

**No. 98****REPORT**

for the period 1 June 2016 to 31 May 2019, made by the **Government of Finland**, in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

**Right to Organise and Collective Bargaining Convention, 1949, No. 98**

ratification of which was registered on 22 December 1951.

**I LEGISLATION AND REGULATIONS**

Nothing new to report

**II – III**

Nothing new to report.

**COURT RULINGS RELATED TO THE CONVENTION'S SCOPE OF APPLICATION**

Supreme Court:

**KKO 2019:35, summary:**

The trade union had announced a prohibition on the orientation of workforce in the sector, according to which no orientation or training would be provided for temporary agency workers. An employee taking part in the industrial action had refused on two consecutive days to provide orientation tasks the employer had assigned to the employee due to the orientation prohibition, but the employee had announced that they would be available to carry out normal sorting and distribution tasks. The employer has sent the employee home on both days and had not paid the employee a salary for the remaining hours of either workday. In their claim, the employee requested that the employer be obligated to pay the employee their entire salary for the hours in question and compensation pursuant to the Non-discrimination Act on the basis of discrimination due to involvement in trade union activities.

The Supreme Court was of the opinion that as the employee had refused to carry out orientation tasks assigned to the employee by their employer due to industrial action, the employer was not obligated to approve work for them that only consisted of sorting and distribution tasks. As the performance of work was not prevented for a reason due to the employer but due to industrial action, the employer was not obligated to pay the employee a salary for the period during which they could not work. The employer did not engage in discrimination of the employee due to participation in trade union activities. (Voted)

Applied legal provisions: chapter 2, section 12, subsection 1 of the Employment Contracts Act, section 8, subsection 1 and section 10 of the Non-discrimination Act.

[Non-discrimination Act \(1325/2014\)](#), unofficial translation

Also see the court cases listed in the report concerning Convention No. 87.

## V

Nothing new to report.

## VI

A copy of this report has been sent to the following labour market organizations:

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Salaried Employees (STTK)
4. The Confederation of Unions for Academic Professionals in Finland (Akava)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish Enterprises
8. The Commission for Church Employers

### **Statements of the labour market organizations:**

Please see the statements on the report concerning Convention No. 87.