

## – Finland and the European Social Charter –

### Signatures, ratifications and accepted provisions

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.

Finland ratified the European Social Charter and the Additional Protocol to the Charter on 29/04/1991. It ratified the Amending Protocol to the Charter on 18/08/1994.

### Charter in domestic law

Statutory ad hoc incorporation by specific implementing legislation.

### Table of accepted provisions

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									Grey = Accepted provisions		

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Finland](#) in 2008, 2012 and in 2017. The Committee is of the opinion that Articles 8§1 and 19§10 could be accepted immediately and there were no significant obstacles in law and in practice to acceptance by Finland of Articles 4§1, 7§6, 7§9 and 8§3. It welcomed the Finnish authorities statement that they were actively working on the acceptance of Article 19§10 of the Charter.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter <sup>1</sup>

## I. Collective complaints procedure <sup>2</sup>

### Collective complaints (under examination)

*Validity v. Finland (Complaint No. 197/2020)*

The Committee declared [the complaint admissible](#) on 8 September 2021.

*Finnish Society of Social Rights v. Finland (Complaint No. 172/2018)*

The Committee [declared the complaint admissible](#) on 11 September 2019.

### Collective complaints (proceedings completed)

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

##### a. Inadmissibility

*ATTAC Finland - Global Social Work Finland (GSW) - Friends of the Earth Finland v. Finland (Complaint No. 163/2018)*

The Committee [declared the complaint inadmissible](#) on 22 January 2019.

##### b. No violation

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

- No violation of Article 24 (the right to protection in cases of termination of employment).

[Decision on admissibility and the merits of 6 September 2016.](#)

Follow up:

- [Resolution CM/ResChS\(2017\)1 on 1 February 2017](#) of the Committee of Ministers.

*Federation of Finnish Enterprises v. Finland (Complaint No. 35/2006)*

- No violation of Article 5 (right to organise).

[Decision on the merits of 16 October 2007.](#)

Follow up:

- [Resolution CM/ResChS \(2008\) 2 on 16 January 2008](#) of the Committee of Ministers.

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

*Tehy ry and STTK v. Finland (Complaint 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.](#)

Follow up:

- [Resolution ResChS\(2002\)2 on 21 February 2002](#) of the Committee of Ministers.

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

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<sup>1</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee 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 ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Detailed information on the Collective Complaints Procedure is available on the [relevant webpage](#).

#### **4. Complaints where the Committee has found a violation and where progress has been made but which has not yet been remedied**

*Association of Care Giving Relatives and Friends v. Finland (Complaint No. 71/2011)*

- Violation of Article 23 (Right of elderly persons to social protection).

[Decision on the merits of 4 December 2012.](#)

Follow up:

- [Resolution CM/ResChS\(2013\)13 on 11 June 2013](#) of the Committee of Ministers.
- [Assessment of the follow-up on 4 December 2015](#) of the European Committee of Social Rights
- [2<sup>nd</sup> Assessment of the European Committee of Social Rights on the follow-up](#) (6 December 2018)
- 3<sup>rd</sup> Assessment of the European Committee of Social Rights on the follow-up (January 2021).
- 4<sup>th</sup> Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

*Association of Care Giving Relatives and Friends v. Finland (Complaint No. 70/2011)*

- Violation of Article 23 (Right of elderly persons to social protection).

[Decision on the merits of 4 December 2012.](#)

Follow up:

- [Resolution CM/ResChS\(2013\)12 on 11 June 2013](#) of the Committee of Ministers.
- [Assessment of the follow-up on 4 December 2015](#) of the European Committee of Social Rights
- [2<sup>nd</sup> Assessment of the European Committee of Social Rights on the follow-up](#) (6 December 2018)
- 3<sup>rd</sup> Assessment of the European Committee of Social Rights on the follow-up (January 2021).
- 4<sup>th</sup> Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

#### **5. Complaints where the Committee has found a violation, which has not yet been remedied**

*University Women of Europe (UWE) v. Finland (Complaint No.129/2016)*

- Violation of Article 4§3 (Right to a fair remuneration - non-discrimination between women and men with respect to remuneration)
- Violation of Article 20 (Right to equal opportunities and treatment in employment and occupation without sex discrimination)

[Decision on the merits of 6 December 2019.](#)

Follow up:

Recommendation [CM/RecChS\(2021\)6](#) (Adopted by the Committee of Ministers on 17 March 2021 at the 1399th meeting of the Ministers' Deputies)

*Central Union for Child Welfare (CUCW) v. Finland (Complaint 139/2016)*

- Violation of Article E (non discrimination) taken in conjunction with Article 17§1(a) (right of children and young persons to social, legal and economic protection)
- Violation of Article 27§1(c) (right of workers with family responsibilities to equal opportunities and equal treatment)
- Violation of Article E (non discrimination) taken in conjunction with Article 16 (right of the family to social, legal and economic protection)

[Decision on the merits of Complaint 139/2016](#)

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

- No violation of Article 12§3 (the right to social security – development of the social security system);
- Violation of Article 13§1 (the right to social and medical assistance – adequate assistance for every person in need).

[Decision on admissibility and merits on 8 December 2016.](#)

Follow up:

- [Resolution CM/ResChS\(2017\)8 on 14 June 2017](#) of the Committee of Ministers.
- [Assessment of the European Committee of Social Rights on the follow-up](#) (6 December 2018)
- 2<sup>nd</sup> Assessment of the European Committee of Social Rights on the follow-up (January 2021).
- 3<sup>rd</sup> Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

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

- Violation of Article 24 (the right to protection in cases of termination of employment)

[Decision on admissibility and the merits of the 8 September 2016.](#)

Follow up:

- [Resolution CM/ResChS \(2017\)7 on 14 June 2017](#) of the Committee of Ministers.
- [Assessment of the European Committee of Social Rights on the follow-up](#) (6 December 2018)
- 2<sup>nd</sup> Assessment of the European Committee of Social Rights on the follow-up (January 2021).
- 3<sup>rd</sup> Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

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

- Violation of Articles 12§1 (the right to social security);
- Violation of Article 13§1 (the right to social and medical assistance);
- No violation of Article 12§3 (the right to social security).

[Decision on the merits of 9 September 2014.](#)

Follow up:

- [Resolution Res/CM ChS \(2015\)8 on 17 June 2015](#) of the Committee of Ministers.
- [Assessment of the European Committee of Social Rights on the follow-up](#) (6 December 2018)
- 2<sup>nd</sup> Assessment of the European Committee of Social Rights on the follow-up (January 2021).
- 3<sup>rd</sup> Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

## II. Reporting system<sup>3</sup>

### Reports submitted by Finland

Between 1993 and 2022, Finland has submitted 10 reports on the application of the 1961 Charter and 17 reports on the application of the Revised Charter.

The [16th report](#), submitted on 22/12/2020, concerns the follow-up given to the relevant decisions of the Committee in the framework of the collective complaints procedure.

The assessments of the Committee on the follow-up to decisions in complaints have been published in March 2022.

The [17th report](#), which was submitted on 15/02/2022, concerns the accepted provisions relating to 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 with respect to these provisions will be published in March 2023.

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<sup>3</sup> 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.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## Situations of non-conformity <sup>4</sup>

### Thematic group 1 "Employment, training and equal opportunities" - Conclusions 2016

According to the applicable rules, Conclusions 2020 only refer to the information submitted by the Finnish Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints' procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2016.

► *Article 10§5- Right to vocational training - Full use of facilities available*

Non-EEA nationals must have resided for two years in order to have access to student financial aid.

► *Article 24- Right to protection in case of dismissal*

- With the exception of civil servants, the legislation does not provide the possibility of reinstatement in case of unlawful dismissal;
- The upper limit on compensation for unlawful dismissal may not be adequate to cover the loss suffered, in certain circumstances.

### Thematic group 2 "Health, social security and social protection" - Conclusions 2017

According to the applicable rules, Conclusions 2021 only refer to the information submitted by the Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2017.

► *Article 12§1 Right to social security - Existence of a social security system*

- The minimum level of sickness benefits is inadequate;
- The minimum level of unemployment allowance is inadequate;
- The minimum level of maternity allowance is inadequate.

► *Article 12§4 – Right to social security - Social security of persons moving between states*

- Equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties;
- Equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties;
- The right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties

► *Article 13§1 – Right to social and medical assistance - Adequate assistance for every person in need*

- The amount of social assistance, consisting of basic assistance and any additional benefits that may apply is not adequate;
- The granting of social assistance to nationals of other States Parties is subject to a length of residence requirement of four years.

### Thematic group 3 "Labour rights" - Conclusions 2014

According to the applicable rules, Conclusions 2018 only refer to the information submitted by the Finnish Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2014.

► *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.

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 255 – 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.

► *Article 452 – 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.

► *Article 453 – 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.

► *Article 455 – 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.

► *Article 2652 – 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.

► *Article 28 - Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

Legislation makes no provision for the reinstatement of worker representatives unlawfully dismissed (Conclusions 2016).

**Thematic group 4 “Children, families and migrants” - Conclusions 2019**

► *Article 852 – Right of employed women to protection - Illegality of dismissal during maternity leave*

The legislation does not provide for the reinstatement of women illegally dismissed during pregnancy or maternity leave in the private sector.

► *Article 2753 – 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.

**The Committee 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 15§3 - Conclusions 2016
- ▶ Article 15§4 - Conclusions 2016
- ▶ Article 10§3 - Conclusions 2016

According to the applicable rules, Conclusions 2020 only refer to the information submitted by the Finnish Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

**Thematic group 2 "Health, social security and social protection"**

- ▶ Article 13§4 - Conclusions 2017
- ▶ Article 23 - Conclusions 2017

According to the applicable rules, Conclusions 2021 only refer to the information submitted by the Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2017.

**Thematic group 3 "Labour rights"**

- ▶ Article 2§4 - Conclusions 2014
- ▶ Article 6§4 - Conclusions 2014
- ▶ Article 22 - Conclusions 2014

According to the applicable rules, Conclusions 2018 only refer to the information submitted by the Finnish Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

**Thematic group 4 "Children, families and migrants"**

- ▶ Article 7§10 - Conclusions 2019
- ▶ Article 19§1 - Conclusions 2019

### **III. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)**

#### **Thematic group 1 "Employment, training and equal opportunities"**

- ▶ The procedure allowing foreign nationals to receive a personal identity number has been simplified: as a result, as from the end of 2014, they do no longer need to apply for their personal identity number but can receive it together with their first residence permit.
- ▶ 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 Non-Military Service Act 1466/2007 which entered into force in 2008 shortened alternative service from 395 days to 362 days.
- ▶ 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).

#### **Thematic group 2 "Health, social security and social protection"**

- ▶ 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).
- ▶ A Government Decree on Good Occupational Health Practice Principles, Content of Occupational Health Care, and Education of Occupational Professionals and Experts (708/2013) took effect on 1 January 2014. The Decree underlines active cooperation between occupational health care professionals and the workplace in maintaining work ability of the workforce and also obligated occupational health units to develop and to follow the quality and the effectiveness of their services.
- ▶ 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.
- ▶ In 2014, the qualifying period for unemployment benefits was shortened from 34 weeks to 26 weeks for employees and from 18 to 15 months for self-employed persons (amended Unemployment Security Act, No. 1049/2013);
- ▶ As from 2013, the income of the beneficiary's spouse is no longer taken into account when assessing entitlement to the non-contributory unemployment benefits (labour market support), which has reduced unemployment periods without benefits;
- ▶ As of the beginning of 2014 (amended Health Insurance Act, No. 1197/2013), entitlement to parenthood allowance (maternity, paternity or parental allowance) has been extended to people covered by the Finnish social security system for at least 180 days immediately before the due date of birth of the child. Previously, the Act required the person to have lived in Finland for the same period of time, which meant that foreigners from "third countries", regularly working in Finland and covered by the Finnish social security system but not satisfying the length of residence condition were excluded from the parenthood allowance;
- ▶ At the beginning of 2013, another amendment to the Health Insurance Act, extended a father's right to paternity allowance to 54 working days; fathers can choose to stay at home and be entitled to paternity allowance for 1 to 18 days at the same time as the child's mother is paid maternity or parental allowance.

The rest of the paternity allowance can be paid after the parental allowance has ended. Fathers can also, if they wish so, use all of the paternity allowance entitlement after the parental allowance period, but before the child is two years old;

▶ Through further amendments to the Health Insurance Act (No. 1224/2004), in 2014, partial sickness-allowance was extended from 72 days to 120 days (No. 972/2013);

▶ The Disability Benefits Act (No. 570/2007) was amended to the effect that, as of 1 June 2015, the specific costs resulting from the illness, impairments or injuries are better taken into account when deciding the level of the benefits granted; as a result, according to the report there would be approximately 10 000 newly eligible minimum basic benefits recipients over 16 years of age by the end of 2020. The amendment will extend benefits, inter alia, to those who are under the threat of disability, such as people suffering from long-term mental and behavioural disorders, those with multiple sclerosis or rheumatoid arthritis, or persons with cerebral palsy;

▶ Another amendment concerning rehabilitation took effect at the beginning of October 2015, whereupon the person being rehabilitated can receive a partial rehabilitation allowance for those rehabilitation days when he/she is working part-time alongside the rehabilitation.

### **Thematic group 3 "Labour rights"**

▶ 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.

### **Thematic group 4 "Children, families and migrants"**

▶ 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).

▶ 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.

▶ 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).

▶The Committee noted that according to an international evaluation commissioned on the programme on reducing long-term homelessness (2005-2015), Finland was one of the best examples of implementing the "housing first" model. The national report indicated that long-term homelessness has continued to decrease (by 35% between 2008 and 2015) and that at the end of 2017 there were 7 112 homeless persons, less than 0.2 % of the population. There is a new action plan for preventing homelessness 2016-2019. The current goal is to reduce the number of homeless people to less than 4 000 before 2023.