Finland ratified the Revised European Social Charter on 21/06/2002, accepting 88 of the 98 paragraphs of the Revised Charter.

It ratified the Additional Protocol providing for a system of Collective Complaints on 17/07/1998. Finland has made a declaration enabling national NGOs to submit collective complaints.


### Table of accepted provisions

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Grey = Accepted provisions

### Charter in domestic law

Statutory ad hoc incorporation by specific implementing legislation.

### Reports

Between 1993 and 2014, Finland has submitted 10 reports on the application of the Charter and 10 reports on the Revised Charter.

The 9th report submitted by Finland on 4 December 2013 covers the accepted provisions relating to the Thematic Group 3 "Labour rights", namely:

- The right to just conditions of work (Article 2)
- The right to a fair remuneration (Article 4)
- The right to organise (Article 5)
- The right to bargain collectively (Article 6)
- The right to information and consultation (Article 21)
- The right to take part in the determination and improvement of the working conditions and working environment (Article 22)
- The right to dignity at work (Article 26)
- The right of workers’ representatives to protection in the undertaking and facilities to be accorded to them (Article 28)
- The right to information and consultation in collective redundancy procedures (Article 29)

Conclusions in respect of these provisions were published in January 2015.

The 10th report submitted by Finland on 31 October 2014 concerns the follow-up given to the decisions of the European Committee of Social Rights relating to the collective complaints, as well as the information required by the Committee in the framework of Conclusions 2013 (Articles 3, 11, 12, 13, 14, 23 and 30, relating to Thematic group "Health, social security and social protection"), in the event of non-conformity for lack of information.

Conclusions in respect of these matters will be published in January 2016.

* Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.
Situation of Finland with respect to the application of the Revised Charter

Examples of progress achieved in the implementation of social rights under the Social Charter¹

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.
► New legislation on Non-Discrimination strengthened the protection against discrimination (Act No. 21/2004).
► The limits on compensation payable in the event of sex discrimination were removed by amendments to the Act on Equality between Men and Women (amendments introduced by Act No. 232/2005).

Employment
► Extension to private employment agencies of the principles applicable to public employment services (Act No. 1005/1993 as amended by Act No. 418/1999)
► The working time permitted for children of 14 years of age or younger and subjected to compulsory education has been set at half of the duration of the school day. Employment of children of over 15 years of age for emergency work is possible only if no adult is available to carry out the work. 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 by Act No. 754/1998).

Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)
► The Non-Military Service Act 1466/2007 which entered into force in 2008 shortened alternative service from 395 days to 362 days. The Committee finds that the situation is now in conformity with the Charter in this respect

The right to safe and healthy working conditions
► Under Section 39 of the Occupational Safety and Health Act the employees’ exposure to such agents as radiation that causes hazards or risks to safety or health must be reduced to such a level that no hazard or risk is caused to the employees’ safety, health or reproductive health. In 2010, a Decree on Protecting Workers from Optical Radiation and detailed rules and procedures on radiation and nuclear safety by the Radiation and Nuclear Safety Authority were adopted (STUK).

Supervision
► According to the Act on Co-operation Ombudsman (216/2010) which entered into force on 1 July 2010, the Co-operation Ombudsman supervises compliance with the Act on Cooperation within Undertakings and other Acts relating to the personnel representation systems. This Ombudsman operates independently under the Ministry of Employment and Economy with a term of office of five years.

¹ “1. The [European Committee of Social Rights] … rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure” (Rule 2 of the Rules of the Committee).
Movement of persons
► Repeal in 1998 of the provision of the 1986 Passports Act (No. 642/1986, for the legislation currently in force, see Act No. 671/2006) which enabled the refusal of a passport to “persons who prove unable to look after themselves”.

Equal opportunities for workers with family responsibilities
► Extension as from 1 August 2006 onwards of the right to partial child-care leave for parents of children with disabilities or long-term illnesses until the time when the child in need of special care and treatment reaches the age of 18 years (Acts Nos. 55/2001 and 423/1978 as amended by Acts. Nos. 533/2006 and 534/2006).

Housing
► The adoption of the Government’s Programme to Reduce Long-term Homelessness in 2008 with the central objective of halving long-term homelessness between the years 2008 and 2010. The Programme not only attained the objective, but exceeded it. The “Housing First” –principle has been recommended as an example on how to tackle homelessness.

Cases of non-compliance

Thematic group 1 “Employment, training and equal opportunities”
► Article 10§5- Right to vocational training - Full use of facilities available
Nationals of other States Parties lawfully resident in Finland are not treated equally with respect to financial assistance.
(Conclusions 2012)

► Article 24- Right to protection in case of dismissal
Legislation does not provide for the possibility of reinstatement in case of unlawful dismissal.
(Conclusions 2012)

Thematic group 2: “Health, social security and social protection”
► Article 12§1 Right to social security - Existence of a social security system
The minimum level of sickness benefit is manifestly inadequate and the minimum level of old-age benefit is inadequate.
(Conclusions 2013)

► Article 12§4 – Right to social security - Social security of persons moving between states
1. equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties;
2. equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties;
3. it has not been established that the retention of accrued benefits is guaranteed to nationals of all other States Parties;
4. the right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties.
(Conclusions 2013)

► Article 13§1 – Adequate assistance for every person in need
The granting of social assistance benefits to foreign nationals from certain States Parties to the Charter, legally residing in Finland, is subject to an excessive length of residence condition.
(Conclusions 2013)
Article 23 - Right of the elderly to social protection

- It has not been established that there is an adequate legal framework prohibiting discrimination on grounds of age;
- The legislation allows practices leading to a part of the elderly population being denied access to informal care allowances or other alternative support;
- Insufficient regulation of fees for service housing and service housing with 24-hour assistance, combined with the fact that the demand for these services exceeds supply, does not meet the requirements of Article 23 of the Charter insofar as these:
  - Create legal uncertainties to elderly persons in need of care due diverse and complex fee policies. While municipalities may adjust the fees, there are no effective safeguards to assure that effective access to services is guaranteed to every elderly person in need of services necessitated by their condition.
  - Constitute an obstacle to the right to the provision of information about services and facilities available for elderly persons and their opportunities to make use of them as guaranteed by Article 23 of the Charter (Complaint 71/2011).

(Conclusions 2013)

Thematic group 3: “Labour rights”

► Article 2§1 – Right to just conditions of work - Reasonable working time
The legislation on working time allows the daily rest period to be reduced to 7 hours for some categories of workers.
(Conclusions 2014)

► Article 2§5 – Right to just conditions of work - Weekly rest period
Workers may work for more than twelve consecutive days without a rest period and might, in certain cases, give up their right to compensatory time off in exchange for an indemnisation.
(Conclusions 2014)

► Article 4§2 – Right to a fair remuneration - Increased remuneration for overtime work
The legislation does not guarantee the right to an increased time off in lieu of remuneration for overtime.
(Conclusions 2014)

► Article 4§3 – Right to a fair remuneration - Non-discrimination between women and men with respect to remuneration
The law does not provide for reinstatement in cases where an employee is dismissed in retaliation for bringing an equal pay claim.
(Conclusions 2014)

► Article 4§5 – Right to a fair remuneration - Limits to wage deductions
The attachable amount of wages leaves workers who are paid the lowest wages and their dependants insufficient means for subsistence.
(Conclusions 2014)

► Article 26§2 – Right to dignity in the workplace - Moral harassment
Employers cannot be held liable in case of harassment involving employees under their responsibility, or on premises under their responsibility, when a person not employed by them is the victim or the perpetrator.
(Conclusions 2014)

► Article 28 – Right of workers’ representatives to protection in the undertaking and facilities to be accorded to them
It has not been established that workers’ representatives are granted adequate protection.
(Conclusions 2014)
Thematic group 4: “Children, families and migrants”

► Article 8§2 – Right of employed women to protection - Illegality of dismissal during maternity leave
No provision is made in law for the reinstatement of women unlawfully dismissed during pregnancy or maternity leave.
(Conclusions 2011)

► Article 27§3 – Right of workers with family responsibilities to equal opportunity and treatment - Illegality of dismissal on the ground of family responsibilities
Legislation makes no provision for the reinstatement of workers unlawfully dismissed on grounds of their family responsibilities.
(Conclusions 2011)

The European Committee of Social Rights has been unable to assess compliance with the following rights and has invited the Finnish Government to provide more information in the next report in respect of the following provisions:

**Thematic group 1: “Employment, training and equal opportunities”**
► Article 1§4 – Conclusions 2012
► Article 10§3 – Conclusions 2012

**Thematic group 2: “Health, social security and social protection”**
► Article 13§4 – Conclusions 2013

**Thematic group 3: “Labour rights”**
► Article 2§4 – Conclusions 2014
► Article 6§4 – Conclusions 2014
► Article 22 – Conclusions 2014

**Thematic group 4: “Children, families and migrants”**
► Article 17§1 – Conclusions 2011
► Article 19§4 – Conclusions 2011
► Article 19§8 – Conclusions 2011
► Article 31§3 – Conclusions 2011
Collective Complaints and State of Procedure in Finland

Collective complaints (under examination)

Finnish Society of Social Rights v. Finland (No. 108/2014)

Finnish Society of Social Rights v. Finland (No. 107/2014)

Finnish Society of Social Rights v. Finland (No. 106/2014)

Finnish Society of Social Rights v. Finland (No. 88/2012)

Collective complaints (proceedings completed)

1. Complaints inadmissible or where the Committee has found no violation

Federation of Finnish Enterprises v. Finland (No. 35/2006)
No violation of Article 5 (right to organise) decision on the merits of 16 October 2007.

2. Complaints where the Committee has found a violation, which has been remedied

Tehy ry and STTK v. Finland (No. 10/2000)
Violation of Article 2§4 (elimination of risks for workers in dangerous or unhealthy occupations), decision on the merits of 17 October 2001.

3. Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

Association of Care Giving Relatives and Friends v. Finland (No. 70/2011)
Violation of Article 23 (Right of elderly persons to social protection), decision on the merits of 4 December 2012

Association of Care Giving Relatives and Friends v. Finland (No. 71/2011)
Violation of Article 23 (Right of elderly persons to social protection), decision on the merits of 4 December 2012

4. Complaints where the Committee has found a violation, which has not yet been remedied

None.

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2 The case-law of the Committee on the collective complaints may be consulted on the European Social Charter’s website on the Collective Complaint webpage. Searches on complaints may also be carried out in the European Committee of Social Rights Case Law database.