

REPORT

Article 22 of the Constitution of the ILO

Report for the period 1 June 2016 to 31 May 2025, made by the Government of Finland

on the

NURSING PERSONNEL CONVENTION, 1977 (No. 149)

(ratification registered on 20 January 1950)

Direct Request, 2019: Education and training of nursing personnel. In their observations, the workers' organizations indicate that a vocational education reform entered into force at the beginning of 2018, which will fundamentally modify vocational education and training, including the training of basic nurses. The Committee requests the Government to provide its comments in this respect

The Ministry of Education and Culture states the following to the above question:

The Act on Vocational Education and training (531/2017) lays down provisions on vocational qualifications within the administrative branch of the Ministry of Education and Culture, the education necessary for acquiring vocational competence, and the demonstration and verification of vocational competence. The legislation applies to all fields of vocational education and training, qualifications and education, and there are no separate provisions on qualifications and education in the field of social welfare and health care. The most important legislative amendment since 1.1.2018 was that the previously separate legislation on vocational upper secondary education for young people and adults was combined so that there was only one way to complete qualifications. The legislative amendment clarified and made the completion of training and its provision more flexible.

The Finnish national Agency for Education issues separate regulations on the qualification requirements for each qualification and education. The Finnish national Agency for Education prepares the national qualification requirements in cooperation with working life so that they meet the competence needs of working life. Working life committees also participate sector-specifically in the development of the core curriculum as a partner of the Finnish national Agency for Education. Both employers and employees as well as self-employed persons are legally equally represented in working life committees. The competence needs that emerged in cooperation between the Ministry of Social Affairs and Health, the Ministry of Education and Culture and the Finnish national Agency for Education as the operating environment changes will also be taken into account in the preparation of changes to the qualification requirements in the health and social services sector. VET providers must comply with these regulations when organising qualifications and training.

The most important qualification in the health and social services sector is a vocational upper secondary qualification in health and social services, a practical nurse's degree, which is completed annually by nearly 9,000 graduates. Practical nurse with a vocational upper secondary qualification in healthcare and social welfare is a healthcare and social welfare professional. The profession is regulated and the title can only be used by those who have completed a qualification, but other professionals can also be employed in the tasks for which the employer has considered that they have sufficient competence and experience. In addition, there is a nursing assistant training consisting of modules for initial vocational qualifications in the

field of social welfare and health care, which provides capabilities for assisting tasks in the field of care and nursing. In addition to these, the qualification structure of vocational education includes further and specialist vocational qualifications in the field of social welfare and health care, which provide more in-depth and supplementary competence for tasks in the field than the initial qualification in the field of social welfare and health care. The Ministry of Education and Culture grants VET providers authorisation to provide education, within the framework of which VET can be provided and on the basis of which VET providers receive central government transfers. Vocational education and training providers respond to competence and labour needs in cooperation with the working life actors in their area.

The administrative branch of the Ministry of Social Affairs and Health is broad and is responsible for the planning, steering and implementation of health and social policy. There is a lot of legislation on the social welfare and health care sector, and the Ministry regulates actors in the sector, for example, by means of the Health and Social services professionals Act. The national Supervisory Authority for Welfare and Health Valvira is responsible for supervising compliance with legislation in healthcare and social welfare, early childhood education and care, alcohol-related industries and environmental healthcare. Valvira also manages the guidance and permit administration related to these issues and maintains numerous registers in the different content areas of our work. For example, practical nurses who have completed a basic qualification in the field of social welfare and health care register either in the health care or social welfare professional register or both, and they are thus under supervision in working life. The wellbeing services counties are responsible for the employer's different responsibilities and obligations with regard to a wide range of employees.

LEGISLATION AND REGULATIONS

Ensuring essential work during industrial action

The Ministry of Economic Affairs and Employment appointed a tripartite working group on 25 March 2024 which task was to prepare legislative proposals to ensure the organisation of essential work during labour disputes. The implementation of the resolution is included in the Programme of Prime Minister Petteri Orpo's Government. The legislative project is based on a resolution issued by Parliament in 2022, in which the Government was required to evaluate the need to develop the provision of essential work and, if

The working group included representatives from the Central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK), the Confederation of Unions for Professional and Managerial Staff in Finland (Akava), the Confederation of Finnish Industries (EK), the Federation of Finnish Enterprises, the Local Government and County Employers (KT), and the Office for the Government as Employer. The working group was not unanimous. EK and the employee organisations SAK, Akava and STTK submitted dissenting opinions. KT submitted a supplementary statement. A consultation round was organised by the Ministry of Economic Affairs and Employment on the working group's report from 22 November 2024 to 3 January 2025.

During the consultation round on the draft proposal was specifically asked for the opinion of the commentators in relation to the emergency work. After the consultation round, the draft proposal was supplemented by amendments concerning the regulation of emergency work. Changes to the bill after the consultation round are part of the normal legislative drafting process, which takes into account the feedback received.

The legislative reform on ensuring essential work in industrial action entered into force after the end of the reporting period on 16 June 2025. The purpose of the legislation is to ensure the continuity of society's critical functions in the context of industrial action. In the context of the reform, regulation on the commissioning of emergency work was also specified. The emergency work provision may become applicable, for example, in an acute incident threatening human life or health.

The content of the law will be reported more in detail in the next report.

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:

Article 2(2) of the Convention lays down provisions on matters including education and training as well as career prospects. In Finland, deterioration in practice took place from the perspective of the Convention when the adult education allowance was abolished. The allowance was used extensively specifically among care sector personnel to achieve career progress and transfer to more demanding roles. In 2022, a total of 10,000 persons made use of the adult education allowance in the health and social services sector. Statistics show that the majority, or 64%, of those doing studies in health and social services (6,363 persons) used the allowance for training to transfer from another field to health and social services, a sector that is suffering from labour shortage. Those engaged in continuing education or training in health and social services accounted for 36% of the allowance recipients (3,572 persons). The rationale for the legislative proposal concerning the abolition of adult education allowance states that 'at the same time, adult education allowance has become a significant part of the continuing education and training and upskilling career paths particularly in the public sector. Around 38% of the allowance recipients undertake studies in education or health and wellbeing sectors, and in certain competence areas or degree programmes of these sectors a significant share of those completing their studies have received adult education allowance during their studies.' The Finnish State has not made any effective arrangements replacing adult education allowance to ensure the education and training opportunities of nursing personnel.

In the same way as the abolition of adult education allowance, the abolition of the job alternation leave also has adverse effects on the care sector. The job alternation leave was used a lot specifically by care-sector personnel to support coping at work and as a tool for upskilling and career development. The rationale for the legislative proposal concerning the abolition of the job alternation leave states the following: 'The job alternation leave focuses on certain sectors, particularly on health and social services and education. - -

Around one in three of those receiving job alternation allowance in 2021 worked in the health and social services sector, whereas the share of all employed persons was around 18%.’

The funding gap of the health and social services sector also means, in practice, problems with care-sector careers and the requirement under Article 2(1) to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population. In the public sector, the wellbeing services counties are responsible for health and social services, with the State ultimately responsible for the functions and funding of the counties. Due to the current funding gap, many wellbeing services counties have had to lay off and terminate the employment of care personnel. Personnel cuts have made working conditions in care work more difficult, and the workload has in part become unreasonable. The working hours protection and right to sufficient weekly rest referred to in Article 6 may also be jeopardised when a smaller number of care personnel are forced to stretch their limits and, for example, work overtime if a colleague scheduled for the next shift falls ill.

Under Article 5(1) of the Convention, measures shall be taken to promote the participation of nursing personnel in the planning of nursing services and consultation with such personnel on decisions concerning them, in a manner appropriate to national conditions. This has not been complied with in contexts including State decisions concerning the reform of the network of hospitals, that is, the planning and preparation of hospital functions that the Finnish Government decided on in its spring 2024 session on spending limits without any consultation of nursing personnel or even of the wellbeing services counties, that is, the employers of nursing personnel.

Article 5(2) of the Convention lays down provisions on matters including negotiations between employers’ and workers’ organisations. It is further laid down in Article 5(3) that the settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiations between the parties or, in such a manner as to ensure the confidence of the parties involved, through independent and impartial machinery such as mediation, conciliation and voluntary arbitration. The Government’s recent measures have materially disrupted the free and independent right of collective bargaining and right to strike. The Finnish Government also implemented, through its majority in Parliament, a legislative amendment concerning the conciliation of industrial disputes of nursing personnel which, according to the public statements of the Government, sought specifically to prevent the opportunities of nursing personnel and employers for fully free collective bargaining and conciliation activities in situations involving the threat of industrial action. The Government justified the amendment by the conciliation concerning the employment terms of nursing personnel in 2022 and expressed that the objective of the act was to prevent a corresponding bargaining outcome resulting from conciliation in the future.

Article 6 of the Convention lays down that nursing personnel shall enjoy conditions at least equivalent to those of other workers with regard to fields including hours of work, regulation of overtime, and weekly rest. Thanks to its majority in Parliament, the Government is implementing an amendment in 2025 whereby, in the event of industrial action, the employer could order employees to carry out emergency work without the emergency work being due to unforeseen circumstances. This legislative amendment has also been justified by the 2007 and 2022 industrial action of nursing personnel and by a need to address the nursing personnel’s exercise of the right to industrial action. In other words, efforts to affect the position of nursing personnel in particular have been admitted.

Emergency work ordered exclusively by the employer deviates from the protection of the worker as regards the hours of work, overtime and weekly rest, and the worker does not have these rights in the situation in question. Since the amendment in question has been declared as being targeted specifically at nursing personnel and since it in any case will be more strongly targeted particularly at public-sector nursing personnel than other workers, the proposed national provisions are in conflict with the obligation under Article 6. This amendment to the scope of emergency work has not been prepared in a tripartite process, it has not undergone any open consultation round, and the impacts of this amendment have not been assessed in the legislative proposal. The proposed amendment was passed by Parliament even though the insufficiency of tripartite preparation has also been stated *expressis verbis* by the majority of the Government parties in a statement of the Social Affairs and Health Committee. The legislative proposal does not express anything about ILO Conventions concerning the workers' right to working hours regulation, overtime regulation or weekly rest nor about the rights under Convention No. 149, regardless of ILO Conventions including C14 requiring that any exceptions concerning the weekly rest are prepared in a tripartite process in accordance with the practice prevailing in Finland. The Constitutional Law Committee of Parliament has not assessed the relationship of the act with these rights concerning working hours protection of nursing personnel or any other workers, either.