



This is a summary of the original decision, which can be found on the Regional State Administrative Agency's website at www.avi.fi in Finnish under Koronapäätökset or in Swedish under Coronadelgivningar

DECISION IN PURSUANT TO SECTION 16 OF THE COMMUNICABLE DISEASES ACT ON A COMPULSORY HEALTH CHECK AT THE HELSINKI SHIPYARD OY WORKSITE

BACKGROUND

The Regional State Administrative Agency for Southern Finland has been informed on 12 October 2021 that a flurry of COVID-19 infections have been observed at Helsinki Shipyard Oy's worksite's area at Laivakatu 1.

With its decision on 20 October 2021 (ESAVI/35013/2021) the Regional State Administrative Agency for Southern Finland has ordered that under the Communicable Diseases Act, all workers employed at the Helsinki Shipyard worksite to take part in a health check organised by the City of Helsinki pursuant to section 14 of the Communicable Diseases Act to prevent the spread of the generally hazardous communicable disease COVID-19 caused by the SARS-CoV-2 virus.

This order in question applies to workers employed directly by Helsinki Shipyard Oy, employees of Helsinki Shipyard Oy's subcontractors as well as workers who have been on the Helsinki Shipyard worksite for other reasons.

The Helsinki Shipyard Oy worksite is located within the City of Helsinki at Laivakatu 1, 00151 Helsinki.

The order has been put in place for the period 21 October 2021 - 31 January 2022.

This decision (ESAVI/37717/2021) will extend the decision issued on 20 October 2021 under section 16 of the Communicable Diseases Act on mandatory health checks to apply to all persons who are or have been present at the Helsinki Shipyard worksite in accordance with the order.

STATEMENTS

The Regional State Administrative Agency has attained statements in the matter from the City of Helsinki, and the Hospital District of Helsinki and Uusimaa (HUS) on 14 October 2021 and from the Finnish Institute for Health and Welfare (THL) on 15 October 2021. In addition, the Regional State Administrative Agency for Southern Finland held a cooperation meeting with the City of Helsinki on 1 November 2021.

HEARING

A hearing could have jeopardised the implementation of the purpose of this decision and the resulting delay would have caused significant harm to human health and public safety, which is why no hearing was held under section 34 of the Administrative Procedure Act (434/2003).

DECISION OF THE REGIONAL STATE ADMINISTRATIVE AGENCY

Order

In accordance with section 16 of the Communicable Diseases Act, the Regional State Administrative Agency for Southern Finland has ordered all persons who are present at the Helsinki Shipyard worksite to take part in a health check organised by the City of Helsinki pursuant to section 14 of the Communicable Diseases Act to prevent the spread of the generally hazardous communicable disease COVID-19 caused by the SARS-CoV-2 virus.

The Helsinki Shipyard Oy worksite is located within the City of Helsinki at Laivakatu 1, 00151 Helsinki.

The order will be valid for the period 10 November 2021 - 31 January 2022.

This decision amends the order issued by the Regional State Administrative Agency for Southern Finland on 20 October 2021 under section 16 of the Communicable Diseases Act (ESAVI/35013/2021) for the period 10 November 2021 - 31 January 2022.

CONCLUSIONS

According to section 14 of the Communicable Diseases Act, municipalities must organise general vaccinations and health examinations to prevent infectious diseases. Getting a vaccination or participating in a health examination is voluntary.

According to section 16 of the Communicable Diseases Act, the Regional State Administrative Agency may decide that participation in a

health examination pursuant to sections 14 and 15 is obligatory if it is necessary to prevent the spread of a communicable disease that poses a risk to public health or one which can reasonably be suspected to pose a risk to public health. The decision may apply to individual or multiple persons.

A physician responsible for communicable diseases in a municipality or hospital district may make a decision on a compulsory health examination for an individual if this is necessary to prevent the spread of a generally hazardous communicable disease or a communicable disease that is reasonably suspected to be a generally hazardous.

Pursuant to section 22, of the Communicable Diseases Act, in order to prevent the spread of the disease, a person who has or is justifiably suspected of having a generally hazardous or monitored communicable disease is

obliged to provide the physician investigating the matter with information regarding his or her view of the manner, date and place of infection, as well as the names of persons who may have been the source of infection or may have been infected. A person who has or is justifiably suspected of having a generally hazardous or monitored communicable disease must give the health care personnel member tasked with investigating the issue an explanation of how they believe they got infected, the time and the place, as well as the names of all persons who may have been the source of the infection or who may become infected.

Section 88 of the Communicable Diseases Act refers to chapter 44, section 2 of the Criminal Code (39/1889), which provides on penalties for health protection violations. Under the provision in the Criminal Code, a person may be sentenced to a fine or to imprisonment for a maximum of three months for a health violation if he or she deliberately or through gross negligence violates the obligation imposed under section 16 of the Communicable Diseases Act.

Preventing the spread of the communicable disease, Covid-19 is of societal importance in order to safeguard citizens' fundamental rights to life and safety. In the prevention of the spread of Covid-19 infections, identification of sources of infection and persons exposed to the infection and prevention of further infections are key methods for achieving this.

According to the information attained by the Regional State Administrative Agency, a large number of COVID-19 infections have been diagnosed at the Helsinki Shipyard worksite in Helsinki. A large number of infections were observed at the Helsinki Shipyard Oy worksite during the period 18 September - 13 October 2021. A total of 200 COVID-19 cases. Approximately 1,100 people work at the worksite. Prior to this, the Helsinki Shipyard Oy worksite has not experienced extensive coronavirus outbreaks.

According to a report submitted to the Regional State Administrative Agency, there have been problems in tracing the coronavirus infections diagnosed at the Helsinki Shipyard Oy's worksite. In addition, the persons who work within the Helsinki Shipyard Oy worksite's area reside in numerous different municipalities often in shared accommodation and travel with shared transport. Helsinki Shipyard Oy has commissioned coronavirus tests at the worksite, but the number of tests has been small, especially taking into account the current status of the epidemic.

According to the statement submitted by the City of Helsinki, especially migrant workers arriving from countries with a low vaccination coverage, working in rotation and living in shared accommodation are at significant risk of being exposed to a SARS-CoV-2 infection. Ordering compulsory health checks is proportionate. It allows infections to be diagnosed, which will help in preventing infection chains with infection tracking. Without a compulsory health check, new workers or exposed workers cannot be tested comprehensively.

In its statement on 19 October 2021, the City of Helsinki refers to an assessment by the hospital district that the large number of infections at the shipyard forms a risk for the more extensive spread of infections to the public. In light of the referenced numbers, the loading of hospital capacity is currently significant in the HUS area. The number of patients with COVID-19 in specialised medical care has continued to rise, and on 18 October 2021, the number had risen to 55 patients, which is the highest number of patients since spring 2021. There were 13 patients in intensive care, but the rise of in-ward patients will increase the number of patients in intensive care within the coming days, which will likely mean that the number of elective surgeries must be reduced.

According to the data on the corona map maintained by the THL on 19 October 2021, the prevalence over 14 days was 175 people per 100,000 residents in the HUS area and 218.7 people per 100,000 residents in Helsinki.

According to the Finnish Institute for Health and Welfare, the organisation of systematic and long-term health checks is necessary for preventing the spread of coronavirus infections at the shipyard, taking into account factors such as the large turnover of personnel, the challenges related to determining the reliability of various foreign certificates and repeated COVID-19 outbreaks in similar conditions. In addition, taking into account the difficulties observed at the shipyard in attaining information on exposed persons and curbing the spread with other measures, it was determined that the organisation of compulsory health checks may be necessary to prevent infections.

According to a memorandum for the cooperation meeting between the Regional State Administrative Agency for Southern Finland and the City of Helsinki on 1 November 2021, health checks have been arranged at the Helsinki Shipyard premises on 15 October 2021 and 21 October

2021 by the City of Helsinki. As of 18 September 2021, the City of Helsinki has been informed of a total of 285 cases of coronavirus. According to the City of Helsinki, they have yet to make contact with 200-400 workers as the shipyard's employee pool changes continuously.

According to the memorandum for the cooperation meeting, an attempt may be made to circumvent the decision made by the Regional State Administrative Agency under section 16 of the Act on Communicable Diseases, for example by recording some of the shipyard's workers as visitors. The cooperation meeting noted that decision ESAVI/35013/2021 issued by the Regional State Administrative Agency on 20 October 2021 should be extended and specified so that the decision applies to all persons who have been present at the Helsinki Shipyard worksite. The City of Helsinki has considered this change appropriate and justified.

It remains the view of the Regional State Administrative Agency that to prevent the spread of Covid-19 infections, it is necessary to order mandatory participation in the health checks at Helsinki Shipyard Oy's premises and that it is necessary to apply the decision to all persons present at Helsinki Shipyard Oy's premises. The statements submitted to the Regional State Administrative Agency on the matter are in favour of compulsory health checks and state that they are necessary. The statements reveal that the tests commissioned by Helsinki Shipyard Oy and the other measures to prevent the spread of COVID-19, have been insufficient in preventing infections. In order to prevent infections, it is necessary to sever the chains of infection where they can be clearly detected and severed by preventive measures through compulsory health checks. For this reason the Regional State Administrative Agency believes that the order for compulsory health checks is proportionate as laid down in section 6 of the Administrative Procedure Act in relation to the desired target of preventing COVID-19 infections.

When considering measures, it has also been taken into consideration that this decision will have an impact on society, the economy, business as well as the implementation of fundamental rights. The organisation of health checks and participation in these will set restrictions on businesses and for the activities of persons present at Helsinki Shipyard and in its area. Section 18 of the Constitution of Finland safeguards the freedom to engage in business, section 7 personal freedom, self-determination and safety and section 10 the protection of private life. The restriction is based on section 16 of the Communicable Diseases Act and has been decided on taking into consideration the prevention of the spread of infections restrictions that are as minimal as possible under section 6 of the Administrative Procedure Act, which will in any case help in reducing infections. This decision restricts activities only to the extent that it is absolutely necessary in the current accelerating and uncertain epidemiological circumstances.

The rotation of personnel is common for the shipyard working environment, and this happened at Helsinki Shipyard Oy at three month intervals. The decision has been made to also cover coming rotations, and it has been estimated that by extending this decision until 31 January 2022, it will be possible to monitor how successful compulsory health checks are in preventing infections. This is necessary to prevent the spread of the generally dangerous communicable disease.

Based on what is stated above, this order is necessary to prevent the spread of a communicable disease in the City of Helsinki's area to the extent done in this decision. When making the decision, it was taken into consideration that the targeting of restrictions in accordance with an expert assessment of the case in question to the known sources of infections to which the Regional State Administrative Agency has jurisdiction and which are essential significance to the communicable disease status. According to the expert statements submitted to the Regional State Administrative Agency, the order to participate in compulsory health checks is necessary to prevent the spread of COVID-19.

Finally, the Regional State Administrative Agency states that it will continue to follow the COVID-19 outbreak situation at the Helsinki Shipyard worksite otherwise as well. At this point in time, the decision concerning compulsory health checks has been considered necessary until 31 January 2022, but it can be extended if the outbreak has not sufficiently subsided at that point in time. The Regional State Administrative Agency will also repeal the decision immediately if it is no longer considered necessary.

LEGAL RULES APPLIED

Constitution of Finland (731/1999), sections 7 and 22

Communicable Diseases Act (1227/2016), sections 1, 6, 8, 9, 14, 15, 16, 22, 60, 88 and 89

Criminal Code (39/1889), section 44

Government Decree on Communicable Diseases (146/2017) section 1

APPEAL

Under section 90 of the Communicable Diseases Act, this decision can be appealed to the Regional Administrative Court of Hämeenlinna. The instructions for appeal are attached.

IMPLEMENTATION

Notwithstanding any appeal, this decision will be implemented immediately under section 91 of the Communicable Diseases Act.

ENQUIRIES

If you have further questions concerning the matter, please contact, Senior Medical Officer Laura Nikunen, tel. +358 (0)295 016 000 (general enquiries).

Director

Kristiina Poikajärvi

Senior Medical Officer

Laura Nikunen

DECISION ON PUBLIC COMMUNICATION

The communication of this decision will take the form of a public communication. The document will be kept available for public viewing at the Regional State Administrative Agency for Southern Finland until 31 January 2022. Notification concerning making the decision available for public viewing will be reported on a public information network on the Regional State Administrative Agency website www.avi.fi.

The communication of this decision to the public is deemed to have taken place on the seventh day following the publication of the above-mentioned notification on the Regional State Administrative Agency website.