

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



13 August 2026

Case Document No. 2

The Finnish Trade Union of Education (OAJ) v. Finland
Complaint No. 256/2025

OBSERVATIONS BY THE GOVERNMENT ON ADMISSIBILITY

Registered at the Secretariat on 24 March 2026



Ministry for Foreign Affairs of Finland

Legal Service

Unit for Human Rights Courts
and Conventions

VN/5134/2026

VN/5134/2026-UM-5

24 March 2026

Mr Henrik Kristensen
Executive Secretary
European Committee of Social Rights

Ref. 6/2026 GS/IU

Complaint No. 256/2025

The Finnish Trade Union of Education (OAJ) v. Finland

OBSERVATIONS ON THE ADMISSIBILITY OF THE COMPLAINT

Sir,

With reference to your letter of 10 February 2026 concerning complaint no. 256/2025, I have the honour, on behalf of the Government of Finland, to submit the following observations on the admissibility of the complaint.

Admissibility of the complaint

General

1. The Government observes that the present complaint has been lodged by the Finnish Trade Union of Education (*Opetusalan Ammattijärjestö, Undervisningssektorns Fackorganisation* OAJ, later “the complainant organisation”) on 18 December 2025.
2. The Government notes that according to Article 4 of the Additional Protocol providing for a system with collective complaints, which was ratified by Finland on 17 July 1998 and entered into force for Finland on 1 September 1998, a complaint shall be lodged in writing and relate to a provision of the Charter accepted by the Contracting Party concerned and indicate in what respect the latter has not ensured the satisfactory application of this provision.

Postal Address

Ministry for Foreign Affairs of Finland
PO Box 176
FI-00023 Government

Office

Ministry for Foreign Affairs of
Laivastokuja 3
00160 Helsinki

Telephone

+358 2 951 6001

Fax

+358 9 629 840

E-mail, internet

kirjaamo.um@gov.fi
www.um.fi

3. The Government observes that the complainant organisation alleges that Finland has violated Articles 6 and G of the Revised European Social Charter (later, “the Charter”). More precisely, the complainant organisation alleges that Finland has violated the promotion of joint consultations (Article 6 § 1), the promotion of collective bargaining (Article 6 § 2), the establishment and use of appropriate machinery for conciliation and voluntary arbitration (Article 6 § 3) and the right of workers and employers to collective action (Article 6 § 4 in relation to Article G).

4. Finland has ratified the Revised European Social Charter on 21 June 2002 and declared itself bound by the aforementioned articles. The Revised Charter has entered into force in Finland on 1 August 2002.

5. The Government notes that the complaint concerns Articles of the Charter that are applicable to Finland and has, thus, no formal objections concerning the admissibility of the complaint in this respect.

6. However, as to the allegations related to Article G of the Charter, the Government notes that the Committee has held as to the allegations related to Article G of the Charter that this provision sets out the conditions under which restrictions on the enjoyment of rights provided for by the Charter are permitted and cannot taken in isolation lead to a finding of violation (*Syndicat des Agrégés de l'Enseignement Supérieur (SAGES) v. France*, Complaint No. 26/2004, decision on the merits of 15 June 2005, § 31; *Federation of employed pensioners of Greece (IKA-ETAM) v. Greece*, Complaint No. 76/2012, decision on admissibility of 23 May 2012, §§ 5-7) and *European Trade Union Confederation (ETUC), Netherlands Trade Union Confederation (FNV) and National Federation of Christian Trade Unions (CNV) v. the Netherlands*, Complaint No. 201/2021, decision on admissibility of 7 December 2021, § 9).

7. The Government further notes that according to the Committee, Article G of the Charter may, however, provide a reference for the interpretation of the substantive rights provisions of the Charter which are at stake in a given complaint (*Federation of employed pensioners of Greece (IKA-ETAM) v. Greece*, Complaint No. 76/2012, decision on the merits of 7 December 2012, § 48. *European Trade Union Confederation (ETUC), Netherlands Trade Union Confederation (FNV) and National Federation of Christian Trade Unions (CNV) v. the Netherlands*, Complaint No. 201/2021, decision on admissibility of 7 December 2021, § 9).

8. Thus, in the Government's view, the allegations relating to Article G cannot lead to a violation as such (see also *Unione sindacale di base (USB) v. Italy*, Complaint No. 208/2022, decision on admissibility of 7 December 2022, § 8).

Representativity of the organisation

9. The Government notes that in accordance with Article 1 (c) of the Additional Protocol of 1995 providing for a system with collective complaints, a complaint may be lodged by representative national organisations of employers and trade unions within the jurisdiction of the Contracting Party against which they have lodged a complaint.

10. According to the Explanatory Report to the Additional Protocol, to establish whether an organisation has the right to lodge a complaint or not, the European Committee of Social Rights takes into consideration, among other things, the number of the members of the organisation as well as the organisation's actual role in national labour market negotiations.

11. The Government observes that according to your Committee's jurisprudence, for the purposes of the complaints procedure, representativity is an autonomous concept, not necessarily identical to the national notion of representativity (see, *inter alia*, *Confédération française de l'Encadrement CFE-CGC v. France*, Complaint No. 9/2000, decision on admissibility of 6 November 2000, § 6; *Syndicat national des professions du tourisme v. France*, Complaint No. 6/1999, decision on admissibility of 10 February 2000, § 6 and *the Central Association of Carers in Finland v. Finland*, Complaint No. 70/2011, decision on admissibility of 7 December 2011, §6).

12. The Government notes that the Finnish Trade Union of Education is an organisation with the aim to look after the interest of those working in the field of education. According to its rules, the purpose of the organisation is, among other things, to safeguard the legal status of those working in the field of education, and to improve their general economic and social position as well as their working conditions.

13. In order to the fulfill this purpose, the organisation, in accordance with its rules, concludes collective agreements and supervises their implementation as well as monitors developments in society and influences public decision-making and legislation.

14. The Government notes that according to the information provided by the complainant organisation, the organisation represents nearly 120,000 professionals working in the field of education, training and research, from early childhood education to adult education and training.

15. In the Government's view, the complainant organisation may, without doubt, be considered a "representative national organisation of trade unions" as defined in Article 1 (c) of the Additional Protocol and is to be regarded as having the right to lodge a complaint in accordance with Article 1 of the Additional Protocol.

16. In this connection, the Government notes that the complaint has been signed by Ms Katarina Murto, President of the Union, and Ms Ulla Walli, Director of the Legal Department.

17. The Government notes that according to the rules of the organisation, the President of the organisation, the First Deputy Chair of the Board, the Second Deputy Chair of the Board or the Third Deputy Chair of the Board shall sign on behalf of the organization, each signing together with a functionary selected by the Board for the purpose.

18. The Government observes that the complainant organization has not provided information on who the board has selected to co-sign the document with the President of the Union. However, the Government notes that Ms Ulla Walli has been registered as an authorised signatory and is thus entitled to sign on behalf of the organization.

19. Therefore, the Government has no objections concerning the admissibility of the complaint in this regard either.

Conclusion

20. To conclude, without taking any stance on the merits of the case, the Government submits that the Government has no objections concerning the formal requirements of the admissibility of the present complaint.

Accept, Sir, the assurance of my highest consideration.



Krista Oinonen

Agent of the Government of Finland
before the European Committee of Social Rights
Director, Unit for Human Rights Courts and Conventions