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NB: Unofficial translation; legally binding only in Finnish and Swedish.<sup>1</sup>

## **Act on Rehabilitation Compensable under the Motor Liability Insurance Act (27.3.1991/626)**

In accordance with the decision of Parliament, the following is enacted:

### **Section 1 ([30.12.2004/1361](#))**

#### **Scope of application**

This Act lays down provisions on compensating the rehabilitation necessary as a result of a traffic accident within the meaning of the Motor Liability Insurance Act ([279/1959](#)) to an individual residing in Finland and to an individual to whom a social security contract or an international statute concerning social security that is binding on Finland is applied with regard to this Act.

### **Section 2**

#### **Rehabilitation**

Rehabilitation means a set of measures to promote and support the rehabilitee's return to and coping at work, to prevent, eliminate and reduce the disabilities affecting their working or functional capacity, and to maintain and improve their independent performance.

### **Section 3**

#### **Preconditions of rehabilitation**

Rehabilitation shall be compensated to an individual who is entitled to compensation under the Motor Liability Insurance Act and whose working or functional capacity or opportunities for earned income have been impaired as a result of a traffic accident. Rehabilitation shall also be compensated for if it is likely that the individual's working or functional capacity or income-earning opportunities could be materially impaired later on as a result of a traffic accident.

### **Section 4**

#### **Compensable rehabilitation**

The rehabilitee shall be compensated for the reasonable costs arising from rehabilitation and paid compensation for the loss of income incurred during the rehabilitation period as provided below.

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<sup>1</sup> This document is an unofficial translation of the original in Finnish language and is provided for information purposes only. Finnish Motor Insurers' Centre shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable. In case of a discrepancy, the Finnish original will prevail.

## **Section 5**

### **Rehabilitation related to working and earning capacity**

Compensable as rehabilitation are the costs arising from the measures to improve or maintain the rehabilitee's working capacity and income-earning opportunities that are necessary to help the rehabilitee to continue in their previous work or occupation, or to transfer to new work or an occupation that can become the rehabilitee's main source of income.

When the need for rehabilitation is assessed, account shall be taken of the rehabilitee's age, occupation, previous activities, education, housing conditions, limitations caused by the injury or illness, and the rehabilitee's opportunities for finding employment or an occupation in the labour market at the end of the rehabilitation under generally accepted terms and conditions.

## **Section 6**

### **Compensable costs of rehabilitation related to working and earning capacity**

Compensable as costs of rehabilitation related to working and earning capacity are:

- 1) investigations to establish the need and opportunities for rehabilitation;
- 2) work and training try-outs;
- 3) job coaching in the former or new work or work clinic or other similar establishment;
- 4) education and training that is necessary and sufficient for the work or occupation suitable for the rehabilitee and the preparatory general basic education necessary for completing such education and training, and the necessary and reasonable costs arising from the studies and learning tools;
- 5) necessary and reasonable travel costs arising from the rehabilitation;
- 6) grant or interest-free loan for the purchase of equipment and machinery and the creation or modification of the rehabilitee's own business in order to support the ability to pursue a trade or occupation;
- 7) aids and equipment for the use of the rehabilitee and similar structures necessary for performing work assignments, taking into account the functional limitations caused by the injury or illness;
- 8) for a person with severe disabilities, a grant or interest-free loan to purchase a vehicle for commuting between home and the place of work, if the vehicle is necessary owing to a limited ability to use public means of transport as a result of the injury or illness;
- 9) for a person with severe disabilities, travel costs arising from work or studies, if the injury prevents the use of public means of transport; and
- 10) other comparable rehabilitation costs.

If it is noticed during the course of the measures taken to improve the rehabilitee's earning opportunities that the rehabilitee does not have the preconditions for the rehabilitation or it is otherwise found to be unsuitable for the rehabilitee, the scope of the rehabilitation can be changed, or it can be discontinued altogether.

## **Section 7**

### **Rehabilitation related to working or functional capacity**

Compensable as rehabilitation, insofar as this, as medical care, is not assigned as being part of the duties of a health centre or hospital district under the Health Care Act ([1326/2010](#)), are the costs arising from the measures necessary for promoting and maintaining the rehabilitee's working or functional capacity that are taken at the rehabilitation facility chosen by the insurance company by its payment commitment. ([30.12.2010/1336](#))

Compensable as rehabilitation costs are:

- 1) investigations to establish the need and opportunities for rehabilitation;
- 2) episodes of rehabilitation in institutional or outpatient care;
- 3) the costs arising from prescribing, fitting, acquiring, handing over for use, user training, servicing and replacement of the aids necessary because of the functional limitations caused by the injury or illness;
- 4) reasonable costs arising from the aids and appliances and alterations to the permanent apartment that are necessary and reasonable for persons with severe disabilities; apartment alterations are eligible for compensation no more than once in every five years, unless there are particularly weighty reasons for carrying out the alterations earlier;
- 5) the costs incurred by the rehabilitee from adjustment training, including the necessary travel and accommodation costs and, to a reasonable extent, the loss of earnings incurred by a family member or the de facto caregiver of the rehabilitee for joining the rehabilitee in the adjustment training;
- 6) the travel costs incurred by the rehabilitee through participating in the rehabilitation;
- 7) for a person with severe disabilities, the additional costs arising from assisted living;
- 8) reasonable costs arising from interpretation services for persons with severe sight, hearing or speech impairment; and
- 9) other comparable rehabilitation costs.

## **Section 8**

### **Compensation payable for the loss of earnings during the rehabilitation period**

A rehabilitee in a work or training try-out, work clinic, job coaching or vocational training or in a hospital or rehabilitation facility shall be compensated in full for the loss of income or loss of support during the time concerned as set out in the Motor Liability Insurance Act.

However, full compensation shall not be paid when the rehabilitation is arranged in such a way that it will not prevent the rehabilitee from engaging in gainful employment suitable for them.

In the event that the rehabilitee had no income at the time of sustaining an injury in a traffic accident, the rehabilitee shall be paid income security according to the income paid for gainful employment that would have been available to the rehabilitee prior to the commencement of the rehabilitation.

Full compensation shall also be paid for a reasonable period of time when the need and opportunities for rehabilitation are examined and the commencement of the rehabilitation is waited for in the case of rehabilitation pursuant to section 5.

The rehabilitee shall also be paid full compensation as provided in paragraph 1 above for a holiday included in the curriculum of the rehabilitation pursuant to section 5.

#### **Section 8a ([22.8.2019/965](#))**

##### **Insurance coverage against occupational accidents and diseases in vocational rehabilitation**

The insurance company or the Finnish Motor Insurers' Centre and the State Treasury that pays compensation for the cost of vocational rehabilitation shall take out insurance pursuant to section 3, subsection 1 of the Workers' Compensation Act ([459/2015](#)) for the rehabilitee to cover events of loss occurring during work and training try-outs, job coaching and work experience placement included in the rehabilitation. The provisions of section 278, subsections 2 and 3 of the Workers' Compensation Act shall be applied to the rehabilitee's annual earnings and the daily allowance paid to the rehabilitee.

Section 8a as added by Act [965/2019](#) enters into force on 1 January 2020.

#### **Section 9 ([30.12.2004/1361](#))**

##### **Interruption in rehabilitation**

If the rehabilitation or the investigation of rehabilitation needs and opportunities is interrupted or the commencement of the rehabilitation is delayed for a reason attributable to the rehabilitee, and said reason is not a result of the compensable injury or illness, no rehabilitation allowance pursuant to section 8 shall be paid for the period of such interruption or delay.

#### **Section 10**

##### **Precedence of the Act**

If the municipality has provided the rehabilitee with statutory rehabilitation services and support measures for the same purpose and at the same time as the rehabilitation compensable under this Act, the right to compensation in this respect shall be transferred to the municipality.

If the municipality has notified the insurance institution of the rehabilitation it has provided so late that the insurance institution was unable to take the notification into account when it

paid compensation to the rehabilitee, the insurance institution shall not be liable to pay compensation to the municipality.

The above provisions of this section on the right of a municipality to compensation shall also apply, mutatis mutandis, to the Social Insurance Institution of Finland if, pursuant to the Act on Rehabilitation Services to be Provided by the Social Insurance Institution ([610/1991](#)), it has provided the rehabilitee with rehabilitation compensable under this Act or paid rehabilitation allowance under the Rehabilitation Allowance Act ([611/1991](#)) for the duration of rehabilitation compensable under this Act.

## **Section 11**

### **Institution of a rehabilitation case**

If a compensable injury gives rise to long-term limitations to working and functional capacity and earning opportunities, the insurance institution shall, on its own initiative, promptly institute the rehabilitation case referred to in section 5 and attend to the investigation of rehabilitation needs and referral to rehabilitation. Where applicable, the need and opportunities for rehabilitation referred to herein shall be determined by the insurance institution before a permanent pension can be granted to the injured party.

A rehabilitation initiative can also be made by the injured party, employer, medical facility, employment authority or other individual investigating the rehabilitation case. The insurance institution shall, in response to the initiative, promptly take steps to investigate the need and opportunities for rehabilitation.

If the initiative for rehabilitation under this Act is rejected, the insurance institution is responsible for ensuring that the injured party is given information about other opportunities for rehabilitation and that they are referred to rehabilitation that meets their need for rehabilitation or other services in collaboration with the parties arranging them.

[\(13.6.2003/507\)](#)

*Subsection 4 has been repealed by the Act of [19.12.2014/1224](#).*

## **Section 12**

### **Division of responsibilities**

If different insurance institutions pay compensation for a traffic accident to the same person as a result of two or more traffic accidents, the decision on compensating the rehabilitation shall be made by the insurance institution that pays compensation for the latest traffic accident, unless a case concerning it has already been instituted at another insurance institution.

## **Section 13**

### **Division of costs**

If the rehabilitee is entitled to compensation under two or more motor liability insurance policies as a result of the same traffic accident or multiple traffic accidents that are directly

related to one another, the costs shall be divided between the insurance institutions as set out in section 51 of the Motor Liability Insurance Act [\(460/2016\)](#). [\(17.6.2016/470\)](#)

If the need for rehabilitation is based on two or more compensable traffic accidents, the costs shall be divided between those liable for compensations in proportion to the consequences caused by the insured event.

#### **Section 14** [\(16/04/1993/363\)](#)

Section 14 has been repealed by the Act of [16.4.1993/363](#).

#### **Section 15** [\(17/06/2016/470\)](#)

##### **Increase in compensation for the time of delay**

If the compensation referred to in this Act is delayed, the provisions of section 67 of the Motor Liability Insurance Act concerning the payment of a penalty increase for the time of delay for a delayed compensation for personal injury shall be applied.

#### **Section 16**

##### **Appeal procedure**

Anyone dissatisfied with a decision issued by an insurance institution may appeal to the Insurance Court by submitting a written appeal no later than on the 30th day after the date on which the decision was served on the appellant.

Unless otherwise proven in connection with the appeal, the appellant is deemed to have received service on the seventh day after the date on which the decision was mailed to the address indicated by the appellant.

If the appeal was received by the Insurance Court after the expiry of the time limit indicated in subsection 1, it can nevertheless be accepted for consideration if there were weighty reasons for the delay.

An individual dissatisfied with the decision of an insurance institution may request a recommendation for a decision from the Traffic Accident and Patient Injuries Board within the appeal period set out in subsection 1. If the case is filed with the Board, the passing of the appeal period will be halted for the duration of the processing. [\(22.8.2019/965\)](#)

***Subsection 4 as added by Act [965/2019](#) enters into force on 1 January 2021.***

The appeal period shall be considered to be halted when the processing of the case ends at the Traffic Accident and Patient Injuries Board. The appeal period may only be extended once, following this procedure. [\(22.8.2019/965\)](#)

***Subsection 5 as added by Act [965/2019](#) enters into force on 1 January 2021.***

#### **Section 17**

##### **International reciprocity**

The Government shall have the power to decide on exceptions to the provisions of this Act arising from a reciprocal agreement with a foreign state concerning statutory benefits.

#### **Section 18**

##### **Further provisions**

Further provisions on the implementation of this Act shall be issued by decree.

#### **Section 19**

##### **Entry into force**

This Act shall enter into force on 1 October 1991.

This Act repeals the Act of 1 July 1965 on the invalid care of those receiving compensation under motor liability insurance ([391/1965](#)), as amended.

This Act shall also apply to the compensation of rehabilitation that is needed as a result of a traffic accident that occurred prior to its entry into force.

Government Proposal 259/1990, Social Affairs and Health Committee Report 49/1990,  
Grand Committee Report 253/1990