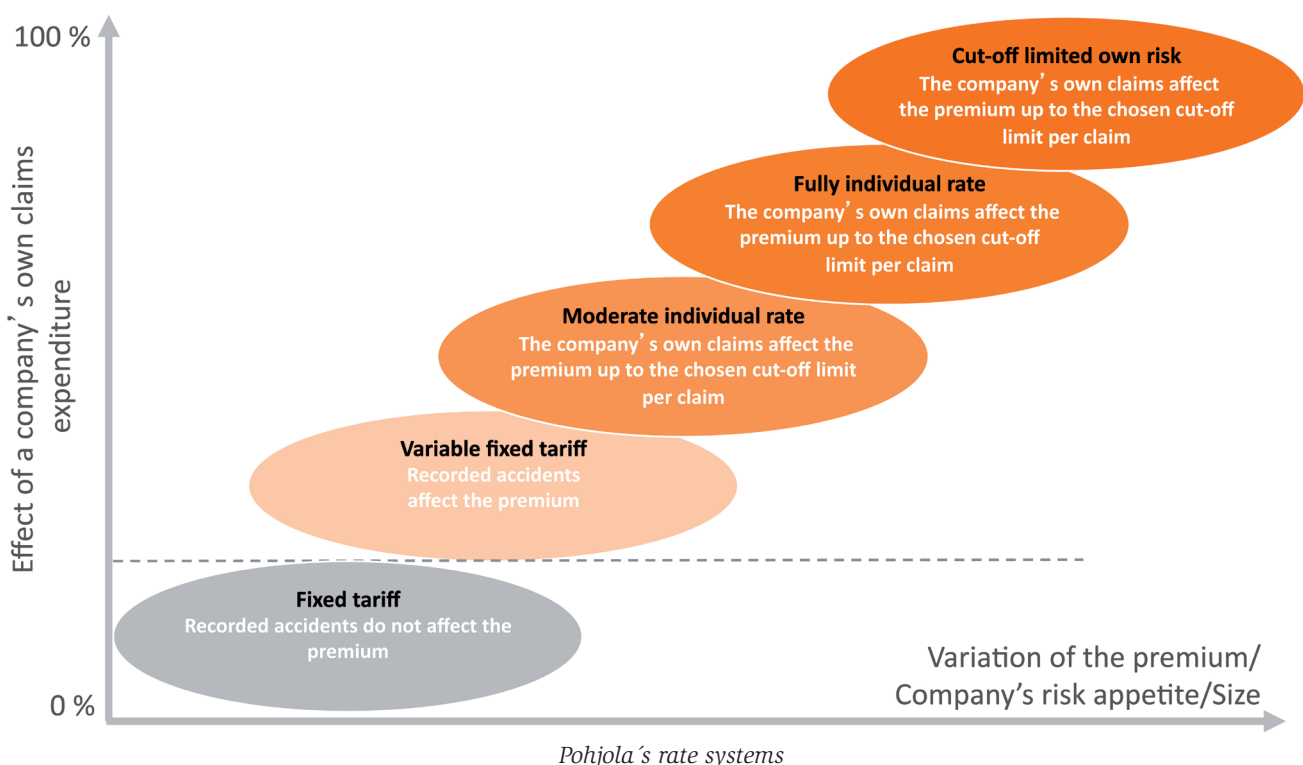
3 Insurance premium

3.1 Pohjola statutory workers' compensation insurance premium

The premium for statutory workers' compensation insurance consists of the basic premium and statutory increments. Any customer bonus reduces the amount of statutory workers' compensation insurance premium. Confirmed by the Board of Directors, Pohjola's premium basis apply in the formation of the premium. Pohjola annually submits its premium basis for inspection by the Ministry of Social Affairs and Health. The premium basis determines how various factors contribute to the formation of the premium, such as a company's payroll bill, claims history and type of work.

The basic premium depends on the following forms of compensation paid in the event of an accident:

- Temporary compensation (costs of treatment of accidental injury and daily allowances)
- Permanent compensation (eg pension benefits and handicap benefits)



- Administrative and handling expenses incurred by Pohjola for the management of its claims settlement system.

Statutory increments are as follows:

- Index increments in benefits paid
- Occupational safety charge paid to the Finnish Work Environment Fund
- Premium component paid to the Federation of Accident Insurance Institutions for small employers and for those who have failed to pay the premium

3.2 Pohjola's rate systems

The rate systems under statutory workers' compensation insurance are divided into the following two categories: tariff rates and experience rates. The size, risk-bearing capacity and risk appetite of the company determine which system to choose. The Employment Accidents Insurance Act requires that the accident statistics of large employers affect insurance premiums more than those of small employers. Successful accident prevention at work may reduce the insurance premium.

Tariff rate system

The premium based on the tariff rate system is determined by the risk categories of occupational titles and salaries/wages paid. Depending on the risk level involved, various duties are divided into risk categories. The higher the risk involved in a job, the higher the insurance premium. In this system, the insurance premium is determined on the basis of the national statistics of occupational injuries and occupational diseases, which is why the policyholder's own accident statistics will have no direct effect on the determination of the premium.

Experience rate systems

In the experience rate system, the policyholder's own accident statistics determine the insurance premium, in addition to national statistics. The more individual the experience rate is, the greater effect has the policyholder's own accident statistics on the premium.

3.3 Payroll serving as basis for premium

In its insurance application, the employer assesses wages/salaries that it annually pays to its employees. In companies and partnerships, the employer also reports the occupations and earnings of partners and shareholders covered by statutory insurance.

Salaries for work covered by temporary insurance are assessed, per calendar year, from the inception of insurance up to the day on which work is expected to end.

The employer reports salaries broken down by occupational category because the workers' compensation insurance premium is determined on the basis of salaries and the risk involved in the job. Jobs are divided into occupational categories by the risk involved, for which Pohjola annually confirms premium rates in promille. For the insurance application, the employer must explain the various jobs and work stages and the names used for them.

The total salary of a limited partner in a limited partnership and of a shareholder of a limited liability company covered by statutory insurance is, as is the case with other employees, the salary or some other remuneration for work done.

The total salary of a partner in a general partnership and that of a general partner in a limited partnership comprises the earnings most recently confirmed by the pension insurance company and specified in the Self-Employed Persons' Pensions Act (YEL).

3.4 Advance premium

At the beginning of the policy period, Pohjola will charge an advance premium which is determined by the payroll estimate reported by the policyholder or assessed by Pohjola.

As a rule, Pohjola will charge the advance premium in one instalment but such premiums may be paid in several instalments, subject to a separate agreement. The premium for one instalment must be at least 50 euros. Each instalment is subject to a surcharge.

3.5 Final premium

As soon as the insurance period has terminated, the policyholder will report its final payroll bill broken down by occupational category. The quickest and easiest way to do this is on the online service.

The final premium will be calculated on the basis of the payroll report. Within the experience rate systems, the policyholder's own accident statistics affect the final insurance premium. The policyholder will either receive a refund or pay an additional premium, depending on whether the advance premium paid was too high or too low. If the policyholder did not pay any salaries during the insurance period, it must, however, pay a minimum premium.

3.6 Appealing against a premium

The policyholder must provide Pohjola with sufficient information for the calculation of premiums. The policyholder must also notify Pohjola of any changes in the company's operations, such as changes in the company's ownership, names, and temporary layoffs of or reductions or increases in staff. These changes may also have an effect on premiums.

In the case of any uncertainty about the premiums, the policyholder should always contact Pohjola first. Should it turn out that an error has occurred in the calculation of the premium, Pohjola will correct billing.

If, however, the policyholder considers that the premiums charges are contrary to the law or the insurance contract, it has the right, under the Employment Accidents Insurance Act, to submit a material appeal to the Finnish Employment Accidents Appeal Board within two years of the beginning of the year following the year in which the premium was determined or became payable.

The material appeal is addressed to the appeal body. The decision issued by this body includes instructions on how to file an appeal. In addition to statutory workers' compensation insurance, the appeal procedure applies to premiums for voluntary insurance under the Employment Accidents Insurance Act. Charging insurance premiums will not be suspended due to an appeal.

An appeal against the decision taken by the Accident Appeal Board may be submitted to the Insurance Court. A petition for leave to appeal against the decision of the Insurance Court may be submitted to the Supreme Court.

4 Concluding, altering and terminating an insurance contract

4.1 Concluding an insurance contract

Statutory workers' compensation insurance begins to take effect, at the earliest, when an employer has agreed on the entry into force of the insurance with a Pohjola representative. It is also possible to conclude a contract by telephone. The applicant

must exercise great care to ensure that Pohjola will have all the information required for accepting the insurance application, enforcing the insurance contract and managing the policy during its validity. The insurance must be in force when the work involved begins. Therefore, statutory workers' compensation insurance cannot be brought into effect retroactively.

A valid workers' compensation insurance policy with another insurer can be transferred to Pohjola, provided that it has been valid with that insurer for at least one calendar year. Switching from such an insurer to Pohjola may take place quarterly on fixed dates (1 Jan., 1 April, 1 July and 1 Oct.). The policyholder must terminate its insurance contract with its insurer in writing no later than three months of the date of transfer.

Insurance period

As company operations are usually continuous, the employer takes out workers' compensation insurance as a continuous annual policy. The insurance period, or policy period, of a continuous policy is one calendar year. The first insurance period is an exception if the inception date is in the middle of the calendar year. In such a case, the first insurance period covers the rest of the current year and the following full calendar year (insurance period longer than one calendar year). After the first insurance period, the continuous insurance policy will be automatically renewed for one calendar year at a time.

The premium period, or the period for which Pohjola will charge the premium, is stipulated in the insurance terms and conditions. It is usually the same as the insurance period. In case the first insurance period is longer than one year, the premium is usually charged for both calendar years separately.

A temporary insurance contract may be concluded for a temporary employment or time-limited job. This type of insurance expires without any termination procedure and the insurance period equals the validity period of the insurance. If employment continues longer than the time fixed, the policyholder must notify Pohjola before the expiry date stated in the insurance policy. As a rule, Pohjola will charge the advance premium in one instalment for the entire insurance period.

4.2 Notifying changes with an effect on insurance

Insurance taken out must correspond to prevailing conditions and changes in a company may have an effect on the insurance and the premium. The most convenient way to report changes is on our online service.

A company must report the following changes to Pohjola:

- Change in the ownership structure. With respect to voluntary policies, it is also necessary to report some other changes explained in greater detail in the insurance terms and conditions.
- Change in the type of business organisation.
- Change in insurable work (types of work).
- Major change in the payroll bill. Pohjola will take minor changes into consideration in the final insurance premium after the end of the insurance period.
- Change of the company's postal address.
- Change in bank account details.

4.3 Terminating an insurance contract

The Employment Accidents Insurance Act regulates how statutory workers' compensation insurance is terminated. The insurance may be terminated on the following grounds:

- The employer's obligation to insure ends when it no longer has any employees with an employment contract. The employer must notify Pohjola in writing of the end of its obligation to insure no later than one month before the end of the insurance period. This notification must indicate the reason for the termination and the date on which the company's operations or the employer's statutory obligation to insure ended.
- The employer may transfer its continuous insurance to another insurance company if the insurance has been valid with Pohjola for at least one full calendar year. Temporary insurance may not be transferred to another insurer.
- When an executive authority, while collecting the premium by way of distraint, finds the policyholder impecunious or his whereabouts unknown. In such cases, Pohjola will, without giving notice, terminate the insurance as of the date on which impecuniousness was established or the policyholder's whereabouts were found to be unknown.

Terminating a voluntary insurance contract

Voluntary insurance contracts under the Employment Accidents Insurance Act must be terminated in writing. The insurance ceases to be effective from the date, at the earliest, on which the notice of termination arrived at the insurer.

5 Compensation

5.1 Statutory workers' compensation insurance covers occupational accidents and occupational diseases

Statutory workers' compensation insurance provides employees with coverage against occupational injuries and occupational diseases. The Employment Accidents Insurance Act specifies all compensation and benefits payable under the insurance. Compensation and benefits payable under the insurance include medical treatment expenses, daily allowance and industrial injuries pension, handicap benefit, costs of medical and occupational rehabilitation, and survivors' pension.

In the event of an accidental injury, referral to treatment and the payment commitment procedure under statutory workers' compensation insurance enable the injured employee to gain quick access to effective medical care in the private healthcare sector too. Thanks to Pohjola's extensive network of partner hospitals/clinics, employees will have quick access to medical treatment and get expert and timely care and rehabilitation – all this enables a quick return to work. In the event of a severe accidental injury or serious occupational disease, the insurance covers costs of occupational rehabilitation, enabling an employee to return to his work or start a completely new job.

The Omasairaala hospital established by Pohjola has been part of our partner network since early 2013. The hospital specialises in treatment of musculoskeletal injuries, which account for the majority of accidental injuries, and boasts top diagnostics technologies and medical care. Services ranging from referral to treatment, a claim settlement decision, imaging and surgery to rehabilitation are all readily available at Omasairaala after check-in. This enables quick access to treatment and rehabilitation, good medical treatment results and the best customer experience.

Employer's duties in the event of an occupational injury or occupational disease

The employer completes a certificate of insurance form which the employee takes along when he goes to the hospital/clinic. This means that the hospital bill and the doctor's statement are delivered directly to Pohjola – the employee does not need to take care of them. With the information contained in the certificate of insurance, the employee will also have the opportunity to have prescription medication from the pharmacy free of charge if the prescription indicates that Pohjola is the employer's insurer.

If the employee's incapacity for work has lasted for three days, the employer will also have to complete an accident report and send it to Pohjola. In the accident report, the employer must provide information on the accident in greater detail than contained in the certificate of insurance and information on salary and employment required to determine compensation for loss of income. The employer can conveniently complete the accident report form and the certificate-of-insurance form on Pohjola's eInsurance Services or print them out on Pohjola's website.

The employer must promptly report an accident causing death or severe injury to the occupational safety and health authorities and to the police, which will conduct an investigation.

Occupational accident

An occupational injury refers to an injury sustained by an employee in the course of his employment or in circumstances arising from employment.

An accident refers to

- a sudden
- unforeseeable
- occurrence caused by an external factor
- that causes an injury or disease to the employee against his will.

Example

An employee trips over a chair leg while at work. He falls over with the result that his left wrist is fractured. Tripping over a chair leg constitutes an unforeseeable and sudden occurrence.

Other examples of an accident include a slip, fall, hit by a falling object or, say, corrosive splashes.

The insurance also covers substantial worsening of an existing injury or disease as a result of an occupational injury. Certain injuries which were not caused by an accident are also covered as occupational injuries. Such injuries include abrasions and chafes, and soreness of muscles or ligaments due to work movement.

Example

An employee in an awkward posture lifts a heavy box onto the van bed and feels severe pain in his back. The employee goes to the doctor who diagnoses him as suffering from back muscle strain. The soreness of the back muscle due to work movement is coverable under the workers' compensation insurance.

An occupational injury sustained by an employee may occur in the course of employment or in circumstances arising from employment:

- while working
- in the workplace
- while running errands on behalf of the employer
- on his way from/to work
- while remote working
- when he protects or salvages the employer's property or
- protects or saves human life in the course of his work.

Example

An office employee does workplace exercise beside his desk and hits his elbow on the corner of a shelf. His bruised elbow is coverable as an occupational injury.

Example

An employee on his way from home to work in the morning takes his child to a day-care centre. When he lifts his child out of the car in front of the day-care centre, he slips and twists his ankle. His sprained ankle is coverable as an occupational injury.

An accidental injury caused by a war or armed conflict is also coverable as an occupational injury, provided that it has occurred in the course of employment or in circumstances arising from employment.

Likewise, an injury or disease occurred in the abovementioned circumstances as a result of an assault or other wilful act committed by another person is coverable as an occupational injury.

Occupational disease

An occupational disease refers to an illness probably caused by

- physical
- chemical or
- biological factors mainly occurring at work.

Noise at work, for instance, may induce hearing impairment and washing agents used at work may cause a rash. Unusual exertion may also cause an occupational disease.

Medical costs

Statutory workers' compensation insurance covers any necessary medical treatment expenses arising from an occupational injury or an occupational disease, such as doctor's fees, costs of medication, necessary travelling expenses related to medical care and costs of any medical aids needed in treatment.

Payment commitment procedure and partner hospitals/clinics

As a result of the full cost responsibility scheme effective since the beginning of 2005, insurers cover the full cost of medical care given in both the private and public healthcare sectors. An insurer may select a hospital/clinic based on a commitment to pay the resulting costs, with the aim of ensuring that an employee has quick access to medical treatment. Such a payment commitment is not needed for prehospital care, minor procedures (eg bandaging or X-ray photography) or acute care but the payment commitment from an insurer is always required, for instance, for MRI or non-emergency surgery before the treatment begins. The hospital/clinic asks the payment commitment from the insurer.

Thanks to this payment commitment procedure and Pohjola's extensive network of partner hospitals and clinics, an employee can quickly be sent to a Pohjola partner hospital/clinic, with quick access to treatment, and quick recovery and return to work being the aim.

Examination costs

If an injury is suspected to be an occupational injury or a disease an occupational disease, any necessary expenses arising from finding out the reason for the injury or disease are covered under the insurance, even if the findings of the examination show that the disease was not an occupational disease or that the injury was not caused by an occupational accident. Any justifiable and necessary medical examinations and related travel expenses are covered as examination costs. The insurance does not cover any loss of income arising from examinations.

Daily allowance

Daily allowance will be paid if the employee is unable to work for at least three consecutive days following the day on which the accident occurred. The beneficiary receives daily allowance for all calendar days for a maximum of one year, excluding the day of the accident. Entitlement to daily allowance applies to each employment contract an employee has on the accident date, and an entrepreneur with a voluntary self-employed persons' accident insurance under the Employment Accidents Insurance Act is also entitled to daily allowance.

For the first four weeks, the daily allowance equals the sick pay paid by the employer to the employee and is paid to the employer. If the employer has not paid any sick pay, the amount of the daily allowance will be determined based on the employee's earnings before the accident, and is paid to the employee.

Example

An occupational accident occurred on 5 February 2013. The policyholder paid sick pay to the injured employee until 17 February 2013. Daily allowance for 6–17 February 2013 was paid to the employer. From 18 February 2013, daily allowance was paid to the employee. The employee also worked for another company as part-timer and the employer concerned paid sick pay during the entire sick leave. With respect to this part-time job, the insurer paid full compensation to the employer concerned.

After the first four weeks, the amount of daily allowance is based on the employee's annual earnings. The daily allowance is one 360th of the annual earnings. Annual earnings are primarily based on the earned income received by the employee on the accident date. If, for exceptional reasons, the employee's earned income on that date is higher or lower than his standard earned income, his annual earnings will be determined to amount to his standard earned income. Annual earnings include the employee's earned income from all of his employment contracts effective on the accident date, and annual earnings include the entrepreneur's earned income if the entrepreneur has a voluntary self-employed persons' accident insurance under the Employment Accidents Insurance Act.

Example

An employee sustains an injury in his part-time job where his standard annual earnings amount to 5,000 euros. His annual earned income from the full-time job on the date of injury amounts to 38,000 euros. His annual earnings total 43,000 euros. Daily allowance amounts to 119.44 euros (43,000/360). The employer of his full-time job paid 105 euros in sick pay per day and that of his part-time job 50 euros per day. Considering that the combined sick pay exceeds the

daily allowances, the daily allowance is paid to the employers in proportion to the amount of sick pay they had paid: 80.91 euros to the employer of his full-time job and 38.53 euros to the employer of his part-time job.

Example

The employee's earned income amounts to 30,000 euros on the accident date. The employee also carries on business and has a voluntary self-employed persons' accident insurance policy in which the agreed annual earnings are 15,000 euros. His annual earnings total 45,000 euros. As a result, his daily allowance amounts to 125 euros (45,000/360) and the employer is paid the share of sick leave from this amount.

Daily allowance and annual earnings will always equal at least the minimum annual earnings prescribed in the Employment Accidents Insurance Act, unless the employee is retired based on pension specifically listed in the Act.

Industrial injuries pension

Compensation for loss of income becomes industrial injuries pension in one year's time after the accident. An employee is eligible for industrial injuries pension if his working capacity has reduced by at least 10%. An employee's ability to earn income from work that can reasonably be required of him will be taken into account in assessing his working capacity. The employee's age, education, work experience and place of residence include aspects to be taken into account in such assessment.

Full industrial injuries pension accounts for 85% of annual earnings until the pensioner reaches the age of 65. After that, full pension accounts for 70% of annual earnings. Industrial injuries pension is subject to an annual index increment. If the employer has paid sick pay to the employee, the portion of the industrial injuries pension benefit equalling the sick pay will be paid to the employer.

Example

An occupational accident occurred on 5 February 2012. The injured employee returned to work but soon after than changed job. Due to the occupational injury, a repeat surgery had to be performed on 12 March 2013 resulting in a one-month sick leave. The new employer paid sick pay to the employee. The portion of the industrial injuries pension benefit equalling sick pay was paid to the new employer.

Handicap benefit

The insured person will be eligible for handicap benefit if an occupational injury or occupational disease causes permanent handicap affecting his ability to function. Such assessment will take account of general activity limitations caused by the injury or disease but not individual circumstances such as occupation or hobbies.

The amount of handicap benefit is based on the handicap classification confirmed by the Finnish Ministry of Social Affairs and Health. Handicap classes number 20. If the handicap class is between 1 and 10, the handicap benefit will be a lump-sum benefit. For handicap classes 11–20, the benefit payable will be a lump-sum benefit or a continuous benefit, depending on the employee's choice. The employee will be eligible for handicap benefit provided that the status of his injury or disease has become stable, but no earlier than one year after the accident or the diagnosis of the occupational disease.

Rehabilitation

Statutory workers' compensation insurance covers costs related to occupational rehabilitation and functional capacity rehabilitation. Occupational rehabilitation is aimed at the employee

Benefits and compensation paid under the Employment Accidents Insurance Act

Type of compensation/benefit	Amount of compensation/benefit	Period of compensation	Special information
Daily allowance	Amount equalling earned income	Duration of incapacity for work for a maximum of one year	Change in the basis of the daily allowance determination in four weeks' time after the accident
Industrial injuries pension	Full pension 85% of annual earnings; 70% from the age of 65	No earlier than in 12 months' time following accidental injury; no time limit	Entitlement for a fixed term or until further notice
Occupational rehabilitation	Daily allowance or industrial injuries pension and the costs of rehabilitation for the rehabilitation period	No time limit	Retraining typically for a suitable occupation
Occupational rehabilitation	Full compensation for necessary medical care Also cover medication, medicinal products and travelling expenses related to medical care	No time limit	Pohjola's commitment to pay for other than minor procedures Pohjola has an extensive network of partner hospitals/clinics
Functional capacity rehabilitation	Full compensation Aided living: fixed compensation based on law	No time limit	Aids, home alterations, rehabilitation periods, rehabilitation examinations, aided living, adaptation training and other comparable costs
Handicap benefit	Benefit based on the handicap classification and paid due to permanent general handicap caused by injury or disease	Payment no earlier than in one year's time Lump-sum compensation or a continuous benefit paid throughout the life time Personal earnings, work or hobbies have no effect on the amount of the benefit	Personal earnings, work or hobbies have no effect on the amount of the benefit
Supplementary handicap benefit	Daily allowance for exceptional handicap or incapability caused by injury	No time limit	Not paid during the period of hospital care or institutional care
Clothing allowance	Daily allowance for wear and tear of clothing caused by artificial limb or medicinal aid	No time limit	Requires long-term use of an artificial limb or medicinal aid
Guide dog allowance	Daily allowance for the cost of maintaining a guide dog	No time limit	
Household management costs	Reasonable and necessary extra costs	For a maximum of one year	Cleaning, snow removal or similar
Loss of income for the period of physiotherapy	Amount equalling salary/wage	For a maximum of 30 days a year	Not paid during the same period as daily allowance or industrial injuries pension
Survivors' pension	Maximum of 70% of the employee's earnings Widow(er)'s personal earnings at the time of the employee's death may reduce the pension benefit no earlier than one year after the death	No time limit applies to the widow(er) but his/her entitlement will terminate in the case of remarriage Until the child reaches the age of 18 Until the child as student or disabled reaches the age of 25	Widow(er) refers to the deceased person's spouse, registered partner or common-law spouse if they have a child together or a mutual child maintenance agreement Only one person may be entitled to surviving spouse's pension
Funeral grant	Grant paid to the decedent's estate and determined by the year of death	Lump-sum compensation	Employee's personal earnings have no effect on the amount
Material damage	Full compensation payable for spectacles, hearing aids, dental prosthetic, artificial limbs or similar damaged during the accident	Lump-sum compensation	Clothes and rings cut off during emergency procedures are also coverable Other material damage is not coverable
Examination costs	Full compensation for necessary medical examination although the injury or disease does not prove to have been caused by an occupational accident or disease	Necessary and justified medical examinations on a case-by-case basis	

being able to return to the work he did at the time of the accident or to a completely new work. Functional capacity rehabilitation involves tools that promote the employee's general functional abilities and enable him to cope with daily activities.

As part of the costs of occupational rehabilitation, the insurance covers costs, for example, of work try-outs, job coaching and retraining. The employee is eligible for full industrial injuries pension for the rehabilitation period and the rehabilitation investigation and waiting period. In addition, the insurance covers costs of studying. The employee may be entitled to partial industrial injuries pension if his earnings in his new job are lower than earlier.

Example

A building worker fractured his leg and therefore could not return to work that he previously had done. His annual earnings totalled 36,000 euros. Supported by the insurer, he began to study and took a Vocational Qualification in Business Information Technology and his annual earnings fell to 29,000 euros. The employee received industrial injuries pension based on the 20% reduction of his working capacity.

As part of the costs of functional capacity rehabilitation, the insurance covers, for example, physiotherapy, periods of hospital-based rehabilitation, aids and alterations in the home.

Effective and timely rehabilitation can shorten the period of disability caused by accidental injury or occupational disease and contribute to the employee regaining his working and functional capacity. Pohjola has a nationwide network of partners, which enables a quick and effective rehabilitation process. Preventing the prolongation of the period of incapacity for work and promoting recovery is in the interests of both the employee and the employer.

Survivors' pension

A widow(er) and the deceased employee's children under 18 years of age are entitled to survivors' pension. However, full-time students or children unable to work are entitled to survivors' pension until they reach the age of 25. A child of the beneficiary of surviving spouse's pension is also eligible for survivors' pension if the deceased employee arranged the child's maintenance.

The spouse or the registered partner of the deceased employee is entitled to surviving spouse's pension. The common-law-spouse is entitled to surviving spouse's pension if the spouses have a child together or a mutual child maintenance agreement.

The amount of the survivors' pension depends on the number of those entitled to the pension. Surviving spouse's pension accounts for a maximum of 40% of the deceased employee's annual earnings. Pension payable to one child is a maximum of 25%. Survivors' pension accounts for a maximum of 70% of the deceased employee's annual earnings. The widow(er)'s personal income will reduce the pension benefit if it exceeds the amount specifically confirmed in the Employment Accidents Insurance Act. However, the beneficiary is always entitled to full surviving spouse's pension for the 12-month period following the insured employee's death.

Other compensation

Some other forms of compensation are also paid out under the statutory workers' compensation insurance, such as supplementary handicap benefit, extra household management costs and funeral grant.

5.2 Filing a complaint or an appeal in case you are dissatisfied with our claim settlement decision

A person dissatisfied with a claim settlement decision should first contact Pohjola. Pohjola may rectify the decision, whenever deemed necessary.

Each claim settlement decision is accompanied by the instructions on how to file a complaint or an appeal. If Pohjola cannot rectify itself the decision on the basis of the complaint made and of the supplementary information provided, it will submit the complaint to the Employment Accidents Appeal Board. If the decision made by the Employment Accidents Appeal Board is not in your favour, you may appeal to the Insurance Court and if its decision is not in your favour, you may file a petition for leave of appeal with the Supreme Court. The appeal process is free of charge across the board.

5.3 Primary nature of compensation under statutory workers' compensation insurance and its relation to other forms of compensation

Statutory workers' compensation insurance takes precedence over any other social insurance schemes. In the case of a road accident that occur on the employee's way to or from work, compensation for bodily injury is primarily paid under statutory workers' compensation insurance taken out by the employer.

Secondarily, the injured employee may receive compensation under motor liability insurance. Such compensation includes compensation for material damage and for temporary handicap which is not covered under the Employment Accidents Insurance Act.

Example

An employee gets into a car accident on his way to work. The accident was caused by the other driver driving from behind a Give Way sign to the front of the employer. The employee receives compensation primarily under workers' compensation insurance and may be entitled to additional compensation under motor liability insurance. The workers' compensation insurer recovers the compensation paid under the Employment Accidents Insurance Act from the motor liability insurance of the guilty party.

The injured employee may also have the right to receive additional compensation from the liable person by virtue of the Damages Act or on the basis of general liability insurance taken out by the liable party, such as compensation from property owner's liability insurance due to a slip accident suffered by the employee on his way to work. A person guilty of assault may become liable for damages due to a bodily injury coverable as an occupational injury.

Workers' compensation insurance also has its primary nature with respect to employee pension and sickness allowance. Authorised pension providers and the Social Insurance Institution of Finland (KELA) integrate benefits they have granted for the same period with the compensation for loss of income paid under workers' compensation insurance. Consequently, compensation paid for an accident affect the amount of the benefits paid under those schemes.

6 Employment abroad

Information on the amount of pay earned for work done abroad by a person living in Finland must be included in the payroll report. The Employment Accidents Insurance Act contains provisions (Section 35 b, Subsection 4) governing pensionable earnings for employment abroad. Wages and salaries paid in a foreign currency will be translated in euros, when necessary.

A salary that should be paid for equivalent work in Finland is considered remuneration for work done abroad, or a salary which can otherwise be considered to correspond to said work (so-called TyEL pensionable earnings). Pensionable earnings agreed between the employer and employee may be higher or lower than the salary actually paid by the employer. In its payroll report to the insurer, the employer must therefore declare these so-called TyEL pensionable earnings.

Like in employee pension insurance, there is no need to separately determine pensionable earnings for short overseas secondments of less than six months if

- no specific pay has been agreed for the secondment period;
- the employer in Finland pays the salary as usual plus any tax-exempt foreign per diem allowances; and
- the employee's job abroad corresponds to that in Finland.

In such a case, his earnings for employment abroad will be determined as if the work were done in Finland.

An employer takes out and pays for employees' group life insurance for employees on a foreign secondment on the same grounds as in Finland, i.e. the group life insurance is taken out in Finland at the same time as the workers' compensation insurance.

The Students abroad section below describes accident insurance on students in greater detail.

7 Students

Education in its current form increasingly takes place in circumstances which are comparable to work and in which the risk of accident is greater than in ordinary theoretical education. Injuries and occupational diseases occurring in connection with this kind of education are covered by accident insurance taken out by the provider of education or training on the basis of the Act on study-related accidents (1318/2002). Circumstances comparable to work also include classes of practical instruction and on-the-job and practical work training which involve a material risk of accident because of the nature of the work done.

Compensation payable to students for an injury or disease caused by an accident is regulated in the Act on compensation for injury or illness sustained in circumstances comparable to work and related to studies. The Act took effect at the beginning of 2003.

Type of education within the scope of the insurance is as follows:

- Studies at upper comprehensive schools and upper secondary schools
- Vocational education and vocational adult education
- Studies at universities of applied sciences/polytechnics
- Studies at universities

The insurance covers an accident or occupational disease provided that the accident or occupational disease occurred in circumstances which are typical of the studies defined in the curriculum or in the diploma requirements and that, when the accident or occupational disease occurred, the student was re-

ceiving practical training comparable to work or was participating in a competence-based examination, on-the-job training, practical training or job shadowing included in basic education comparable to work in an educational institution or another place assigned by the organiser of education or training or by an educational institution.

In addition, an accident will be covered under the insurance if it occurred when the student was moving directly from the educational institution or home to the place of practical training, on-the-job training, job shadowing or a competence test assigned by the organiser of education or training outside the educational institution, or on the way back from such a place. Normal daily trips from home to school and back are not covered by the insurance.

Insurance premium

The premium is an annually confirmed fixed sum for each period of thousand school days or part thereof. The occupation for which studies are conducted has no effect on the premium. For the determination of the premium, the total number of school days and students must be stated in the annual payroll report. The total number of school days includes both the days of theoretical education and of practical training.

7.1 Extended student insurance

For students in vocational training, in the upper comprehensive school and the upper secondary school, supplementary insurance may be taken out under the Employment Accidents Insurance Act (§57). This insurance covers accidents occurring in theory and physical exercise classes and during breaks as well as on the way to/from school. The insurance does not cover accidents occurring in leisure time and road accidents. Under this policy, the policyholder is a school and those insured are all students whom the school is obligated to insure in accordance with the Act on compensation for injury or illness sustained in circumstances related to studies and comparable to work.

By this voluntary supplementary insurance, limited insurance cover can be extended to correspond to the insurance cover which is compulsory for those receiving labour market training.

The supplementary insurance is valid in Finland and abroad and it pays out all forms of compensation provided under the Employment Accidents Insurance Act.

7.2 Students abroad

The accident insurance taken out by schools and other organisers of education or training is also valid abroad. This requires that, for instance, being an exchange student is part of the student's curriculum in a Finnish school. The insurance cover is effective in trainee work and on training trips included in the curriculum if the work is unpaid.

With respect to students in labour market training, it is required that studies or unpaid trainee work abroad has been agreed with the labour market service when concluding a training agreement. The insurance is valid abroad in the same circumstances as in Finland.

When leaving for studies or practical training abroad, it always pays to find out well in advance the student's social security benefits (health insurance benefits, unemployment benefits, student grants, child benefits etc.) and the legal requirements of the country of destination as regards, for example, mandatory supplementary policies for practical training.

Social security and the student's entitlement, for instance, to immediate medical care in the country of destination and the expenses for such care depend on whether the country concerned

is an EU member state, another country which has signed a social security agreement, or a country with whom no such agreement has been signed.

The Social Insurance Institution (KELA) provides help in questions related to medical treatment benefits (www.kela.fi). Information on social security agreements is available from the Ministry of Social Affairs and Health (www.stm.fi) and the Finnish Centre for Pensions (www.etk.fi).

7.3 Foreign students in Finland

The validity of accident insurance cover does not depend on the student's nationality as long he lives in Finland and studies in a Finnish school. However, an exchange student is required to have been enrolled as a student at a Finnish school. Foreign students' short-term stays (from a few days to a couple of weeks) for the purpose of familiarising themselves with a Finnish school do not fall within the scope of statutory workers' compensation insurance.

7.4 Employment-related studies

Salary paid for the period of studies

Statutory workers' compensation insurance taken out by employers includes cover for students who have signed an employment contract and to whom the employer pays salary for the period of studies or training. Courses held during working hours at the employer's expense and usually also apprenticeship training taking place during working hours serve as examples of such studies or training.

The workers' compensation insurance premium is determined on the basis of the student's salary and the work done by the student, i.e. his occupation. The employer indicates the student's salary in the payroll report, just as for other employees.

No salary paid for the period of studies

If the employer does not pay salary for the period of studies, it is not obligated to take out insurance.

Studies as a hobby

Studying as a hobby outside working hours is considered leisure time. In such a case, neither the employer nor the school has any obligation to insure. Examples of leisure-time studies

are sewing, needlework and physical exercise courses, language studies etc.

7.5 Labour market training

The labour market service concludes an agreement with the organiser of training/education for each student. The organiser of training/education specified in the agreement is obligated to take out statutory workers' compensation insurance on the student for his entire training period. The insurance must also be taken out in cases where training consists of theory classes only.

In accordance with the Laki julkisesta työvoima- ja yrityspalvelusta (916/2012) Act (Act on the Public Employment and Enterprise Service), the provider of education/training is also obligated to take out group liability insurance on its students for the period of their on-the-job training and practical training.

The training organiser's obligation to take out the insurance is based on the Employment Accidents Insurance Act (section 3, subsection 3) and on the Act on the Public Employment Service. An unemployed person is entitled to training grants or labour market support benefits for the period of labour market training. This entitlement will terminate if the unemployed person, for instance during the period of practical training, concludes an employment contract with the provider of labour market training, as specified in the Employment Contracts Act. This also means the termination of the accident and occupational disease cover taken out by the organiser of training, and the obligation to insure transfers to the employer.

Information required for the calculation of the premium for labour market training cover

For the calculation of the premium, the following information must be included in the payroll report:

- Number of training days specified by course (total theoretical and practical training days)
- Number of attending students specified by course
- Type of practical training contained in the course

The premium depends on the type of practical training (risk involved in work) and on the total number of training days. The formula for the computational payroll bill per training day is as follows:

$$\frac{\text{students} \times \text{training days} \times \text{minimum annual earnings}}{300 \text{ days}}$$

Insurance cover for students

Type of education/training	Mandatory insurance	Supplementary cover for
Employment Salary paid for the period of education/training	Statutory workers' compensation insurance taken out by employer; effective at work, on way to/from work, on business trips, and in work-related circumstances	Leisure-time accidents Travel illness, luggage on trips in Finland and abroad Liability loss/damage
Studies at upper comprehensive school, upper secondary school, vocational school, university and university of applied sciences	Accident insurance taken out by school for practical training and training trips as per Act on study-related accidents	Daily trips to/from school, breaks, physical exercise classes, other school-related circumstances Travel illness, luggage on trips in Finland and abroad Leisure-time accidents
Labour market training	Statutory workers' compensation insurance taken out by school or training/education provider; effective on way to/from school, in class and in study-related circumstances Liability insurance	Travel illness, luggage on trips in Finland and abroad Leisure-time accidents
Hobby-based studies	None	Leisure time of private persons Trips in Finland and abroad

If education includes practical training, the premium coefficient will be determined for the entire training period

- by office work course
- by technical/commercial work course or
- by industrial work course

If education includes only theoretical courses, the premium will be calculated in accordance with an office work course. The formula for the premium is as follows

$$\frac{\text{students} \times \text{training days} \times \text{minimum annual earnings} \times \text{premium rate for office work course}}{300}$$

For those in labour market training, Pohjola will not charge any employees' group life insurance premiums.

7.6 Filing a claim for accidental injury sustained by a student

The person in charge of sending an injured student to a clinic/hospital fills in and signs the insurance certificate which is sent with the student to the clinic/hospital, which will then invoice Pohjola directly.

If the accident did not cause incapacity for work

If the accident did not cause any incapacity for work or if the incapacity for work lasted for less than three consecutive days, excluding the accident day, a representative of the school will need to send Pohjola only an insurance certificate which he has filled in and signed. There is no need to file an accident report.

If the accident caused incapacity for work

The claimant must file a claim using the occupational accident/occupational disease report form filled in and signed by a teacher or another staff member of the school. The injured person himself provides the required basic information. Furthermore, in the case of an accidental injury or occupational disease sustained by a student, an account of the accident must be provided and appended to the accident report. The sections covering employment information may be omitted.

In cases which require long-term medical care, Pohjola must be notified immediately if the student interrupts his sick leave and returns to school. This can be done by calling Pohjola.

7.7 Coverable accidents during labour market training

For a student participating in labour market training, the occupational accident and occupational disease cover is the same as for an employee. The insurance cover is not restricted to accidents occurring in practical work only. Accidents occurring in class and other circumstances related to studies are also coverable. Such circumstances include trips to/from school, physical exercise classes and breaks.

If labour market training includes compulsory, unpaid practical training in Finland or abroad, the accident cover is valid for the period of such training. The insurance covers accidents occurring on trips abroad and back, on daily work-related trips and in practical training.

Accidents occurring on study trips will be coverable only if the trips relate to a labour market training curriculum, are arranged by a school and are an essential part of training. Any accidental injury sustained by a student in his leisure time or when engaged in distance learning are not coverable.

Labour market training providers include vocational schools

and training centres, universities, continuing education centres of universities, entrepreneurs, companies and corporations, folk high schools etc. All providers of training and education, except the State, are obligated to take out statutory workers' compensation insurance with an insurance company.

Accidental injuries and occupational diseases sustained by students in labour market training organised by educational institutions and universities under the control of the government are covered by the State Treasury Office in accordance with the Employment Accidents Insurance Act. The State Treasury Office pays compensation on the same grounds as an insurance company.

8 Employees' group life insurance

Employers are obligated to take out group life insurance for employees when their particular sector is covered by a national and universally binding collective labour agreement requiring such insurance. The insurance includes employees and those partners and shareholders who are covered by statutory workers' compensation insurance.

Employees' group life insurance premiums are charged at the same time as those for statutory workers' compensation insurance. Premiums are primarily determined on the basis of the same payroll bill that is used for the calculation of statutory workers' compensation insurance.

The earliest insurance inception date is the date on which an agreement has been reached on the insurance with a Pohjola representative. The insurance will terminate, without any separate notice, when the statutory workers' compensation insurance expires as a result of the termination of the employer's obligation to insure or the termination of the employer's business. If the policyholder transfers statutory workers' compensation insurance to another insurance company, the group life insurance is also transferred to the other insurer without notice of termination. If the insurance is terminated for other reasons, the policyholder must send a written notice of termination to Pohjola.

Pohjola remits the premiums paid by employers to the Employees' Group Life Assurance Pool whose Board annually confirms the premiums.

Compensation to beneficiaries in the case of an employee's death

An employee's beneficiaries specified in the insurance terms and conditions are entitled to a death benefit under the insurance in the event of the employee's death. Such beneficiaries are the employee's spouse and children under 22 years of age.

The benefit comprises a basic amount, a child increase and, in the case of accidental death, an accident increase. The basic amount is determined on the basis of the employee's age and, in the case of death, of the year of the employee's death.

Death benefit is paid irrespective of the cause of death

The benefit is tax-exempt income. Any other compensation received by the beneficiary is not deducted from it. Similarly, it does not form a deduction item when other compensation, such as survivors' pension under the statutory workers' compensation insurance, is paid to the beneficiary.

Available from all insurance companies, claims can also be filed via the website of Retro Life Assurance Company Ltd. Claims must be sent to Retro Life Assurance Company Ltd, which also makes claim settlement decisions. More detailed information is available at www.retro.fi.

9 Self-employed persons' accident insurance

Self-employed persons' accident insurance covers costs and loss of income resulting from accidents and occupational diseases sustained by self-employed persons. It is a voluntary policy as per the Finnish Employment Accidents Insurance Act and is valid both during working hours and leisure time throughout the world.

The extensive cover provided by the insurance can be granted to private entrepreneurs and owners who work for their company and who are not covered by the statutory workers' compensation insurance. Farmers are not covered by this insurance and they are insured under the Farmers' Pensions Act (MYEL).

The insurance premium is determined on the basis of risks involved in work and of the agreed annual earnings. The Employment Accidents Insurance Act defines the minimum annual earnings amount annually confirmed by the Ministry of Social Affairs and Health.

Compensation under the insurance will be paid as referred to in the Employment Accidents Insurance Act (section 57, subsections 1 and 2) in force with the restrictions and exclusions specified in the insurance terms and conditions. The insured person's compensation for loss of income is determined by the agreed annual earnings that are valid at the time of the accident.

The self-employed persons' accident insurance covers doctor's fees, medical examination and treatment expenses and daily hospital charges arising from treatment given at a private clinic

or hospital in Finland due to accidental injury. Compensation is payable provided that the examination or treatment is prescribed by a physician and necessary for examination and treatment of the injury.

For more detailed information on the insurance is available from our product description Self-Employed Persons' Accident Insurance.

10 Statutory workers' compensation insurance may also include leisure-time accident insurance

Statutory workers' compensation insurance may include voluntary, leisure-time accident policies issued as supplementary cover under statutory workers' compensation insurance.

Benefits of this voluntary, leisure-time accident insurance are follows:

- The insurance is a tax-exempt fringe benefit for employees
- The premium is tax-deductible for the employer
- The insurance is valid everywhere in leisure time (except for road accidents)
- Under all forms of leisure-time accident insurance, compensation is the same without any euro upper limit as under the Employment Accidents Insurance Act.

In addition, employees' insurance cover can also be extended through other voluntary insurance differing from statutory workers' compensation insurance, such as Health Insurance.

Forms of leisure-time accident insurance supplementing statutory workers' compensation insurance

Insurance	For whom?	Why and amount of premium?	Exclusions
Leisure-time group insurance	For all those covered by statutory workers' compensation insurance, or For restricted groups (eg management team, employees in a certain department)	Extensive cover for leisure-time accidents Premium calculated on the payroll bill of statutory workers' compensation insurance Compensation for loss of income is based on the injured person's annual earnings paid by his employer	Minimum of two insured persons Other exclusions and integration regulations can be found in the insurance terms and conditions
Leisure-time sports insurance	For all those covered by statutory workers' compensation insurance	Cover for injuries at sports events organised by the employer or its employees Premium is calculated on the payroll bill of statutory workers' compensation insurance Compensation for loss of income is based on the injured person's annual earnings paid by his employer	Minimum of two insured persons Exclusions and integration regulations can be found in the insurance terms and conditions
Personal leisure-time accident insurance	For specified company employees	Cover for leisure-time accidents Premium and compensation for loss of income are based on the agreed annual earnings	Includes sports restrictions that may be removed by taking out a supplementary policy Agreed annual earnings must equal at least the minimum annual earnings under the Employment Accidents Insurance Act

11 Investing in industrial safety pays off

A safe working environment supports employer branding, job satisfaction and employee productivity. Pohjola aims to cooperate with its customers in the long term to improve and maintain safety at work. A company management's commitment to safety management is crucial in reducing occupational accidents. Investing in accident prevention in the workplace will be manifested in the company's competitiveness in terms of improved quality, productivity and cost-efficiency.

In support of accident prevention, we provide a team of occupational safety experts and customised services. Knowing the customer's current circumstances and activities forms the core of the service. Our occupational safety expert will draw up an action plan with the customer for matters to be improved, measures to be taken, and the related schedule. The service may also include consulting and training. Continuous development of occupational safety issues requires regular monitoring and reporting. We can help you with this by providing occupational safety statistics via our online service. Our occupational safety services are included in the statutory workers' compensation insurance premium.

12 Pohjola's wellbeing-at-work services

Occupational accidents and claims expenditure and insurance premiums under statutory workers' compensation insurance can also be reduced by investing in employee wellbeing. Pohjola Health Ltd is the provider of Pohjola's expert wellbeing-at-work services.

Satisfied employees and a happy workplace form the basis of company success. Human resources management supporting employee wellbeing improves a company's productivity and entails customer benefits. Any weaknesses in wellbeing at work not only reduce productivity but also involve a major risk of extra costs.

Together with our customer, we aim to reduce sickness absence and the number of those leaving on a disability pension, to improve productivity and employer image and to enhance job satisfaction. Knowing the customer's activities and needs forms the core of our service, on the basis of which our expert will create a service package ideal for the company.

Please contact Pohjola

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