EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX





Case Document No.6

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

RESPONSE BY OAJ TO THE GOVERNMENT'S SUBMISSIONS ON THE MERITS

Registered at the Secretariat on 26 October 2026

Mr Henrik Kristensen
Executive Secretary
European Committee of Social Rights

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

Sir,

With reference to your letter of 17 September 2026 concerning complaint no. 256/2025, the Finnish Trade Union of Education (OAJ) kindly thanks for the opportunity to submit its observations and hereby provides the following response to the Finnish Government's submissions and observations on the merits of the complaint.

At the beginning of its submissions (paragraphs 1–35), the Government describes in detail the country's tripartite labour market system and its regulation. Subsequently (paragraphs 36-173), the analysis focuses more closely on the merits of the complaint. Our primary concern regarding these submissions is that they fail to adequately describe the significant restrictions imposed in recent years on the social dialogue, as well as the limitations on workers' rights and practical prospects to safeguard their interests in the manner required by Article 6 of the ESC. In these respects, the current situation differs substantially from the past, when the tripartite negotiation system was still functioning.

Article 6§1 of the ESC

A key feature of these changes has been the government's decision to assume a dominant role in the tripartite negotiations and, recently, to bypass them. In 2016, the government first decided to push through a policy of zero wage increases, implementing it against the backdrop of threats highlighted in our complaint. The current government, for its part, left no room for social dialogue, but instead incorporated its labour market reform with the Government Programme, subsequently enacting it through legislative changes in 2023-2025. Employee representatives were unable to participate meaningfully in the preparation of the reform or to influence its content.

The actions taken by the Government didn't constitute the positive steps envisaged in Article 6(1) of the European Social Charter (ESC) "to promote joint consultation between workers and employers" but rather represented measures to replace social dialogue between the parties with political decision-making.

In addition, the government also sought to weaken the position of employees as a negotiating party. It pursued measures to make union membership less attractive by removing the tax deductibility of membership fees and by regulating the arrangements that would give non-unionised employees a parallel negotiating status alongside the unions.

Article 6§2 of the ESC

As the ETUC demonstrated in its detailed observations, these measures aim to undermine worker organisation and the bargaining position of trade unions, as well as their ability to develop labour market mechanisms based on dialogue between the parties and through the collective agreements.

These actions also run counter to the requirements of Article 6(2) to "promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations

and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements."

Article 6§3 of the ESC

At the beginning of 2025, an amendment to the Act on the Conciliation of Labour Disputes (819/2024) entered into force in Finland. A new provision (Section 11.2) directed the conciliator to set the safeguarding of the overall national economic interest as the objective of the conciliation. In the preparatory materials (HE 146/2024 vp, p. 68), this general expression was clarified to mean that, alongside the demands of the parties, the conciliator must consider factors affecting the national economy's capacity to bear costs and the preservation of Finland's competitiveness.

In practice, this has been understood to mean that the conciliator can no longer propose wage increases that exceed those agreed upon in the export industry. Consequently, the added provision has in practice established a new statutory ceiling for the conciliation of labour disputes.

The same section of the preparatory materials notes that the new regulation "does not conflict (…) with international obligations binding on Finland." To support the proposal, the relevant regulations and case law of the ILO, the European Convention on Human Rights, and the EU were reviewed in detail. Reference was also made to the ESC, yet the content of Article 6 and the case law established thereunder were not addressed at all. In this respect, the Government's approach was inadequate from the outset.

In our view, a wage ceiling based on settlements in the export sector specifically hinders sectors that are lagging in wage development from closing that gap through the conciliation process. Such a lag is particularly evident in female-dominated service sectors; indeed, women's average earnings in Finland remain at only 83,5 % of men's earnings.

OAJ considers that the amendment made to the legislation has imposed a constraint on free mediation and conciliation practice that conflicts with the requirements of Article 6(3) of the ESC.

Article 6§4 of the ESC

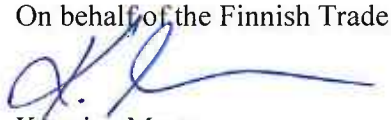
Regarding restrictions on sympathy/secondary strikes, we wish to reiterate our previous position. The Finnish government limited their impact by amendments to the Collective Agreements Act (246/2024); the adverse effects of a secondary strike must not exceed those of the primary strike. The justification cited related to the economic interests of companies and their shareholders.

The amendment a) prevented in practice the organisation of effective sympathy strikes and b) specifically curtailed the ability of small trade unions to safeguard their interests with the support of larger unions.

As the restrictions on strikes were clearly economic in nature, the amendment of the law violates the workers' right to strike as enshrined in Article 6(4) of the ESC, taking into account the conditions for restrictions set out in Article G.

Helsinki 26 of October 2026

On behalf of the Finnish Trade Union of Education



Katarina Murto
President of the Union



Ulla Walli
Director of the Legal Department