

– Finland –

Ratifications

Finland ratified the Revised European Social Charter on 21/06/2002: it has accepted 88 of the 98 paragraphs of the Revised Charter.

Finland has agreed to be bound by the “ collective complaints procedure.” Finland has made a declaration enabling national NGOs to submit collective complaints.

Finland had ratified the European Social Charter and the Protocol adding new rights on 29/04/1991 (it accepted 62 of the 72 paragraphs of the Charter and the 4 paragraphs of the Additional Protocol). Finland ratified the Protocol reforming the control mechanism on 18/08/1994

On 15-16 November 2007 the European Committee of Social Rights participated in a meeting with representatives of the Finnish Government on provisions of the Revised Social Charter not accepted by Finland.

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3								= Non Accepted provisions			

Reports

Between 1993 and 2006, Finland submitted 10 reports on the application of the Charter and 2 reports on the Revised Charter. The 2nd report on non core provisions of the revised Charter accepted by Finland was submitted in October 2006.

The 3rd report will concern the provisions related to the theme ‘Employment, Training and Equal opportunities’ (Articles 1, 9, 10, 15, 18, 20, 24 and 25 of the Revised Charter). The 3rd report should have been submitted before 31/10/2007.

Collective complaints (procedure terminated)

► *Tehy ry and STTK : v. Finland (N° 10/2000)*

Violation of Article 2§4 (*elimination of risks for workers in dangerous or unhealthy occupations*) decision of the merits of 17 October 2001.

Pending

► *Federation of Finnish Enterprises v. Finland (no 35/2006)*

Charter in domestic law

Statutory ad hoc incorporation by specific implementing legislation

Finland's record with respect to application of the Charter is the following as of 1 December 2007 :

Examples of progress achieved or being achieved

Non-discrimination

- Signature in Spring 2000 of a new collective agreement in the hotel and catering sectors, under which it is no longer necessary for shop stewards to be Finnish citizens. *Articles 5 and 19§4 – right to equal treatment in trade union matters.*
- New legislation on Non-Discrimination strengthened protection against discrimination (Act No. 21/2004). *Article 1§2, Prohibition of discrimination in employment.*

Employment

- Extension to private employment agencies of the principles applicable to public employment services (Act No. 1005/1993 as amended in 1999) *Article 1 §3 – right to free employment services.*
- The time for which children of 14 years and over who are subject to compulsory education may work has been set at half the school holidays. Employment of children of over 15 years of age for emergency work is possible only if no adult is available to carry it out. If the rest period of a young worker has been reduced on account of emergency work, a comparable rest period must be given to him as soon as possible within a period of no more than three weeks (Act No. 998/1993 as amended in 1999) *Article 7- right of young people between 15 and 18 years of age to special conditions of employment.*

Movement of persons

- Repeal in 1998 of the provision of the 1986 Passports Act which made it possible to refuse a passport to “persons who prove unable to look after themselves” *Article 18§4 – right to simplification and liberalisation of formalities related to immigration.*

Cases of non-compliance

Non-discrimination

Nationality

Discrimination against non EU and EEA nationals in the following matters:

▶ *Article 10§5 – right to vocational training.*

Nationals of other states party residing or working lawfully in the country are not guaranteed equal treatment with regard to financial assistance for Training.

▶ *Article 12§4 – right to equal treatment with respect to family benefits.*

1. legislation does not provide for retention of accrued benefits when persons move to a state party not covered by Community regulations or bound by agreement with Finland;
2. Finnish legislation does not provide for aggregation of the periods of insurance or employment completed by nationals of those Contracting Parties not belonging to the European Union or not having entered into a bilateral agreement with Finland.

▶ *Article 19§8 – right to guarantees in case of expulsion.*

A migrant worker's minor children who have settled on Finnish territory as a result of family reunion may be expelled when the migrant worker is expelled.

Disability

Article 15§3- right of persons with disabilities to independence, social integration and participation in the life of the community.

There is no anti-discrimination legislation for persons with disabilities covering areas such as communication, housing transport and cultural and leisure activities.

Sex

▶ *Article 1§2 Prohibition of discrimination in employment*

Compensation payable in cases of unlawful discriminatory dismissal is subject to a ceiling

▶ *Article 20 – Right to equal opportunities and treatment in employment and occupation without sex discrimination*

The law does not provide for reinstatement in cases of illegal dismissals based on gender discrimination.

Employment

▶ *Article 1§2 – prohibition of discrimination in employment.*

The alternative service that conscientious objectors are required to perform is more than double the compulsory military service performed by the majority of conscripts and is thus a disproportionate restriction on workers' right to earn their living in an occupation freely entered upon.

▶ *Article 2§1 – right to reasonable working time.*

The legislation on working time enables daily rest periods during employment to be reduced to 7 or even 5 hours.

► *Article 4§2 – right to increased remuneration for overtime*

There is no evidence that all collective agreements derogating from the provisions of the Working Hours Act afford a level of protection in compliance with Article 4§2.

► *Article 6§4 – right to collective bargaining (strikes and lock-outs)*

Civil servants cannot call a strike in pursuance of objectives which are not covered by the collective agreement.

► *Article 7§5- right to fair par for young workers and apprentices*

The Committee could not determine whether apprentices' allowances come to at least a third of the basic or minimum wage of an adult at the beginning of an apprenticeship and increase to at least two-thirds by the end.

► *Article 8§2 – prohibition of dismissal during maternity leave.*

Legislation makes no provision for the reinstatement of women unlawfully dismissed on grounds related to pregnancy or maternity leave, and compensation payable in cases of unlawful dismissal is subject to a ceiling.

► *Article 27§3 – Prohibition of dismissal for reasons relating to family responsibilities*

Legislation makes no provision for the reinstatement of workers unlawfully dismissed on grounds of their family responsibilities.

Social Protection

► *Article 12§1 – Right to social security*

Sickness and maternity allowances and the minimum national pension for single persons are manifestly inadequate.