

REPORT

**Article 22 of the Constitution of the International Labour Convention**

report for the period 1 June 2022 to 31 May 2025

made by the Government of Finland

on the

**DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (No. 111)**

(ratification registered on 23 April 1970)

**Direct Request, 2022**

The occupational safety and health (OSH) authorities supervise the promotion of equality and the prohibition of discrimination in working life both based on customer contacts and as initiated by the authorities. The OSH authorities also carry out self-initiated monitoring of job vacancy notices and addresses any discrimination it detects in work advertisements.

In 2024, the OSH authorities received around 630 contacts relating to work discrimination and processed 186 enforcement requests that related to discrimination experienced by an individual worker or applicant for employment. It was regarded in around a quarter of the inspections that the employer's conduct had violated the prohibition of discrimination. The largest number of obligations were imposed for discrimination experienced based on state of health, followed by other personal characteristics and origin or nationality. Most obligations were imposed for discrimination experienced in conjunction with the termination of employment. There were 117 inspections to supervise equality promotion plans and the employer's obligation to promote equality. There were 5 inspections concerning discriminatory work advertisements. As regards the use of foreign labour, the prohibition of discrimination was supervised with around 760 inspections. Discrimination based on origin, language or nationality was most commonly detected in recruitment.

In 2023, the OSH authorities received around 520 contacts relating to work discrimination. The OSH authorities processed around 170 enforcement requests that related to discrimination experienced by an individual worker or job applicant. It was regarded in around a quarter of the inspections that the employer's conduct had violated the prohibition of discrimination. The largest number of obligations were imposed for cases based on other personal characteristics and the second-largest number based on state of health. More than half of the obligations related to the termination of employment. As regards the use of foreign labour, the prohibition of discrimination was enforced with around 1,000 inspections. Discrimination based on origin, language or nationality was most commonly detected in recruitment. Inspections of foreign enterprises posting workers to Finland detected much more discrimination than before. The OSH authorities

conducted 11 inspections concerning discriminatory job advertisements. The OSH authorities supervise the employer's obligation to promote equality in working life. This obligation was enforced by means of 123 inspections, with irregularities detected in around 70% of these.

The OSH authorities received around 540 customer contacts relating to work discrimination in 2022. The OSH authorities processed around 220 enforcement requests requesting to investigate suspected discrimination in 2022. A total of 129 workplace inspections related to such cases of suspected discrimination were carried out, with 36 of the inspections finding that the employer had acted in violation of the prohibition of discrimination. The largest number of obligations were imposed based on grounds relating to state of health, origin and nationality, and other personal characteristics. As regards the use of foreign labour, the prohibition of discrimination was enforced with more than 900 inspections. In the supervision of foreign labour, the inspector assesses whether the employer has discriminated against employees in terms of pay or other minimum terms of employment on the basis of origin, nationality or language. The OSH authorities conducted 18 inspections concerning discriminatory job advertisements.

In 2021, the OSH authorities received almost 570 contacts relating to work discrimination. The OSH authorities processed 210 enforcement requests requesting to investigate suspected discrimination. A total of 134 workplace inspections related to such cases of suspected discrimination were carried out. The largest number of inspections took place due to suspected discrimination relating to state of health, other personal characteristics or origin, nationality or language. In cases where it was assessed that the matter presented in the enforcement request did not constitute discrimination referred to in the Non-Discrimination Act, a procedural decision was made. There was a total of 75 of these cases. As regards the use of foreign labour, the prohibition of discrimination was enforced with around 640 inspections. In the supervision of foreign labour, the inspector assesses whether the employer has discriminated against employees in terms of pay or other minimum terms of employment on the basis of origin, nationality or language. In 73 inspections, discrimination based on origin, language or nationality was detected in pay or other minimum terms. In 2021, around 860 inspections dealt with the prohibition of discrimination, the employer's obligation to promote equality, equality promotion plans or the prohibition of discriminatory job advertisements. The OSH authorities conducted 11 inspections concerning discriminatory job advertisements. The employer's obligation to promote equality in the workplace was supervised by means of 78 inspections, with irregularities detected in more than half of these. In conjunction with discrimination-related supervision, the OSH authorities also enforce compliance with other legislation relating to working life and addresses any other irregularities relating to labour legislation. Inspections based on suspected discrimination detected several other shortcomings in employers' activities, with obligations imposed on the employers on these. In 2021, a total of 63 obligations were imposed for other irregularities relating to labour legislation in conjunction with discrimination matters.

### **Responses relating to gender equality**

(Information in the section is from the final report on the Government Action Plan for Gender Equality 2019–2023 and from the Government Action Plan for Gender Equality 2024–2027)

**The Committee asks the Government to provide information on: (a) the outcome of the reform of the Non-Discrimination Act (1325/2014) and of any other relevant piece of legislation; (b) the**

**application in practice of this Act as well as the Act on Equality between Women and Men (1329/2014), as amended; and (c) any activities aimed at ensuring understanding and compliance with those Acts.**

The Act on Equality Between Women and Men was supplemented with provisions on the prohibition of discrimination of members of gender minorities and on the promotion of gender equality of members of gender minorities (1329/2014). The amendment ensures that the prohibition of discrimination against members of gender minorities is implemented as the Constitution requires. Obligations under the Equality Act concerning educational institutions were also expanded to cover institutions providing primary and lower secondary education. The amendments to the Equality Act entered into force on 1 January 2015, and their implementation has been supported over the years with measures including communication and training.

On 1 February 2023, Parliament passed the government proposal for the Act on Legal Recognition of Gender (Government Proposal 189/2022). The legal recognition of gender was separated from medical examinations and treatments, and the legal recognition of gender no longer requires medical reports or diagnosis. The requirement of infertility previously in force was abolished. The Government Action Plan for Gender Equality 2024–2027 contains measures to promote gender and other equality, including the rights of gender minorities. Measures during the government term include planning and implementing a development programme covering the entire education system to support and monitor the preparation and effectiveness of gender equality and non-discrimination plans.

**The Committee asks the Government to provide information on the progress achieved and obstacles encountered in the implementation of the recommendations of the “Breaking down the barriers” research project and the measures foreseen in the Action Plan for Gender Equality 2020-2023 or otherwise. Recalling the 40 per cent target for female representation on boards, mentioned in its previous comments, the Committee asks the Government to provide an update on the progress achieved in this regard.**

The aim for the 2019–2023 government term was to increase equal representation of women and men on listed company boards. The 40% target for the share of women and men on boards was not reached by the end of the government term. According to a report published in July 2024, women accounted for 33% of members of boards of directors of Finnish listed companies. Over the past 15 years, the share has increased by an average of 1–2 percentage points each year. Directive (EU) 2022/2381 of the European Parliament and of the Council on improving the gender balance among directors of listed companies and related measures entered into force in Finland on 27 December 2022. Boards of all listed companies covered by the scope of application must have at least 40% of the underrepresented sex by 30 June 2026.

The average percentage of women in boards of state-owned companies remained relatively unchanged in 2021–2023 (46–47%). In 2023, women accounted for 41% of the members of management groups of state-owned companies (compared with 35% in 2021). In 2024, women accounted for 42% of the board members of all state-owned companies and 39% of members of management groups. In the 2023–2027 government term, state-owned companies will strive for diversity, for example, in board configurations and aim to increase the share of women in the

senior management of state-owned companies. Progress towards the target is reported annually in the Financial Status Report.

The Finnish labour market is strongly segregated by gender. Women and men often work in different sectors, industries and occupations. The majority of those working in care and education in the public sector are women and those working in export-driven fields of the private sector are men. Only around 10% of wage and salary earners work in fields with an equal gender distribution.

Efforts are made to dismantle segregation through means including the gender equality planning obligations of the Equality Act. Under the Equality Act, gender equality plans must be prepared not only for workplaces but also for all educational institutions and early childhood education and care (ECEC). As regards ECEC, the obligation to prepare a unit-specific gender equality plan entered into force on 1 June 2023 and applies to early education centres. As regards home-based childcare and municipal open activities in ECEC, the municipality must prepare, in cooperation with actors in its area, joint gender equality plans for the actors. Gender equality plans must be updated once a year or at least once every three years.

Practical tools for dismantling segregation were developed in a joint project of the Ministry of Social Affairs and the Finnish Institute for Health and Welfare, Dismantling segregation - tools for a more equal working life, in 2021–2023. The purpose of the project was to reduce gender-based segregation in working life by developing practices and network cooperation for a more equal working life. The project produced a practical toolbox for workplaces, a policy brief aimed at decision-makers, and a report on the various practices of dismantling segregation. The project also created new kind of regional cooperation and established cooperation networks around Finland to dismantle segregation in contexts including employment services and educational institutions.

**The Committee asks the Government to provide information on measures taken or envisaged to:**

- (i)reinforce authorities' capacity to identify cases of discrimination at work, including multiple and intersecting forms of discrimination;
  - (ii)improve complaints mechanisms; and
  - (iii)ensure that sanctions imposed are dissuasive and remedies granted adequate.
- It also asks the Government to continue to provide information on cases of workplace discrimination handled by the competent authorities under the Anti-Discrimination Act and Equality Act.**

The Ombudsman for Equality supervises the implementation of the Equality Act, the promotion of gender equality and the prohibition of discrimination in working life. Anyone who suspects they have been subjected to prohibited discrimination in working life based on gender, gender expression or gender identity may request guidance and advice on the matter from the Ombudsman for Equality. If the Ombudsman for Equality notices that the obligations of the Equality Act are not being observed, or that the provisions of the Act are otherwise being violated, the Ombudsman must seek to rectify the situation by providing guidance and advice. The Ombudsman may submit unlawful activity to the National Non-Discrimination and Equality Tribunal for consideration.

In 2024, the Ombudsman for Equality received a total of 1,322 contacts. Contacts have increased in recent years, with their number up by around 55% from 2020. Almost 90% of the contacts related to discrimination (477 contacts) concerned discrimination in working life. Most of these cases concerned discrimination relating to pregnancy and family leaves, pay or recruitment. The majority of the suspected cases of pay discrimination were related to situations where a person suspected discrimination in pay or benefits, such as performance bonuses, due to pregnancy or family leave. In 2024, almost 70% of those who contacted the Ombudsman for Equality were women, 20% men and 10% other than women or men (such as representatives of organisations or members of a gender minority).

## **Legislative changes**

Act on the Convention of the International Labour Organization concerning the elimination of violence and harassment in the world of work (257/2024): Finland ratified Convention No. 190 of the International Labour Organization (ILO) concerning the elimination of violence and harassment in the world of work on 17 May 2024. The instrument of ratification was deposited with the Director-General of the ILO on 7 June 2024, and the Convention enters into force for Finland on 7 June 2025.

Act Amending the Occupational Safety and Health Act (222/2023): The legislative amendment made the employer's OSH obligations more specific. The Act entered into force on 1 June 2023. The employer's general duty to take care was made more specific so that employers must, in particular, take into consideration that the employees' personal abilities may require individual OSH measures to ensure the employees' safety and health. The safety and health of employees at work was included in the scope of the employer's monitoring obligation. It was added to the provision on analysis and assessment of hazards at work that the ageing of employees must be taken into account in the assessment of hazards. The legislative amendment made it more specific that assessment of hazards carried out by employers must take account not only of the physical workload arising from work but also workload factors relating to content of work, the organisation of work and the social interaction of the work community. The obligation of employers to take the employees' personal abilities into consideration when providing employees with instruction and guidance was added to the provision on instruction and guidance. The Act was made more specific so that not only pregnant employees but also employees who have recently given birth or are breastfeeding are mentioned in the provision on work causing particular hazard.

The Non-Discrimination Act (1325/2014) was amended on 1 June 2023 to strengthen the prevention of discrimination and promotion of equality in the workplace. The powers of the Non-Discrimination Ombudsman were expanded, and the Ombudsman now has the competence to supervise compliance with the Non-Discrimination Act also in individual cases in working life. The Non-Discrimination Ombudsman can be contacted by those who have experienced or suspect they have experienced discrimination in working life. The powers are parallel to those of the OSH authorities. In addition, the enforcement powers of the OSH authorities were made more specific. Provisions on the authorities supervising the Non-Discrimination Act are laid down in chapter 4 and on the tasks and powers of the OSH authorities in section 22 of the Act.

Non-Discrimination Act in English: <https://www.finlex.fi/api/media/statute-foreign-language-translation/86415/mainPdf/main.pdf?timestamp=2014-12-30T00%3A00%3A00.000Z>

**A copy of this report has been sent to 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 (SY)
8. The Commission for Church Employers

**Statements of the labour market organisations**

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

Discrimination is still a significant problem in the labour market, and Finland has not addressed this problem effectively enough. Although there is legislation on discrimination in place in Finland, it is currently not effective enough to prevent and, on the other hand, address it. The central organisations of wage and salary earners have listed a few key shortcomings in compliance with ILO Convention No. 111 currently occurring in Finland.

Article 1(1)(b) of ILO Convention No. 111 requires consultation with representative employers' and workers' organisations. The current Government has in certain respects ignored the views presented by workers' organisations.

Article 3(1)(b) of the Convention requires that Members enact such legislation that secures equality of opportunity and treatment in the labour market and eliminate discrimination. Article 3(1)(c) of the Convention requires that Members repeal any statutory provisions which are inconsistent with Article 2, that is, which do not secure equality of opportunity and treatment in the labour market and eliminate discrimination.

In contrast to the specific obligations under the Convention, during this government term the Finnish Government has enacted and is enacting several legislative projects that will increase discrimination in the labour market:

1. Statutory provisions restricting, by means of essential work and emergency work provisions, the opportunities of the public healthcare and social welfare sector to take industrial action in practice mean restrictions to the right to industrial action of female-dominated fields.
2. Facilitating individual-based terminations of employment, which will also increase terminations based on discriminatory grounds. In the same context, the obligation to offer other work will also be abolished, which will make it more difficult to prove discrimination.
3. Allowing fixed-term employment contracts to be used freely for a year without any justified reason will increase the use of fixed-term contracts. Fixed-term contracts are

common particularly in the public sector. In most cases, these are entered into with employees who are at the beginning of their career and of reproductive age. The legislative amendment would create a 'trial period' of one year. If, during that period, the employee tells the employer that they are pregnant and/or taking family leave and the employer does not renew their contract, it will be difficult for the employee to fulfil the burden of proof set for the assumption of discrimination. In such cases, discrimination due to pregnancy and family leaves would go undetected even more easily and it would not be possible to address it.

### *Discrimination due to pregnancy and family leaves*

Discrimination due to pregnancy and family leaves is remarkably common in the Finnish labour market. In 2024, Statistics Finland published a report stating that one in four pregnant people experience discrimination due to pregnancy. The most common consequence of such discrimination has been the termination of a fixed-term employment contract due to pregnancy or a family leave. The finding is in line with, for example, observations made previously by the Ombudsman for Equality. The report also stated that discrimination based on pregnancy is only rarely reported to official parties. In most cases, the reason for this is that reporting is not perceived to lead to anything ([https://valtioneuvosto.fi/-/1271139/selvitys-joka-neljas-raskaana-oleva-kokee-raskaussyrjintaa?language=en\\_US](https://valtioneuvosto.fi/-/1271139/selvitys-joka-neljas-raskaana-oleva-kokee-raskaussyrjintaa?language=en_US)).

As can be concluded from the common occurrence of discrimination and, on the other hand, the small number of discrimination cases being filed, Finnish anti-discrimination legislation is not de facto effective and does not prevent discrimination either. The situation regarding discrimination will become worse during this government term since, as noted above, Prime Minister Orpo's Government is planning to facilitate fixed-term employment contracts and lower the threshold for terminating employment. Considering that discrimination takes place in fixed-term contractual employment relationships in particular, the changes are very likely to make the situation worse. The Orpo Government is not taking any measures relating to this theme that would rectify or improve the situation, either.

### *Racism in working life*

In response to public debate on racism, Prime Minister Orpo's Government has published an action plan for combating racism. The measures presented in the action plan are, however, largely superficial, even though major efforts will be required to combat racism and discrimination in Finnish working life. This is a significant problem since racism is still a common phenomenon in Finland and in Finnish working life.

In autumn 2023, the European Agency for Fundamental Rights published Being Black in the EU, a report which found that, in the 12 months preceding the survey, people of African descent had experienced the highest rate of racist harassment specifically in Finland. The comparison covered 13 EU Member States.

As regards working life, discrimination is experienced especially by jobseekers with foreign background. A study commissioned by the Ministry of Economic Affairs and Employment analysed how foreign background affects jobseeking. In the study, 10,000 fictitious job applications were

submitted to publicly advertised positions by equally qualified applicants of Finnish, English, Russian, Iraqi and Somali backgrounds. The job vacancies were in the following sectors: restaurant and catering, retail trade, cleaning, clerical and customer services.

The study found that – even though the labour market has to a certain extent become more inclusive compared with 2016 – Finnish applicants continue to enjoy a clear advantage in the labour market. Ethnic discrimination of applicants of Iraqi and Somali backgrounds has decreased since 2016, but both still have to submit more than twice as many applications as equally qualified Finnish candidates to receive an interview invitation. The discrimination of job applicants of Russian background on the other hand had increased slightly since 2016. The situation of English applicants has not changed significantly (<https://tem.fi/en/-/study-jobseekers-with-foreign-names-receive-fewer-employment-opportunities>).

The current Government is not making any changes with concrete effect to rectify the situation. Prime Minister Orpo's Government is in fact making the position of jobseekers of foreign background more difficult in many respects. The Orpo Government is, for example, implementing the so-called three-month rule in the legislation, whereby work-based immigrants would have three months to find a new job upon the end of their employment or they would have to leave the country. At the same time, the Government is making it easier to terminate employment, which will make the situation of those in a weaker labour market position even more difficult. These changes may, for example, increase concerns among those in a weak labour market position about the permanence of their contractual employment relationship, which may make it even more difficult to bring up any problems in the workplace. This will facilitate conduct such as labour exploitation.

### *Labour exploitation*

Labour exploitation has already occurred in Finland for a long time. The forms of labour exploitation vary from underpayment to offences that in their most serious forms meet the statutory definition of trafficking in human beings. The victims are usually employees in a vulnerable labour market position, such as employees with a foreign background, young employees and employees with impaired capacity for work. This is highlighted particularly in certain sectors, such as construction, cleaning, picking of wild berries, and restaurants and catering but also in sectors such as the beauty industry, warehouse work, car washes and repair shops. Labour exploitation also occurs in domestic work. Many employees had also been exploited in agriculture and forestry, for example in seasonal work. The phenomenon has not been eradicated from Finnish working life – now the concern is that cases of labour exploitation will increase in the future due to the Government's reckless labour market changes. For example, the changes made to local bargaining concerning employment terms may increase exploitation, especially as at the same time the Government has not allocated specific additional resources for the supervisory authorities.

There are challenges involved in the investigation of trafficking in human beings and related offences, such as extortionate work discrimination, and the problem is structural. There are challenges relating to, among others, the long duration of the investigation of cases and the interpretation of the statutory definitions of offences. Discrimination as an offence heading is poorly applicable to situations where some foreign employees are paid wages or salaries according

to the collective agreement and others are not. In practice, rates of pay that are too low is at times interpreted as a mere pay dispute not even interpreted as an offence. In addition to resources, or familiarity with statutory definitions of offences, attitudes are also a problem in some cases. These offences are not always regarded as important. Instead, residence problems may be automatically regarded as a factor reducing credibility. Systematic operating models are not disclosed, as reports are processed separately and the extent of the employer's conduct is not investigated. In addition, the occupational safety and health authorities still have very limited means to address the exploitation of employees. Although efforts have been made to introduce minor improvements to the capacities of the authorities, it still appears to be the case that there are insufficient resources in Finland to address the continuation of a business model based on the exploitation of employees.

In addition to the comments above, the central organisations of wage and salary earners refer to their comments on the problems of labour exploitation in the 2024 report concerning Conventions C29 and C105.

The central organisations of wage and salary earners emphasise that, in recent years, employment relationships being disguised as entrepreneurship has also been highlighted as an increasing phenomenon in the exploitation of foreign employees. This was noted, for example, at a joint event organised in 2025 by the Tax Administration, the Regional State Administrative Agency and the Finnish Centre for Pensions to provide those using foreign labour, subcontracting and temporary agency work with information on fair working life (<https://tyosuojelu.fi/tietoa-meista/tapahtumat/tapahtumat-2025/viranomaisten-info-reilua-tyoelamaa>). This is a highly worrying phenomenon since it may result in a person missing out on a significant degree of rights and security relating to contractual employment relationships. At the same time, employers acting in the wrong way achieve an unfair competitive advantage.

**Suomen Yrittäjät ry (The Federation of Finnish Enterprises SY)** comments as follows:

Suomen Yrittäjät notes that significant labour legislation reforms have been implemented in Finland, thanks to which the structural discrimination in relation to organisation into trade unions that used to prevail in Finnish labour legislation has largely been eradicated. Suomen Yrittäjät refers in particular to the reform concerning the expansion of local collective bargaining, which entered into force on 1 January 2025. Following the reform, employers complying with a generally applicable collective agreement also received equal opportunities for local collective bargaining within the boundaries set by the collective agreement and in compliance with its procedural provisions.

Suomen Yrittäjät remarks that the reform did not weaken the status of collective agreements or restrict the right of the social partners to enter into collective agreements. The principle of the general applicability of collective agreements in Finland also remains as strong as before the reform. Under the general applicability, the employer must comply with the provisions of the collective agreement also when the employer is not a member of an association that has entered into the collective agreement. Based on the general applicability, unorganised employers and employees are bound by an agreement on employment terms made by others even if they themselves would like something else.

The legislative reform on local collective bargaining does, however, eradicate structural discrimination to the extent that (except for certain details) all employers and employees may, regardless of whether they are organised or not, currently apply all of the provisions of the collective agreement applicable to the contractual employment relationship that enable local collective bargaining. There are differences based on organisation with regard to employee representation and procedural provisions concerning local collective bargaining. These differences are not, however, significant in principle or in practice.

Suomen Yrittäjät emphasises that the key aspect of the reform is the principle whereby employers are on an equal footing with each other in that the legislation does not deny the access of unorganised employers to such collective bargaining opportunities that organised employers have even when the collective agreement must be complied with under law. Equality between employers is a highly important matter of principle.

Suomen Yrittäjät notes in general that the freedom of organisation includes both a positive and a negative dimension, that is, it includes not only the right to belong to an association but also the right not to belong to one. This means that separation, ostracism or favouritism may not take place in the labour market on the basis of the exercise or non-exercise of the freedom of association. Moreover, to safeguard the freedom of organisation and to eradicate discrimination in the labour market and in the context of self-employment and carrying on a trade, legislation should be such that enterprises and employees are not placed in an unequal position based on the exercise of the freedom of organisation.