



# DECENT WORK CHECK

## **FINLAND** 2023

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## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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## Bibliographical information

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# INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Employment Contracts Act, 2001
2. Working Hours Act, 872/2019
3. Annual Holidays Act, 2005
4. Employment Contracts Act, 2001
5. Act on Co-operation within Undertakings, 2007
6. Health Insurance Act, 2004
7. Act on Equality between Men and Women 2014
8. Occupational Safety and Health Act 2002
9. National Pensions Act, 2007
10. The Constitution of Finland, 1999
11. The Act on Equality between Men and Women, 1986
12. Non-Discrimination Act, 2014 (1325/2014)
13. Young Workers Act, 1993
14. Finnish Penal Code 1889 (39/1889)
15. Collective Agreements Act, 1946
16. Act on Mediation in Labour Disputes, 1962

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Finland has not ratified above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Employment Contracts Act, 2001
- Working Hours Act, 872/2019

## Minimum Wage

Minimum wage in Finland is not determined by law and there is no statutory minimum pay that an employer is required to observe. Collective agreements provide for the minimum level of wages and other terms and conditions of employment. The Collective Agreements signed between employer and employee organizations at national level are extended to the whole sector "ex lege". These collective agreements are generally binding. Employment Contracts Act provides that workers are entitled to a normal and reasonable wage for the work performed if employer and employee have not agreed on the remuneration to be paid for work and no such collective bargaining agreement is applicable to the employment relationship (Chapter 2, Section 10).

## Regular Pay

In accordance with section 4, chapter 2 of the Employment Contracts Act, an employer has to provide written employment particulars which include among other things the "grounds for determination of pay and other remuneration as well as the pay period".

The above act requires that pay should be paid on the last day of the pay period unless otherwise agreed. If the basis for pay determination is shorter than a week, payment must be made at least twice a month. In other cases, the payment can be made once a month, i.e., in usual cases, pay

period would be one month. If pay is determined on performance basis, the pay period should not exceed two weeks unless the performance-based pay is paid together with a monthly salary. Remuneration may be paid either in cash or through some bank account however it must be paid or be withdrawable on its due date.

**Source:** §13 & 16, Chapter 2 of the Employment Contracts Act

# 02/13 COMPENSATION

## **ILO Conventions**

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Finland has not ratified any of the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.



## Regulations on compensation:

- Working Hours Act, 872/2019

## Overtime Compensation

Maximum working hours are 8 hours a day and 40 hours a week for both day-time and night time workers. Working hours may be organized as average. Regular working hours should not exceed 40 hours per week during a 52-week period. For certain trades in transportation and services sector including hotels, provision shops, hospitals, police, custom services, postal services and telecommunication, the maximum working hours are calculated over a 2-week period (80 hours of work in 2 weeks) or 3-week period (120 hours of work in 3 weeks). The regular daily and weekly working hours are then not subject to usual restrictions. An employee's consent is required before being required to work overtime. If workers have to work beyond normal working hours (8 hours a day and 40 hours a week), employer is required to pay the overtime at the following rates:

- 150% of the normal wage rate for the first two hours of overtime in a day
- 200% of the normal wage rate if worker is required to do overtime beyond 2 hours in a day
- 150% of the normal wage rate for overtime hours on weekly basis

Overtime work requires the employee to give his or her consent for each time. Law also sets limits to overtime. The employee's working time, including overtime, may not exceed an average of 48 hours per week over a four-month period. National employers' and workers' associations may agree on the length of the equalization period which is different from the above.

Workers may also be provided compensatory rest for overtime hours on partial or full basis. The free time-off must be provided within six months of the additional work or overtime unless otherwise agreed.

**Source:** §5-9 & Section 16-21 & 23 of Working Hours Act, 872/2019; <https://www.finlex.fi/fi/laki/alkup/2019/20190872#Pidp447845552>

## Night Work Compensation

Work performed between 23:00 hours and 06:00 hours is considered night work. No statutory premium payment for overtime work has been provided under the labour laws. Evening and night work compensation is paid according to the provision of national or sectoral collective agreements. Night work is allowed under certain conditions as provided under the Working Hours Act. Work, which by its very nature, and other technical work is done almost exclusively at night may be notified by the employer as the regular night work.

The Working Hour Act has been re-enacted in 2019 and is applicable from 1 January 2020.

**Source:** §8 of Working Hours Act, 872/2019

## Compensatory Holidays / Rest Days

There is no provision for compensatory rest day when workers have to perform work on weekly rest days or public holidays. Workers may be given a compensatory rest day when perform overtime work on Sunday or church holidays.

**Sources:** §20 of the Working Hours Act

## Weekend / Public Holiday Work Compensation

There is a premium pay for working on Weekly rest day/Sunday and Public Holidays. When a worker performs work on Sunday, he is entitled to 200% of the normal wage rate for a day.

**Sources:** §20 of the Working Hours Act & EWI

# 03/13 ANNUAL LEAVE & HOLIDAYS

## ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Finland has ratified the Conventions 14, 47 and 132 only.**

### *Summary of Provisions under ILO Conventions*

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

## Regulations on annual leave and holidays:

- Working Hours Act, 872/2019
- Annual Holidays Act, 2005

## Paid Vacation / Annual Leave

Workers are entitled to pay annual leave with additional vacation bonus (of 50% of employee's statutory holiday pay) in Finland however its length depends on the seniority of a worker. During the first year of employment, workers are entitled to 2 days of paid annual leave for every month of service. After the first year, workers are entitled to two and a half days (2.5 days) of annual leave for every month of service. A worker must have worked at least 14 days/at least 35 hours in a month to be eligible for two and a half days of annual leave for that month. The maximum amount of annual leave is either 24 days or 30 days. Public Holidays and Sundays are not included in annual leave. The timing of taking annual leave is determined by the employer. Annual leave can be taken both in Summer and Winter seasons. A total of 24 days of annual leave must be taken during the Summer holidays season (May 02-September 30). The remaining holidays (winter holidays) must be taken by the start of following holiday season. The winter holidays are given to the employees with more than one year of service and whose entitlement is more than 24 days of annual leave. The holiday pay/annual leave pay must be paid before the start of the holiday. If the holiday period is not more than six days, the pay me given on the employee's normal pay day.

**Source:** §4-6; 9-10, 15 & 20 of Annual Holidays Act, 2005

## Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays. These include memorial holidays and religious holidays (Christian origin). The Public Holidays are usually eleven (11) in number. These Holidays are New Year's Day (January 01), Epiphany (January 06), Good Friday (April 06), Easter Monday (April 09), Vappu/May Day (May 01), Ascension Day (May 17), Midsummer's Eve (June 22), Independence Day (December 06), Christmas Eve (December 24), Christmas Day (December 25) and Boxing Day (December 26).

**Source:** §4 of Annual Holidays Act

## Weekly Rest Days

Weekly rest period is provided under the Working Hours Act. Every worker is entitled to enjoy a weekly rest/uninterrupted free time of at least 35 hours which should possibly include Sunday. If the worker's daily working hours do not exceed three hours, the employee may be granted at least 24 hours of uninterrupted rest once in seven days instead of 35 hours.

Working Hours Act provides for rest break during the working hours. If the daily working hours exceed 6 hours and, he or she is entitled to one-hour break. The worker may leave the workplace in this period if he/she is not required to remain at the workplace. The parties may agree on a shorter break however it cannot be less than 30 minutes. Where working time is more than 10 hours, workers are entitled to a 30-minute break after 8 hours of work.

Similarly, workers are entitled to daily uninterrupted rest period of at least 11 hours after 9 hours of continuous work.

**Sources:** §24 – 27 of the Working Hours Act; §8 of the Young Workers Act

# 04/13 EMPLOYMENT SECURITY

## **ILO Conventions**

Convention 158 (1982) on employment termination

**Finland has ratified the Convention 158.**

### ***Summary of Provisions under ILO Convention***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

## Regulations on employment security:

- Employment Contracts Act, 2001
- Act on Co-operation within Undertakings, 2007

## Written Employment Particulars

A contract of employment may be oral, written or electronic or they may be implied in character or tacitly agreed. A contract is presumed to have been made for an indefinite period unless it has been specifically made for a fixed term with a justified reason. If contracts made for a fixed term on the employers' initiative without a justified reason and they are concluded again and again for fixed term, such contracts are considered as indefinite term contracts. The employment contracts are not necessarily required to be in writing. In case of oral contracts where their term is longer than one month, employer is required to provide a written statement of employment particulars within by the end of first salary period. This information includes at least: the parties' domicile or business location; the date of work commencement; the duration of a fixed-term contract and the justification for specifying a fixed term; duration of trial (probationary) period; the place of work; employee's main duties/responsibilities; applicability of collective agreements to work; salary/remuneration and its determination; regular working hours, annual leave; and notice period before contract termination.

If work is performed abroad for at least one month, employer must also provide information in good time before employee travels to work destination and in addition to above must also provide information on "duration of work; currency in which salary

will be paid; other monetary and fringe benefits paid abroad as well the term of employee's repatriation".

**Sources:** §3 of Chapter 01; Section 4 of Chapter 2 from Employment Contracts Act

## Fixed Term Contracts

Finnish labour Law prohibits hiring fixed term contract workers for tasks of permanent nature. There is no specific duration of fixed term contracts however law requires that if an employer is concluding fixed term contracts with the same worker over and over without any justified reason, these would be considered indefinite contract. After 60 months, a fixed term contract is also subject to same requirements for termination as an indefinite term contract.

The employers are given the right to conclude a fixed term contract up to twelve months with a new employee if the employee has been continuously unemployed for the preceding twelve months. For this contract, employer does not have to provide any justification.

**Sources:** §3 of Chapter 01; Section 01 of Chapter 06 from Employment Contracts Act

## Probation Period

Maximum duration of probationary/trial period is fixed as 4 months usually. However, if the employer provides some specific work-related training, probationary period may be extended to the maximum of 6 months. If the employment contract is shorter than 8 months in duration, the trial period may not exceed 50% of the total duration of the employment period. If a

collective agreement applicable to the employer contains provisions on trial period, employer must inform these to the worker when the employment contract is being concluded. During the trial period, either party may terminate the employment contract with immediate effect. However, the employer must not terminate the contract on unfair grounds.

Under Labour Law reforms applicable with effect from January 2017, the maximum duration of trial period is extended from 4 to 6 months. The trial period can be extended to compensate for absence due to sickness or family leave.

**Sources:** §4 of Chapter 01 from Employment Contracts Act

## Notice Requirement

A fixed term contract is terminated without giving a notice at the end of fixed period or completion of the agreed task. An indefinite contract is terminated by giving notice to the other party or paying in lieu of notice. The maximum limit of the notice period is six months and even if a longer notice period has been agreed on, six-month notice period shall be observed. The notice period varies from nothing (during probation) to six months depending upon the employee's length of service. An employer has to follow following notice period unless otherwise agreed:

- i. no notice period during the probationary/trial period;
- ii. 14 days' notice if worker was employed for less than one year;
- iii. 30 days' notice if worker was employed between one to four years;

- iv. 60 days' notice if worker was employed between four to eight years;
- v. 120 days' notice if worker was employed between eight to twelve years; and
- vi. 180 days' notice if worker was employed for more than twelve years.

An employee, before terminating the employment relationship, has also to observe following notice periods unless otherwise agreed:

- i. 14 days' notice if employment relationship continued for less than 5 years; and
- ii. 30 days' notice if employment relationship continued for more than 5 years.

It is important to consider however that an employment contract can't be terminated without proper and weighty reason. These reasons are either related to employee (serious misconduct, capacity) and economic reasons. A contract of employment may be terminated without notice if there is a weightier reason than those required for termination with notice. The party wishing to terminate the contract without notice must do so within 14 days after receiving the information which necessitated the termination of contract. If the employment contract is terminated on the ground of economic or reorganizational reasons, employer is required to explain to the employee the reasons and options for dismissal. In the case of bankruptcy or death of the employer, a statement of grounds for dismissal must be presented to the employee.

**Source:** §1-4 of Chapter 06; Chapter 07 all, and §1-2 of Chapter 08 from Employment Contracts Act



## Severance Pay

There is no provision of severance pay under the Finnish Law. If workers are terminated unfairly, i.e., on unfair ground like "employee's illness, participation in a strike, union activity, political or religious views", employer is required to pay a compensation which varies from three (3) to twenty-four (24) months' pay depending upon the estimated time without employment, estimated loss of earnings, duration of the employment relationship, and degree of guilt found on the side of employer. The Employment Contract Act provides that the compensation for unfair dismissal is based on anticipated duration of exclusion and loss of earnings, remaining period of a fixed-term contract, the duration of the employment relationship, the employee's age and his chances of getting reemployed or his/her academic qualifications.

An unfairly terminated worker may get these benefits however employer can't be forced to reinstate an unfairly dismissed worker. For employee representatives, the maximum compensation can be 30 months of pay. Similarly, in the case of collective dismissals, employer is not required to pay any redundancy pay under the labour law. It is only if an employer does not consult in accordance with the provisions (section 45-51) of the Co-operation Act 2007 that the employer is required to pay an indemnity to the employee made redundant. The maximum indemnity is 30,000 euros.

**Source:** §62 of the Employment Contract;  
§45-51 of the Co-operation Act 2007

# 05/13 FAMILY RESPONSIBILITIES

## **ILO Conventions**

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Finland has ratified the Convention 156 only.**

### ***Summary of Provisions under ILO Convention***

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Employment Contracts Act, 2001
- Health Insurance Act, 2004
- Act on Equality between Men and Women 2014

## Paternity Leave

Paternity leave is granted to workers for six to twelve weekdays in connection with the confinement and for another six days at a later time (in total 18 days). The paternity leave allowance is also paid for 18 days. Moreover, if the father takes at least 12 working days from the parental allowance of 158 days, he gets additional 12 working days of leave (daddy month). Fathers can take following four types of leave when a child is born:

- i. paternity leave for a maximum of 54 days paternity leave of 18 days and daddy month
- ii. Parental Leave of 158 days after expiry of maternity leave (may share with the mother)
- iii. child care leave after parental leave until a child reaches the age of 3 years; and
- iv. part-time child care leave if a worker returns to work part time

Paternity Leave allowance is equal to the maternity benefit and it depends on taxable earnings. Its minimum amount is 27.86 euros per day. The maximum amount is 116.99 euros per day.

**Source:** Employment Contract Act Section 1 of Chapter 4; Section 9.7-10 of Health Insurance Act 2004 and <http://www.kela.fi/web/en/paternal-leave>

## Parental Leave

Parental Leave is provided under the Health Insurance Act 2004. Parental Leave starts immediately after maternity leave. Parental allowance is paid based on the child's birth and adoption for a total of no more than 320 weekdays. Both parents are now entitled to an equal quota of parental leave (160 working days). Parents may take leave over several periods until their child reaches the age of two years, and can transfer some of their own leave days (up to 63 working days) to the other parent, other custodian, their spouse or the spouse of the other parent.

Parents in employment relationships are entitled to divide the leave into maximum four parts and may take part-time parental leave.

**Source:** Chapter 4 of the Employment Contracts Act 2001; Chapter 9 of the Health Insurance Act 2004; <https://www.kela.fi/parental-allowance-and-partial-parental-allowance>

## Flexible Work Option for Parents / Work-Life Balance

Parents have the right to partial child care leave. They can have reduced working hours (30 hours or less) until the end of second year of the child's basic education. Law requires that reduction in hours must be agreed upon between the worker and the employer. If an agreement is not reached between the parties, working hours will be reduced to 6 hours a day and 30 hours a week. Employer also has the option to refuse reduction in working hours on the basis of a good reason. Workers are entitled to a partial care allowance (other than their salaries for part time work).

(Section 4-5 of Chapter 4 from Employment Contract Act, [http://www.kela.fi/web/en/part-time-child-care-leave\\_amount](http://www.kela.fi/web/en/part-time-child-care-leave_amount)). It is an employer's responsibility to make it easier for women and men to reconcile work and family especially through work time arrangements.

'Flexitime' is a statutory concept and "refers to a working time arrangement, where an employee, within limits agreed in advance, can decide for him or herself when to come to the workplace and when to leave". The half of flexible working time must be determined according to the discretion of employee. The weekly working time should be up to 40 hours for four months and additional working time should be between 40 to 48 hours.

The workers can demand fewer working hours than regular due to health and social issues. Employer must provide facility to the worker so that he/she can work part time. The part time work should be stated for period of fixed term up to 26 weeks with the specification of daily and weekly working hours.

**Sources:** Section 6 of the Act on Equality between Men and Women 1986; §12-15 of the Working Hours Act

# 06/13 MATERNITY & WORK

## ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Finland has not ratified the Conventions 103 and 183.**

### *Summary of Provisions under ILO Convention*

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Employment Contracts Act, 2001
- Health Insurance Act, 2004

## Free Medical Care

There is no special provision in the law for maternity related care. Provision of health care services is the responsibility of municipalities. Pre-natal and post-partum medical care is provided to all for free at the medical centres.

**Source:** Social Welfare Act 1982, Act on Specialized Medical Care 1989

## No Harmful Work

If current job could pose risk to the health of a pregnant worker or her unborn child or her new born (by being exposed to chemical substances, radiation or infection diseases at work), she will be transferred to a suitable alternative job and shall be reinstated in her regular job as soon as medically possible and the health condition no longer exists. Both the worker and employer have the right to discontinue work at any time during the term of maternity allowance. A pregnant worker who can't be transferred to other duties and health hazards at her workplace can't be avoided is entitled to special maternity leave and allowance

**Source:** Chapter 2 §3 and Chapter 4 §1-2 of Employment Contracts Act; §4-5 of Chapter 09 from Health Insurance Act 2004;  
<https://www.kela.fi/pregnancy-allowance-and-special-pregnancy-allowance#miscarriage-or-termination-of-pregnancy>

## Maternity Leave

The female workers are entitled to 40 working days of pregnancy leave. The leave can start 30 days before and no later than 14 days before the expected due date of birth. It is obligatory to take leave for the last two weeks before the expected due date and two weeks after the birth. Under parental leave, female workers are entitled to further 160 days of leave.

**Source:** Chapter 09, Section 3-5 of the Health Insurance Act 2004

<https://www.kela.fi/pregnancy-allowance-and-special-pregnancy-allowance#miscarriage-or-termination-of-pregnancy>

## Income

Maternity leave is a fully paid leave. It is paid by the Social Security Institution. The worker must have been covered by the Social Security Institution for at least 180 days before the estimated date of delivery.

Maternity benefit depends on a number of factors. Its minimum amount is 31.99 euros per day.

**Source:** Chapter 09 and 11 of Health Insurance Act 2004;

<https://www.kela.fi/daily-allowances-for-parents-amount-payment>

## Protection from Dismissals

A women worker can't be dismissed during the period of her pregnancy or during the term of her family leave (maternity leave, parental leave and child care leave).

**Source:** §9 Chapter 7 of the Employment Contracts Act

## Right to Return to Same Position

Right to return is guaranteed under the Employment Contracts Act and workers are entitled to return to her previous position/equivalent work in accordance with her employment or any other work in accordance with her employment contract after availing her maternity leave.

**Source:** §4 Chapter 9 of the Employment Contracts Act

## Breastfeeding/ Nursing Breaks

Labour Law does not provide for nursing breaks to the breastfeeding mothers. It may be due to the reason as new mothers are provided long family leave and then child care leave so it may not be required to provide breastfeeding breaks. The Occupational Safety and Health Act requires that "pregnant women and nursing mothers should be offered access to go to the rest room or other suitable place to rest".

**Source:** §48 of Occupational Safety and Health Act 2002

# 07/13 HEALTH & SAFETY

## **ILO Conventions**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Finland has ratified both the Conventions 81 and 155.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.



## Regulations on health and safety:

- Occupational Safety and Health Act 2002

### Employer Cares

The employer has the duty to ensure the safety and health at work. The employer must take into account the work, working conditions, and the rest of the working environment, as well as employees' personal capacity related issues. While arranging for safety and health at workplace, employer are required to observe the following principles: Preventing the creation of hazards and risks; eliminating or reducing the hazards and risk factors; adopting safety measures and taking into account of technological developments. Employers are also required to monitor the working environment, the state of working community and safety of the work practices.

**Source:** Section 8 of the Occupational Safety and Health Act 2002

### Free Protection

Employers are required to provide free personal protective equipment (PPE) to the workers in order to avoid the occurrence of workplace hazards. Employer shall procure and provide workers with such auxiliary equipment or other devices when the nature of work, working conditions or appropriate work performance requires it. Such equipment should be appropriate to the risks present at the workplace. Employees are also required to use protective equipment and safety devices properly.

**Source:** Section 15 & 19 of the Occupational

Safety and Health Act 2002

### Training

Employers are required to provide necessary information on hazards and risk factor at the workplace and should ensure that:

- i. employees receive adequate orientation to the work, working condition, work equipment and its safe usage, safe working practices especially before starting a new job or a new work equipment or new work/production method is introduced;
- ii. employees are given training and guidance in order to eliminate and avoid hazards and risks at the workplace; and
- iii. employees are given training and guidance on adjustment, cleaning, maintenance and repair work

**Source:** Section 14 of the Occupational Safety and Health Act 2002

### Labour Inspection System

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces 2006 provides for a vibrant labour inspection system in line with the requirements of ILO Convention 081.

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## **ILO Conventions**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Finland has ratified the Convention 121 and 130 only.**

### ***Summary of Provisions under ILO Conventions***

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- Employment Contracts Act, 2001
- Health Insurance Act, 2004

## Income

Sick workers are entitled to paid sick leave in the event of sickness. If the employment relationship has lasted for a period of more than one month, employee is entitled to full salary during the first nine days of illness. If employment relationship has lasted for less than one-month, sick employees are entitled to 50% of their salaries during the first nine days of illness. An employee is not entitled to this pay by the employer if he/she caused the invalidity deliberately or through gross negligence. From the tenth day of sickness, employees receive a Sickness Allowance as provided under the Health Insurance Act 2004 and managed by Kela. Under the Collective Bargaining Agreements, employer pays for longer periods of sickness ranging from 4 weeks to 3 months depending on the length of employment. If a worker receives sickness allowance from Kela while receiving pay from the employer, that allowance is paid to the employer. If a worker has returned to work on part time basis, he/she can get partial sickness allowance from Kela. The amount of sickness allowance from Kela is dependent on a worker's taxed earnings. The sickness allowance is 70% of the salary of an insured worker. However, it is lower for higher salaries (40% or even 25%). The amount of allowance also depends on a worker's status (attending school, in rehabilitation, ill or unemployed) and changes in income. The minimum sickness allowance is 31.39 euros per day. The sickness allowance can be paid for a period

of 300 days inclusive of Saturdays however it does not include sundays and other public holidays.

**Source:** Chapter 2 Section 10-11 of Employment Contracts Act;  
<http://www.kela.fi/web/en/sickness>

## Medical Care

Medical benefits are available to the insured workers (including dependents). National Health Insurance, part of the Finnish Social Security System, covers certain expenses like:

- i. a share of private doctors' fees (as well as dentists' fees);
- ii. a share of the costs for examinations and treatments prescribed by a private doctor;
- iii. a share of medicine costs; and
- iv. a share of your illness-related transportation costs

A worker must be covered under the NHI scheme in order to qualify for the reimbursement of medical expenses. The NHI allowances and reimbursements are provided under the Health Insurance Act 2004.

### Sources:

<http://www.finlex.fi/fi/laki/ajantasa/2004/20041224#L11P1>;  
<http://www.kela.fi/web/en/national-health-insurance>)

## Job Security

Although it is not clearly mentioned in the labour laws, employment of a worker during the term of his/her sickness (esp. during the first 300 days) is secure as Employment Contracts Act considers illness, disability or accident as the weighty

and proper reasons to terminate an employee unless the working capacity is reduced to a substantial degree and long term that the employer can no longer be reasonably expected to continue the contractual relationship (Chapter 07, Section 2). Disability Pension starts only if the work has been ill and has received the sickness allowance for a period of 300 days. The long-term sickness allowance also starts after nearly 6 months. So, employment of a worker is securing at least during the first 6 months of his/her illness.

**Source:** <http://www.kela.fi/web/en/long-lasting-sickness>

## Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker. There is no minimum qualifying period and injuries on the way to and from workplace are covered.

In the case of permanent total incapacity/disability, i.e., the loss of working capacity that lasts for more than one year, 85% of the insured worker's earning till the age of 65. After that age, 70% of the annual earnings are paid. Workers are also paid constant attendance allowance and inconvenience allowance/general handicap benefit according to 20 degrees of disability depending on the seriousness of these disabilities.

In the case of permanent partial incapacity, reduced per diem allowance and a partial occupational injury pension is paid to the worker. Partial Incapacity pension is paid on the disability of 10% or more and in

accordance with the assessed degree of disability.

In the case of temporary disability, workers receive temporary disability benefit from the first day up to one year or until certification of permanent disability whichever is earlier. The insured worker must be assessed with a loss of working capacity of at least 10% and a reduction in earnings of at least 5%. For the first four weeks of temporary disability, benefit is equal to sickness benefit. After that, the benefit is 1/360th of the insured worker's annual salary.

In the case of fatal injury, 40% of the deceased worker's annual earnings are paid to the widow(er). Orphans also receive a pension till the age of 18 years (25 years for students and disabled). All survivors' benefits can't exceed 70% of the deceased worker's total annual earnings. A funeral grant is also paid to the deceased worker's estate.

**Source:** Section 14-28 of Workers' Compensation Act 1948, ISSA Country Profile

# 09/13 SOCIAL SECURITY

## ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Finland has ratified the Convention 121, 128, 130 and 168 only.**

### *Summary of Provisions under ILO Conventions*

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## Regulations on social security:

- National Pensions Act, 2007

## Pension Rights

To be part of the National Pension Scheme a permanent residence of at least 3 years in required, although full old age pension is obtainable only after 40 years of residence. The retirement age is 65, but there is the option of early pension at the age of 62 (63 for those born in 1952 or later): in this case, the amount is permanently reduced by 0.4 per cent for each month of earlier pension. In case of old-age pension (flat rate pension) employment may continue, while if the worker is getting an earnings-related pension, employment must cease. The earnings-related pension includes several private and public sector schemes. In the private sector, the Employees' Pension Act (TyEL) applies. In this case, retirement age is 63-68, although late retirement after 68 is possible. The rate is calculated on the basis of the earnings for each year and of the life expectancy coefficient: from age 18 to 52, the accrual rate on annual earnings is 1.5%; from age 53 to 62, 1.9%; from age 63, 4.5%. Earnings used to calculate contributions are based on average lifetime earnings.

**Source:** Art. 10 of National Pensions Act (568/2007) (Kansaneläkelaki); <https://www.kela.fi/web/en/national-pensions>

## Dependents' / Survivors' Benefit

Universal survivor pension is provided to a widow(er) for the first six months following the spouse's death. The maximum basic pension is about €328 a month plus a possible housing allowance. From the seventh month, at least about €102.85 is

paid if the surviving spouse is caring for a dependent child, otherwise the pension is income-tested. A child younger than age 18 (age 20 if a full-time student) receives €57.76 a month; up to €115.52 a month for a full orphan.

Earnings-related survivor pension provides to a widow(er) up to 50% of the deceased's pension or up to 50% of the disability pension that the deceased would have been entitled to receive. The amount may be split between the spouse and a divorced spouse. This pension is also subject to income test and decreased accordingly. One orphan receives 33.3% of the deceased's pension; up to 83.3% of the deceased's pension is paid for four orphans or more. The maximum combined orphan's and widow(er)'s earnings-related survivor pension is 100% of the deceased's pension.

### Source:

<https://www.kela.fi/web/en/survivors>, [www.issa.int/](http://www.issa.int/)

## Unemployment Benefits

Workers are entitled to a basic unemployment benefit (€32.40 a day + allowances) if they are residents of Finland with at least 8 months of work in the 24 months before unemployment began. Entrepreneurs must have been members in a single unemployment insurance fund for at least 18 months of the last 48 months. The amount is then increased according to the previous wage of the insured: if monthly earnings are less than €3,078, the basic daily benefit is €32.40 plus 45% of the daily wage; if monthly earnings are €3,078 or more, the earning related component is 20% of the exceeding amount. The benefit is increased if the insured has at least 20

years of work and has been a member of an unemployment fund for at least five years.

All unemployment benefits are paid after a seven-day waiting period. The benefit is paid five days a week for up to 500 days. If the work history is less than 3 years, the unemployment benefit is paid for 300 days. For those with more than three years of service, the unemployment benefit is payable for 400 days. Those who have five years of service and have become unemployed at the age of 58 years or higher, they are entitled to the unemployment benefit for 500 days. Since earnings related allowances are paid five days a week, 300 days is equivalent to 60 weeks (around 14 months). A worker can access unemployment benefits each time he meets the above conditions.

Those who are not eligible for Unemployment Allowance may be eligible for Labour Market Subsidy. It is payable to unemployed job seekers who enter the labour market for the first time or otherwise have no recent work experience.

**Sources:** [www.kela.fi/](http://www.kela.fi/), [www.issa.int/](http://www.issa.int/);  
[https://www.kela.fi/web/en/news-archive/-/asset\\_publisher/IN08GY2nIrZo/content/changes-to-kela-benefits-in-2019](https://www.kela.fi/web/en/news-archive/-/asset_publisher/IN08GY2nIrZo/content/changes-to-kela-benefits-in-2019);  
<https://www.kela.fi/web/en/amount-of-the-unemployment-benefit>;  
<http://www.tyj.fi/eng/earnings-related-allowance/amount-of-allowance/>

## Invalidity Benefits

Universal disability pension is paid to everyone aged between 16 and 64 and assessed with a permanent incapacity to work. It can be awarded for an indefinite or a limited period. To the basic amount, allowances can be added, such as child's supplement, housing allowance, care allowance, disability allowance, and rehabilitation allowance. The earnings-related disability pension is paid to everyone aged between 16 to 62 and assessed with a loss of capacity to work of at least 60% and no longer entitled to daily sickness allowance (so, after 300 days excluding Sundays). When the insured reaches the age of 63, the disability pension is replaced by the old-age pension. Partial disability pension is given when the assessed loss of working capacity is from 40% to 59%.

The amount is calculated in the same manner as the old age pension and the accrual rate on annual earnings is 1.5%.

**Source:** Chapter 3 of National Pensions Act (568/2007) (Kansaneläkelaki), <https://www.kela.fi/web/en/disability-pension-and-rehabilitation-subsidy>, <http://www.issa.int/>



# 10/13 FAIR TREATMENT

## **ILO Conventions**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Finland has ratified the Conventions 100 and 111.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.



## Regulations on fair treatment:

- The Constitution of Finland, 1999
- The Act on Equality between Men and Women, 1986
- Non-Discrimination Act, 2014 (1325/2014)
- Employment Contracts Act, 2001

## Equal Pay

The Finnish Constitution requires the state to "promote the equality of sexes in societal activity and working life especially in determination of pay and other terms of employment" (Art. 6). The Act on Equality between Men and Women 1986 also provides for equality in pay for work of equal value. Law requires an employer to promote gender equality in working conditions especially in Pay. Discriminatory treatment by an employer is prohibited if the employer used wages/pay and other terms of employment in such a way that one or more workers because of their gender are in a less advantageous position than the other workers when they are employed by the employer for the same or equivalent job. An employer is liable to pay compensation to the worker (at least 3,240 euros) if an employee is paid lower wages on the basis of gender.

**Source:** Section 6, 8, 10 and 11 of The Act on Equality between Men and Women 1986

## Sexual Harassment

Harassment and sexual harassment are prohibited under Act on Equality between Men and Women 1986. The Act prohibits both direct and indirect discrimination on the basis of gender. Sexual harassment and harassment based on gender are

considered discrimination under the Act. Sexual harassment is defined as "verbal, non-verbal or physical unwanted conduct of sexual nature, which on purpose or de facto violates the mental or physical integrity of the person. Particularly by creating an intimidating, hostile, degrading, humiliating and oppressive atmosphere. Employer is required to take measures necessary to rectify the situation when he gets the knowledge that a worker in his workplace has been sexually harassed or has been harassed on the basis of sex. The employer's failure to eliminate sexual harassment from the workplace will constitute discrimination, if necessary, measures are not taken (section 7-8 of the Act on Equality between Men and Women). Harassment is also prohibited under the Non-Discrimination Act, 2004 (Section 6). A victim may demand compensation when harassment has taken place in employment (section 11-12 of the Act on Equality between Men and Women). An employer who fails to protect employees from harassment are subject to fines or a maximum of six months' imprisonment. (Section 14).

Under the Employment Contracts Act, employer is also liable for any loss to the employee caused through the fault or negligence of a representative of employer. (Section 9, Chapter 01). The other relevant acts are "Occupational Safety and Health Act 2002 (Section 28) and Penal Code (Section 5 Chapter 20; Section 3 Chapter 47).

## Non-Discrimination

In accordance with Section 06 of the Constitution, everyone is equal before the law and no one has to be, without an

acceptable reason, treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reasons. The Employment Contracts Act also prohibits an employer from exercising an unjustified discrimination age, health, disability, national or ethnic origin, nationality, sexual orientation, language, religion, opinion, belief, family ties, trade union activity, political activity or any other comparable circumstance (Section 2 Chapter 2). Gender based discrimination is prohibited under the Act on Equality between Men and Women while other forms of discrimination are prohibited under the Non-Discrimination Act.

With the enactment of new Non-Discrimination Act, applicable from January 2015, the earlier Non-Discrimination Act (21/2004) has been repealed. In accordance with the new Act, no one may be discriminated against on the basis of age, ethnic origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, health, disability, sexual orientation or other personal characteristics.

Discrimination includes not only direct and indirect discrimination but also harassment, denial of reasonable accommodation, as well as an instruction or order to discriminate.

## Equal Choice of Profession

In accordance with article 18 of the Finnish Constitution, "everyone has the right, as provided by an Act, to earn his or her livelihood by the employment, occupation or commercial activity of his or her choice. The public authorities shall take

responsibility for the protection of the labour force".

Women can work in the same industries as men as no restrictive provisions could be located in the law.

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Finland has ratified the Conventions 138 and 182.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## Regulations on minors and youth:

- Young Workers Act, 1993

## Minimum Age for Employment

A worker must have reached the age of 15 years and must have completed compulsory education to enter into an employment contract. Children under the age of 15 years may be employed in light work for a short period outside school hours and on the consent of the person having care and control of the child.

Under the Act on Compulsory Education (1214/2020), compulsory education ends when the person reaches the age of 18 or completes an upper secondary qualification. A young worker aged 15 years, who has completed the basic education syllabus referred to in the Basic Education Act or whose obligation to complete the basic education syllabus has otherwise ended, may be admitted to permanent employment. Employer must obtain a reliable documentation of the young worker's age and that the obligation to complete the basic education syllabus has ended. Young persons who have completed basic education and who attend upper secondary education can still work part time, for example, insofar as the work is suitable for them and it does not affect their attendance at school.

**Source:** Section 2 of Young Workers Act 1993

## Minimum Age for Hazardous Work

Minimum Age for hazardous work is 18 years in Finland. Decree on the Protection of Young Workers 1986 contains a number of jobs unsuitable for persons under 16 or

18. Additional legislation on young workers includes the Government Decree on Work Especially Harmful and Hazardous to Young Workers (475/2006) and the Decrees of the Ministry of Social Affairs and Health on the List of Work Hazardous to Young Workers (188/2012).

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Finland has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## Regulations on forced labour:

- The Constitution of Finland, 1999
- Employment Contracts Act, 2001
- Finnish Penal Code 1889 (39/1889)

## Prohibition on Forced and Compulsory Labour

Everyone has the right to earn his or her livelihood by the employment, occupation or commercial activity of his or her choice (Section 18 of the Constitution). Trafficking in human beings for the purposes of sexual abuse and forced labour is prohibited under the Penal Code and offenders have to face an imprisonment ranging from 04 months to 06 years (Chapter 25 Section 3 of the Finnish Penal Code 1889).

## Freedom to Change Jobs and Right to Quit

An employee, before terminating the employment relationship, has also to observe following notice periods unless otherwise agreed:

- i. 14 days' notice if employment relationship continued for less than 5 years; and
- ii. 30 days' notice if employment relationship continued for more than 5 years.

At the request of a part-time or fixed-term employee, the employer must provide a reasoned answer about the possibility of extending the regular working hours agreed in the employment contract (to full-time) or the duration of the employment contract (to an indefinite term contract). The answer must be given in writing within one month of the request. There is no obligation to give a written answer if the employee has

worked for the employer for less than six months or less than 12 months have passed since the employee's previous request.

**Source:** Chapter 2, section 6; Chapter 6 Section 3 of Employment Contracts Act

## Inhumane Working Conditions

Maximum working hours are 8 hours a day and 40 hours a week for both day-time and night time workers. Law sets limits for overtime work. Employees are not allowed to work overtime for more than 138 hours within a period of 4 months or 250 hours within a period of one year.

**Source:** §6-9 & §17-19 & 23 of Working Hours Act, 1996

# 13/13 TRADE UNION

## **ILO Conventions**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

**Finland has ratified both Conventions 87 & 98.**

### ***Summary of Provisions under ILO Conventions***

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

## Regulations on trade unions:

- The Constitution of Finland, 1999
- Employment Contracts Act, 2001
- Finnish Penal Code 1889 (39/1889)
- Collective Agreements Act, 1946
- Act on Mediation in Labour Disputes, 1962

## Freedom to Join and Form a Union

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions as well as professional associations. Workers are allowed to join unions without prior authorization. Similarly, no one can be forced to join or not join a union (Section 13 of Finnish Constitution, Chapter 13 Section 1 of the Employment Contracts Act). If an employer prevents employee(s) to establish or join a trade union, he shall be fined for violation of the right organizes. (Chapter 47 Section 5 of the Penal Code 1889)

## Freedom of Collective Bargaining

Right to collective bargaining is regulated under the Collective Agreements Act 1946 and unions and employers can reach agreement on various working conditions. The dominant level of collective bargaining in Finland is the national level. The other important however not dominant levels are sector and company levels of bargaining. The coverage rate for collective bargaining agreements is between 95-100% and they are all legally and universally binding unless a Commission set up by the Ministry of Labour decides otherwise. Even the unorganized employers have to comply with the national agreements concluded in their line of business.

The central organisations negotiate incomes policy agreements, which outline the framework for union level agreements concerning the size of pay raises and social, pension and training benefits. The union level collective agreements determine the minimum employment conditions. These include provisions for pay, working time and annual leave.

Economic Council of Finland, established in 1966, is a tripartite-plus body for facilitating co-operation between the Government, the Bank of Finland and major interest groups. The Council acts as a forum for dialogue between the Government, the social partners and the Bank of Finland regarding economic policy decisions. The issues discussed by the Economic Council relate to the following subject matters: changes in Finland's economic environment and the consequent challenges and difficulties in adjusting to them; efficient use of national economic resources and ways of ensuring medium and long-term competitiveness; growth and employment policy in the short and medium term; and public economy and the division of welfare. The Council has 19 members with 10 members from government and 3 members each from employer organizations, worker organizations and other interest groups. Term of the Council is 4 years which is renewable once.

## Right to Strike

Right to strike is not expressly provided under the Finnish Labour law. Right to association actually entails the right to collective bargaining and embarks on collective action (strike and lockout). Strikes and lockouts are regulated by the Collective Agreements Act 1946 and by the Act on Mediation in Labour Disputes 1962



which covers the aspects of notice and deferment of labour stoppages.

# QUESTIONNAIRE

## DECENTWORKCHECK.ORG

## Check

DecentWorkCheck Finland is a product of WageIndicator.org  
and [www.palkkalaskuri.fi](http://www.palkkalaskuri.fi)



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

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Nationality/Place of Birth	😊	<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste	😊	<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status	😞	<input type="checkbox"/>	<input type="checkbox"/>
Age	😊	<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS	😊	<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities	😊	<input type="checkbox"/>	<input type="checkbox"/>
Language	😊	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)	😊	<input type="checkbox"/>	<input type="checkbox"/>
Marital Status	😊	<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance	😞	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity	😞	<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden	😊	<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice	😊	<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour	😊	<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

46. I have a labour union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination	😊	<input type="checkbox"/>	<input type="checkbox"/>

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## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Finland scored 44 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.