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EUROPEAN SOCIAL CHARTER

Comments by the central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK), and the Confederation of Unions for Professional and Managerial Staff in Finland (Akava)

on the 14th national report

on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF FINLAND

(Articles 8, 16, 17, 19 and 27
for the period 01/01/2014 – 31/12/2017)

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Translation of the statement by Central Organisation of Finnish Trade Unions (SAK), Confederation of Unions for Professional and Managerial Staff in Finland (Akava) and Finnish Confederation of Professionals (STTK):

**Council of Europe; Revised European Social Charter; Fourteenth Periodic Report
by Finland**

The Central Organisation of Finnish Trade Unions (SAK), the Confederation of Unions for Professional and Managerial Staff in Finland (Akava) and the Finnish Confederation of Professionals (STTK) state the following:

Article 8: The right of employed women to protection of maternity

Although discrimination on the basis of pregnancy is prohibited, it remains a topical problem of equality in working life. Discrimination affects women's career plans and plans to start a family as well as gender balance in the use of family leaves. The Equality Ombudsman estimates that even half of all contacts that the Ombudsman receives relate to discrimination based on pregnancy or family leave. The discrimination relates specifically to women and thus affects their career and position in working life.

Those women whose labour market position is weakest also otherwise, e.g. women employed in fixed-term and/or part-time work, are particularly vulnerable to discrimination on the basis of pregnancy and family leave.

Article 16: The right of the family to social, legal and economic protection

At the beginning of 2017, the responsibility for basic social assistance was transferred from municipalities to the Social Insurance Institution of Finland (Kela). The transfer was intended to simplify the social assistance scheme and to increase equality among those applying for the assistance. However, the transfer was not successful. The processing of the applications was delayed so that, in the worst cases, the applicants were left without assistance even for several months.

Moreover, according to Kela, the number of applicants for basic social assistance increased when Kela took over the responsibility for it. One explanatory factor is that in 2015, Prime Minister Sipilä's Government froze the indexes for basic security benefits. The freezing has not been cancelled.

The European Committee of Social Rights has commented on the low level of basic security benefits in Finland. The index freezing by the Government affects especially basic security benefits, such as the minimum daily sickness allowance and guarantee pensions.

The Government has tried to correct the consequences of the index freezing by raising the level of the minimum daily sickness allowance to the level of labour market support. Nevertheless, the raised level of the allowance does not suffice to correct fully the decline in the purchasing power that the index freezing caused to those living on basic security.

Article 17: The right of children and young persons to social, legal and economic protection

In Finland, fewer children under 3 years than in the other Nordic countries attend early childhood education and care. Prime Minister Sipilä's Government has taken a number of measures that hamper attendance in such education and care. Among other measures, the Government has restricted the right to early childhood education and care and increased the group sizes.

The employee confederations consider that each child must have a genuine right to early childhood education and care. Nevertheless, the Government has restricted the subjective right to day care. The delimitation of the right to early childhood education and care according to the parents' situation places children in unequal positions. Such delimitation often excludes from the education and care, also those children who need them most.

For a safe learning environment, it is essential to take account of factors related to overall safety and the roles and responsibilities of the educational staff. In the context of safe learning environments, the employee confederations also want to draw attention to pupil and student wellbeing. In addition, more attention should be paid to the prevention of bullying at all levels of education. The far-reaching impacts of bullying on the course of an individual's life must be taken seriously. The new Act on General Upper Secondary Education contains provisions on the prevention of bullying. The employee confederations consider this positive because it reflects the seriousness of the matter. However, the ongoing reform of vocational education is increasingly shifting learning to workplaces and non-institutional learning environments. Safety issues must be taken into consideration in all learning environments. The mutual responsibilities of educational institutions and working life must be defined clearly.

In Finland, the activity in applying for education is high. Approximately 98 per cent of the age cohort apply for upper secondary education after basic education. In the 2000s, the drop-out rates in education have been on the decline. Still, more than 10 per cent of the age cohort interrupt their upper secondary level studies. The interruption rate is approximately four per cent among students in general upper secondary education and more than six per cent among vocational students. The employee confederations are concerned about the situation, because a job seeker without upper secondary education has poor opportunities in the labour market. Extending compulsory education up to 18 years of age could be a means to guarantee an upper secondary degree for the whole age cohort and to prevent the exclusion of young people. Guidance and support at transitional stages as well as enhanced cooperation on guidance, youth services and student welfare are important means to prevent drop-outs in education.

Article 19: The right of migrant workers and their families to protection and assistance

Finland's current immigrant integration policy emphasises the importance of identifying and recognising immigrants' skills and the important role of well-functioning and flexible educational paths in promoting employment and in integration otherwise. However, the practices of identifying and recognising immigrants' skills still need many improvements. The educational system and working life still cannot identify existing skills and completed studies to a sufficient degree, and the information about services and activities and the cooperation between different actors are insufficient.

One problem with the integrational education of immigrants is that their employment is planned only after they have learned Finnish or Swedish and integrated themselves otherwise. At its worst, such a process delays the employment of adults willing to work, makes them passive and frustrates them. Contacts with businesses and employers must be increased in the integrational education of immigrants, and both employees and students must have the opportunity to study the national languages. Working life orientation can be promoted by providing education that is more tailored to individual needs and is available also in part time and in the evenings.

Competitive tendering in the field of integrational education has been criticized for the fact that the decisive selection criterion often is a low price instead of quality. In some cases, the weighting of quality has been for example only 25 per cent and that of the price 75 per cent. Frequent competitive tendering undermines the development of the integrational education and the existing cooperation arrangements with local employers.

A new government proposal to Parliament (HE 96/2018) proposes the enactment of a new Act on the Promotion of Immigrant Integration and the repeal of the current Act. The ongoing regional government reform will cause the responsibility for many immigrant integration duties to be shifted from municipalities to counties.

The employee confederations consider that counties, in cooperation with municipalities and other authorities, should ensure the coordination of immigrant integration services so that they constitute service packages and chains catering for immigrants' needs. The main challenge concerns the question whether municipalities and counties will be able to cooperate seamlessly to promote the availability of integration services. Another major challenge is the allocation of the necessary resources. The division of responsibilities for immigrant integration between counties and municipalities has not been defined comprehensively and is still partly unclear.

The provision of immigrant integration services involves many of the same problems and risks as the provision of employment services (growth services) by means of market-based solutions otherwise. The main challenge is how to ensure the availability of services and to safeguard the rights of immigrants and their equal position as service users.

The multi-producer model for growth services includes freedom of choice and self-direction. For a person without the necessary language skills, such self-direction may be too challenging if he or she has no access to sufficient guidance and counselling. Digital services hardly suit for all immigrants, especially immediately after the immigration. That is why it is important to invest in guidance and counselling at the initial stage after the immigration in order that different groups get the services they need. Immigrants must be guaranteed access to personal services and guidance.

Article 27: The right of workers with family responsibilities to equal opportunities and equal treatment

In Finland, the use of family leaves is unevenly divided between the parents. Mothers continue to take the bulk of family leaves. The Government decided to launch a family leave reform in the autumn of 2017, but the reform fell through in early spring 2018, mainly because of unrealistic targets. The employee confederations continue to emphasise that a family leave reform is necessary in order to achieve a more even division between mothers and fathers in the use of family leaves. Still, it is positive that the Government decided to equalize the family leaves by better taking account of the different forms of families.

In 2015, the Government decided to restrict the subjective right to day care. Giving the full right to day care only to those children whose parents work or study full time hampers employment, for a job seeker's threshold for taking up temporary work becomes unreasonably high if his or her child is in part-time day care. Moreover, the restriction of the subjective right to day care divides children into two groups: those of employed and those of unemployed parents.

The employee confederations are also concerned about the principle of locally accessible services in non-standard hours child care and about the realization of the best interests of children in such care. Problems with access to non-standard hours child care have occurred particularly outside the Helsinki capital region, where distances between homes, parents' workplaces and centres of non-standard hours child care may vary considerably and thus cause much inconvenience to the parents and the child in arranging the child's attendance at the day care. Long distances may even prevent parents from taking up work during the standard working hours of services of early childhood education and care.