

Appendix I

Finland

**The Government is requested to communicate the following reports
between 1 June and 1 September 2017**

*See in Appendix II the comments made by
the Committee of Experts on the Application of Conventions and Recommendations (CEACR),
a reply to which should be included in your Government's reports.*

*See the Explanatory Note (Appendix III) concerning
the preparation of detailed and simplified reports, including first reports.*

C012 - Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)	
C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	
C027 - Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)	
C029 - Forced Labour Convention, 1930 (No. 29)	CEACR comments
C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	
C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118)	
C121 - Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)	CEACR comments
C122 - Employment Policy Convention, 1964 (No. 122)	CEACR comments
C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)	CEACR comments
C130 - Medical Care and Sickness Benefits Convention, 1969 (No. 130)	
C137 - Dock Work Convention, 1973 (No. 137)	CEACR comments
C138 - Minimum Age Convention, 1973 (No. 138)	
C152 - Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)	CEACR comments
C168 - Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)	
C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	CEACR comments
C189 - Domestic Workers Convention, 2011 (No. 189)	First report



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Appendix II

Finland

The Government is requested to include in the reports due
between 1 June and 1 September 2017
replies to the points raised in the following comments made by the
Committee of Experts on the Application of Conventions and Recommendations



Finland (ratification: 1936)

Direct Request, 2014

Article 2(2)(c) of the Convention. Community service imposed as an alternative measure to imprisonment. The Committee previously noted that, for offences punishable with unconditional imprisonment not exceeding eight months, an alternative sentence of community work may be imposed by a court, with the free, formal and informed consent of the convicted person and for a term of up to 200 hours. Such work should be performed by the convicted person free of charge and "for the public good". The Committee notes the Government's indication that, pursuant to section 8 of Decree No. 4 of 2011 on community service, such services may be organized by a government unit, an association under public law, or a non-profit community or foundation. Community service may also be organized by a profit-seeking community or foundation that carries out services for the Government under public supervision. According to the Government, community service may not be carried out in a commercial enterprise or for the benefit of private persons. The Committee notes further the information provided by the Government with regard to a project to amend the legislation on community service that is currently under way. The proposal seeks to adopt a uniform act encompassing all types of sanctions of community service. According to the Government, the amended legislation would also provide for a "stricter" type of community service aimed specifically at young people sanctioned for crimes committed before the age of 21. ***The Committee hopes that, in the context of the current law review process, its previous comments concerning community service will be duly taken into account, and that the Government will keep the Office informed of the developments in this area. The Committee requests the Government to supply, where appropriate, a copy of the new texts.***

Finland (ratification: 1936)

Direct Request, 2012

Reform of national legislation on employment injuries. With reference to the issues raised previously by the Central Organization of Finnish Trade Unions (SAK) and by the Confederation of Unions for Academic Professionals in Finland (AKAVA), the Government indicates that a reform process of the legislation on accident insurance and occupational diseases is currently being prepared by the Ministry of Social Affairs and Health together with key central labour market organizations and other stakeholders. The goal of the reform is to update the national legislation to correspond to the altered conditions of working life and new objectives. The reform will also address issues brought up by central labour market organizations concerning, for example, the level of benefits and the improvement of the protection of workers suffering from symptoms caused by moisture damage in the workplace. For their part the SAK, the AKAVA and the Finnish Confederation of Salaried Employees (STTK) stress that, while there have been attempts to solve the problem as part of the reform process, progress has so far been slow. Victims of moisture damage are often left without social security coverage following expiry of their sick leave compensation, since their symptoms are not regarded as sufficient for an occupational disease diagnosis. These problems could be solved rapidly by ensuring prompt examination of persons concerned and uniformity between insurance companies' compensation practices. ***The Committee takes note of this information and hopes that the Government together with the social partners will reform the national legislation on employment injuries in the best interest of protected persons and in accordance with the provisions of the Convention.***

Article 8 of the Convention. Occupational diseases. With reference to previous comments, the Government indicates that, since the current list of occupational diseases contained in Decree 1347/1988 (*ammattitautiasetus*) is not a closed list, a disease not mentioned in the list can nonetheless be compensated as an occupational disease on the basis of a general provision of the Act on occupational diseases (1343/1988) (*ammattitautilaki*) if a likely causal relationship can be proven to exist between the disease and the work considering the worker's degree of exposure. The Government also indicates that, given that the legislation on accident insurance and occupational diseases is currently being reviewed, the list of occupational diseases will be updated in view of European Commission Recommendation 2003/670/EC of 19 September 2003 concerning the European schedule of occupational diseases. ***Taking note of this information, the Committee asks the Government to indicate progress achieved in the reform process with respect to the list of occupational diseases, indicating how the new list, if adopted, gives effect to Article 8 of the Convention. Please also provide information regarding the implementation of the procedure for the recognition of the occupational origin of diseases which are not included in the national list.***

Finland (ratification: 1936)

Direct Request, 2014

Articles 1, 2 and 3 of the Convention. Implementation of an active employment policy. Consultation with the social partners.

The Committee notes the detailed information provided by the Government and the observations from the Central Organization of Finnish Trade Unions (SAK) and the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA), incorporated in the Government's report. It notes that a resolution was issued on 31 May 2012 laying down the measures and structural reforms needed in order to secure the functionality of the labour market and labour supply, for the purpose of supporting economic growth, employment and welfare in Finland. Labour market organizations participate in the planning of employment policy in the Council for Labour, Training and Trade Affairs that was appointed by the Government for a new three-year term starting in January 2012. The intention is also to form a closer link between the work of the Council and the Government programme, the Government's strategy document and their practical implementation. The Committee notes that the Government has set as its goal to raise employment to 72 per cent and to lower the level of unemployment to 5 per cent. It notes that the employment rate was measured at around 69 per cent between 2011 and 2014. The Government indicates that increased structural problems in the job market cast a shadow over hopes for improved employment rates. Moreover, the number of unemployed jobseekers at the Employment and Economic Development Offices totalled 307,300 at the end of April 2014, an increase of 27,900 on the previous year. The unemployment rate was measured at 8.2 per cent in 2013 and 8.5 per cent was forecast for 2014. The Committee notes that the duration of the period that vacancies remain unfilled and long-term unemployment have increased. In its observations, SAK indicates that the activation of the long-term unemployed has reached a worryingly low rate. It adds that the number of the long-term unemployed also grew alarmingly in the course of the year and, despite all the negative developments, the Government will cut €55 million from the active labour policy's funding. The Committee notes that the Ministry of Employment launched an evaluation of the services structure of labour policy in autumn 2013, and the final report will be completed in spring 2015. ***The Committee invites the Government to provide information on the policies and programmes addressing the issue of long-term unemployment, and on the evaluation of the services structure of the labour policy. Please continue to include information on the manner in which the social partners participate in the design and implementation of an active employment policy.***

Public employment services. The Committee notes that, from the beginning of 2013, the services provided by the Employment and Economic Development Offices have been known as employment and economic development services (TE services). At the start of 2013, a total of 15 Employment and Economic Development Offices with the necessary number of service points have been responsible for the provision of the services. The Government indicates that the weakened economic situation and the growing customer volumes have unfortunately challenged the reform of the public employment service. According to SAK, the reform was too vast to be implemented at once and it also involved problems. For example, unemployed persons were not able to contact TE offices by phone and personal services were insufficient. Moreover, staff reductions were carried out at TE offices at a time when the numbers of the unemployed underwent a drastic increase. In its observations, AKAVA indicates that, since the start of the financial crisis, the number of unemployed jobseeker customers with a higher education degree has doubled in TE offices. Higher education graduates continue to find employment more easily than people with lower levels of education, but the difference has been diminishing continuously with the average increase in the education level of the working population. AKAVA adds that reforms to improve the situation have already been carried out but, as unemployment rates continue to grow also in highly educated population groups, it is necessary that this work be continued. ***The Committee invites the Government to provide further information on the impact of the public employment service reform and information on the impact of the measures implemented by the Employment and Economic Development Offices in contributing to help workers find productive employment opportunities.***

Education and training policies and programmes. At the beginning of 2013, the new Act on public employment and business service introduced changes in labour market training. Labour market training now includes vocational labour market training and integration training for immigrants. Preparatory labour market training was replaced by training services that include career coaching, jobseeking coaching and work coaching. The Committee also notes the statistics provided on the number of participants in labour market training. It also notes that the Act on financially supported development of professional skills which provides financial incentives, such as tax deductions, to enterprises offering training to employees in order to improve their skills, came into force on 1 January 2014. ***The Committee invites the Government to continue to provide information on the impact of the measures implemented and the manner in which the social partners participate in the design and implementation of education and training policies and programmes.***

Older workers. The Committee notes that the employment rate of older workers (55–64) was 58 per cent in 2012 and rose modestly to 58.5 per cent in 2013. The Government indicates that a pension reform is included in its structural policy programmes in order to raise their employment rate and retirement age. In this regard, a legislative reform will be prepared through tripartite negotiations and new legislation will take effect in 2017. The aim is to increase the average retirement age to a minimum of 62.4 years by 2025 (currently 60.9 years). The Committee notes the measures taken regarding older workers, including the Working Life 2020 programme which aims to improve the employment rate, quality of working life, well-being at work and work productivity, taking older workers into account as a cross-cutting issue. ***The Committee invites the Government to continue to provide information on the effectiveness of the measures implemented to increase the participation of older workers in the labour market.***

Young workers. The Government highlights the prevention of social exclusion of young people as one of its flagship projects. In accordance with the Youth Guarantee, all young people either under 25 or under 30 and recently graduated will be offered a job, a traineeship, on-the-job training, a study place, or a period in a workshop or rehabilitation within three months of becoming unemployed. The Government reports that the youth unemployment rate was 19.8 per cent in 2011 and 19.9 per cent in 2013.

The youth unemployment rate in Finland includes full-time students who are looking for part-time work. Excluding full-time students from the calculation, the youth unemployment ratio is usually half of the youth unemployment rate. A positive sign that has emerged is that despite the rising number of unemployed young persons, the average duration of youth unemployment has remained short. The average duration of unemployment among young people under 25 is 12 weeks. ***The Committee invites the Government to continue to provide information on the impact of the measures taken to ensure productive employment opportunities for young workers.***

Finland (ratification: 1936)

Direct Request, 2012

Article 13 of the Convention (read in conjunction with Article 32). Introduction of active labour market policies for beneficiaries of disability pensions. The Committee notes that, in 2009, a workbank pilot was established aiming at finding employment for persons at a potential disadvantage in the labour market, such as partially disabled persons and the long-term unemployed. Workers have an employment relationship with the workbank, which then hires the workers out to enterprises and communities. The periods during which workers are not occupied are used for education and training purposes. The Committee also notes the concomitant adoption of a provisional Act promoting the return to work from disability pension (738/2009), in force from 2010 to 2013 at which stage the impact of the provisional act will be assessed. The Government indicates that the provisional Act makes it easier to suspend the disability pension and raised the maximum limit of earnings permitted during the payment of disability pension, offering better opportunities for low-income retirees only living on a pension to engage in and try gainful employment. Thus, a beneficiary of full disability pension may perceive an income up to 40 per cent (subject to a maximum of €714 per month) of his/her previous earnings without losing full pension rights. ***The Committee takes due note of this information and would be grateful if the Government would provide information in its next report on the results of the assessment of these measures indicating the extent to which they contributed to improve suitable employment opportunities for disabled persons as envisaged by the above provisions of the Convention.***

C137

Finland (ratification: 1936)

Direct Request, 2012

The Committee notes the information provided by the Government in its report for the period ending in June 2012, which includes laws and regulations which entered into force during the reporting period and comments from the social partners. The Finnish Port Operators Association indicates that the general collective agreement of the loading and unloading sector guarantees a permanent full-time employment relationship to over 90 per cent of port workers. This collective agreement limits the average number of temporary workers in undertakings to less than 10 per cent of all personnel. It further adds that between 2005 and 2010, the income level for stevedores' regular working hours increased by a total of 35 per cent, and the income level for time worked increased 45 per cent. The Finnish Port Operators Association further states that Convention No. 137 unjustly sets port workers in an exceptional position in regard to other employee groups. It proposes that Finland denounces Convention No. 137. The Committee notes that the Central Organisation of Finnish Trade Unions (SAK) has submitted comments of its member association, the Transport Workers' Union (AKT). The AKT indicates that permanent stevedores' income levels have been in line with the general wage development in industry from 2005 until the present. It adds that hundreds of jobs have vanished during the period in question, which cannot be explained by the recession or advancing port technology. The AKT views the purpose of Convention No. 137 as being more topical than ever, particularly as the EU White Paper refers to opening up entry to the port services market. ***The Committee invites the Government to provide information with respect to the issues raised by the social partners and the results achieved at the tripartite level in improving the efficiency of work in ports. Please also provide information on the manner in which the Convention is applied, including for instance extracts from reports and particulars of the numbers of dockworkers and of their variations during the period covered by the next report (Part V of the report form).***

Finland (ratification: 1936)

Direct Request, 2012

Legislation. The Committee notes with **interest** the detailed information contained in the Government's report including descriptive comments of the main content of the numerous legal enactments adopted since the previous report. The Committee notes, in particular: the amendments of the Decree on the Occupational Safety in Loading and Unloading of Ships (1050/2011) which specifies the inspection requirements of lifting equipment used in the loading and unloading of ships and the inspectors' competence requirement; the amendments of the Decree on the Safety of Machines (400/2008), which now specifically provides that occupational safety in port is within its scope and the technical devices referred to in the Decree include machines and lifting accessories, lifting chains, ropes and belts; and the Act on the amendment of section 3 of the Occupational Safety and Health Act (709/2008), laying down specifications to the application of the Act in relation to contract labour requiring that the labour recipient must report the start of such work to the workplace's occupational health care and the occupational safety and health representative in question.

Article 36 of the Convention. Medical examinations. The Committee notes the detailed information regarding the Decree on Medical Examinations in Work that Presents a Special Risk of Illness (1485/2001) including a reference to an online unofficial English translation thereof.

Part V of the report form. Statistical data. The Committee notes that the report contained no statistical data on reported accidents or injuries to the occupational safety and health authorities, but that according to information provided by the Finnish Statistical Bureau, the number of reported fatalities and accidents among dockworkers for the years 1999–2010 demonstrate a fairly regular decline and that the length of incapacitation per incident also appears to be declining. **The Committee requests the Government to provide further statistical data on occupational accidents and diseases for dock work.**

Finland (ratification: 1936)

Direct Request, 2014

Article 3 of the Convention. Worst forms of child labour. Clause (c). Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs. The Committee previously noted that the national legislation, including the Penal Code, does not seem to specifically prohibit the use, procuring or offering of a child under 18 years of age for the production and trafficking of drugs. The Committee, therefore requested the Government to indicate the legislative provisions under Finnish law which apply in this regard.

The Committee notes the Government's indication that the offence related to the use, procuring or offering of a child under 18 years of age for the production and trafficking of drugs are covered by the provisions laid down under Chapter 5 of the Criminal Code. According to section 4 of Chapter 5 of the Criminal Code, any person who commits an offence by using as an agent, another person who cannot be punished for said offence due to the lack of criminal responsibility or intention or due to another reason connected with the prerequisites for criminal liability, shall be punished. Consequently, a person who has used, as an agent, a person under the age limit of criminal responsibility (15 years) for the commission of a crime shall be punished as the perpetrator of the crime. With regard to persons aged between 15 to 17 years, the Government refers to section 3 of Chapter 5 of the Criminal Code dealing with complicity in an offence; section 5, relating to instigating another person to commit an offence; and section 6, relating to abetting another person for the commission of an offence.

Articles 6 and 7(2)(b). Programmes of action to eliminate the worst forms of child labour and direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Trafficking. The Committee notes from the Government's report that, following the implementation of the Revised Plan of Action Against Trafficking in Human Beings, 2008, several legislative amendments concerning assistance and support to victims of trafficking have been adopted. Chapter 4 of the Act on the Reception of Seekers of International Protection of 2011 (Reception Act) contains provisions relating to the content of assistance to be provided to victims of trafficking; duties of the competent authority for assisting the victims; as well as the appointment of a multi-professional evaluation group for assessing the needs of victims of trafficking. Accordingly, the services and assistance provided to victims of trafficking, as per section 33 of the Reception Act include: legal and other advisory services; crisis support; social welfare and health-care services; translation and interpretation services; accommodation and housing; assistance for a safe return; and other assistance taking into account the special needs resulting from the age and situation of the victim. The Committee also notes that according to a decree issued by the Ministry of Interior on 1 September 2011 (No. 984/2011), the reception centres of Joutseno and Oulo are the two centres competent to assist victims of trafficking which coordinate, maintain and develop the system for assisting victims of trafficking. The Committee notes the Government's information that from 2005 to 2012, 31 proposals for assistance concerning minor victims of trafficking were received. The Government's report further indicates that the number of minors identified as victims of trafficking remained very low in 2013. **The Committee requests the Government to provide information on the methodology used for identifying victims in this respect.**