

NB: Unofficial translation; legally binding only in Finnish and Swedish.¹

Act on Rehabilitation Compensated According to the Motor Liability Insurance Act

In accordance with the decision of the Parliament, it is prescribed:

Section 1 (30.12.2004/1361)

Scope of application

This Act lays down provisions on compensation for rehabilitation required by a traffic accident referred to in the Motor Liability Insurance Act (279/1959) to persons resident in Finland and persons subject to a treaty on social security or international regulation concerning social security that is binding on Finland for the purpose of this Act.

Section 2

Rehabilitation

Rehabilitation refers to all measures that promote and support a person's return to work and coping at work, prevent and reduce incapacities that affect working or functional capacity, and maintain and improve the person's independent coping.

Section 3

Preconditions for rehabilitation

Rehabilitation is compensated for a person who is entitled to compensation under the Motor Liability Insurance Act and whose working or functional capacity or ability to earn a livelihood has decreased due to a traffic accident. Rehabilitation is also compensated for if it is probable that the person's working or functional capacity or ability to earn a livelihood could substantially decrease later due to a traffic accident.

Section 4

Compensable rehabilitation

The people in rehabilitation is compensated for the reasonable costs of rehabilitation and paid compensation for the loss of income incurred during the rehabilitation period as laid down below.

Section 5

Rehabilitation related to working and earning capacity

The costs of measures required to improve or maintain working and earning capacity with which the person in rehabilitation can, in spite of the limitations caused by the injury or disease, continue

¹ 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.

in their former work or occupation or transfer to a new work or occupation from which they could earn their primary livelihood, are compensated for as rehabilitation.

The person's age, previous activity, education, living conditions, limitations caused by the injury or disease and their possibilities of finding work or an occupation under the general terms and conditions followed in the labour market are taken into account in assessing the need for rehabilitation.

Section 6

Compensable costs of rehabilitation related to working and earning capacity

The following are compensated for as costs of rehabilitation related to working and earning capacity:

- 1) examinations to determine the need and possibilities of rehabilitation;
- 2) work and education try-outs;
- 3) work coaching in the person's previous or new workplace or work clinic or other corresponding institution;
- 4) required and sufficient training for work or occupation suitable for the person in rehabilitation and basic education required for such education and the necessary and reasonable costs of studying and studying resources;
- 5) necessary and reasonable travel costs incurred due to rehabilitation;
- 6) grant or interest-free loan for acquiring tools and work machines or establishing a company or moving to support livelihood or exercise of an occupation;
- 7) aids and devices and similar structures for use by the person in rehabilitation, which are required for performing work duties, taking into consideration the functional limitations caused by the injury or disease;
- 8) for a severely injured person, grant or interest-free loan for acquiring means of transport for travel between home and workplace, if the need for a vehicle is due to limitations in using public transport caused by the injury;
- 9) for a severely injured person, travel costs incurred due to work or studying when the injury prevents the use of public transport; and
- 10) other corresponding costs of rehabilitation.

If it is found during the measures to improve earning capacity that the person in rehabilitation does not meet the preconditions for rehabilitation or it is otherwise found unsuitable, the scope of the rehabilitation can be changed or it can be discontinued altogether.

Section 7

Rehabilitation related to working and functional capacity

The costs of measures required to promote and maintain the person's working or functional capacity or social functional capacity and coping provided in a rehabilitation unit selected by an insurance company through a payment commitment are compensated for as rehabilitation to the extent that they are not prescribed as medical treatment for which a healthcare centre or hospital district is liable under the Primary Health Care Act (1326/2010). (30.12.2010/1336)

The following are compensated for as rehabilitation costs:

- 1) examinations to determine the need and possibilities of rehabilitation;
- 2) outpatient or inpatient rehabilitation periods;
- 3) prescribing, fitting, acquiring, handing over, training and maintenance or replacement of aids required due to the limitations incurred by the injury or disease;
- 4) for severely injured persons, necessary and reasonable costs of aids and equipment required in their permanent residence and reasonable costs of alteration work to the residence; the right to compensation for alteration work to the residence is limited to once every five years, unless there are specifically weighty reasons for alteration work performed earlier;
- 5) the costs of adaptation training incurred by the person in rehabilitation, including unavoidable travel and accommodation expenses incurred by the presence a next of kin or person factually caring for them in adaptation training, and to a reasonable extent, the loss of income of such a person;
- 6) travel costs incurred by a person participating in rehabilitation due to rehabilitation;
- 7) additional costs incurred by a severely injured person due to assisted living;
- 8) reasonable expenses incurred by a person who has a severe visual, aural or speech impairment; and
- 9) other corresponding costs of rehabilitation.

Section 8

Compensation for loss of income during the rehabilitation period

A person who is undergoing rehabilitation in a work or education try-out, work clinic, work coaching or vocational education or a hospital or rehabilitation institution, is compensated for the loss of income or livelihood in full under the Motor Liability Insurance Act for this time. However, compensation is not paid in full when the rehabilitation is organised so that it does not prevent the person from gainful employment suitable for them.

If the person in rehabilitation did not have any income when injured in a traffic accident, they are paid income security at the amount of income paid for gainful employment that would have been available to them before the beginning of rehabilitation

Full compensation is also paid for a reasonable time during the investigation of the need and possibilities of rehabilitation and waiting for the beginning of rehabilitation in the case of rehabilitation referred to in Section 5.

The person in rehabilitation is also paid full compensation pursuant to subsection 1 for a holiday included in the study programme of rehabilitation referred to in Section 5.

Section 9 (30.12.2004/1361)

Interruption of rehabilitation

If the rehabilitation is interrupted or the investigation of the need and possibilities of rehabilitation is prolonged or interrupted or the beginning of rehabilitation is delayed due to a reason attributable to the person in rehabilitation, which is not the result of the compensable injury, compensation under Section 8 will not be paid for the duration of such interruption or delay.

Section 10

Precedence of the Act

If a municipality has provided the person in rehabilitation with services and support measures under other legislation that concern the same purpose and time as rehabilitation provided to the person under this Act, the right to compensation is transferred to the municipality in this respect.

If the municipality has informed the insurance institution of the rehabilitation it has provided so late that the insurance company has not been able to take the report into account when paying compensation to the person in rehabilitation, the insurance company is not liable to compensate the municipality.

What is laid down in this Section above regarding a municipality's right to compensation correspondingly applies to the Social Insurance Institution of Finland if it has provided rehabilitation to the person under the Act on Rehabilitation Services to be Provided by the Social Insurance Institution (610/1991) or has paid rehabilitation allowance under the Rehabilitation Allowance Act (611/1991) during rehabilitation reimbursable under this Act.

Section 11

Instituting proceedings in a rehabilitation-related matter

If the compensable injury causes long-term restrictions to working and functional capacity and earning capacity, the insurance institution shall, at its own initiative immediately institute proceedings in a rehabilitation-related matter referred to in Section 5 and take care of the investigation of the need for rehabilitation and referral to rehabilitation. The need and possibilities of rehabilitation referred to herein shall be investigated by the insurance institution before a permanent pension can be granted to the injured person.

A rehabilitation initiative can also be made by the injured person, employer, medical treatment facility, labour authority or another person investigating the rehabilitation-related matter. As a result of the initiative, the insurance institution shall immediately take action to investigate the need and possibilities of rehabilitation.

If an initiative concerning rehabilitation referred to in this Act has been rejected, it is the responsibility of the insurance institution to ensure that the injured person is provided with information about other rehabilitation options and that they are referred to rehabilitation corresponding to their need for rehabilitation or to other services in cooperation with the parties providing them. (13.6.2003/507)

Subsection 4 abolished with Act 19.12.2014/1224.

Section 12

Allocation of responsibility

If different insurance institutions pay compensation for a traffic accident to the same person due to two or more traffic accidents, the insurance institution paying compensation due to the latest traffic accident decides on the compensability of rehabilitation, unless a question regarding it is already pending in another insurance institution.

Section 13

Allocation of costs

If the person in rehabilitation is entitled to compensation from two or more motor liability insurance policies due to a single traffic accidents or directly linked traffic accidents, the costs are allocated between the insurance institutions as laid down in Section 14 of the Motor Liability Insurance Act.

If the need for rehabilitation is based on two or more compensable traffic accidents, the costs are allocated between the parties liability in proportion to the consequences of the insured events.

Section 14 (16.4.1993/363)

Section 14 abolished with Act 16.4.1993/363.

Section 15

Increase in compensation for delay

When the compensation for compensation referred to in this Act is delayed, the provisions of Section 67 of the Motor Liability Insurance Act concerning the payment of increased delayed compensation for personal injury for the delay.

Section 16

Appeal procedure

If a party is not satisfied with a decision issued by an insurance institution, the decision can be appealed by submitting a written appeal to the Insurance Court at the latest on the thirtieth day from the day on which the appellant was informed of the decision.

Unless otherwise indicated in connection with the appeal, the appellant is considered to have been informed of the decision on the seventh day after which the decision was mailed to the address specified by the appellant.

If the appeal is received by the Insurance Court after the due date referred to in subsection 1, it can nevertheless be examined if there have been weighty reasons for the delay.

Section 17

International reciprocity

The Government is authorised to decide on exceptions to the provisions of this Act arising from a reciprocal treaty with a foreign state with regard to benefits payable by law.

Section 18

More detailed provisions

More detailed provisions on the enforcement of this Act will be prescribed by a Decree.

Section 19

Entry into force

This Act enters into force on 1 October 1991.

This Act abolishes the Act on the disabled welfare of motor liability insurance indemnitees issued on 1 July 1965 (391/1965), as amended.

This Act shall also be applied to compensation for rehabilitation required due to a traffic accident that has taken place before its entry into force.