

INTERNATIONAL LABOUR OFFICE

REPORTS ON

UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

*(article 19 of the Constitution of  
the International Labour Organi-  
sation)*

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

**Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

**Workers with Family Responsibilities Convention, 1981 (No. 156) Mater-  
nity Protection Convention, 2000 (No. 183)**

**Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)**

**Workers with Family Responsibilities Recommendation, 1981 (No. 165) Mater-  
nity Protection Recommendation, 2000 (No. 191)**

Geneva

2021

*Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:*

5. In the case of a Convention:

...

(e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

...

(d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and

its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

*In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.*

## REPORT

to be made no later than 28 February 2022, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of FINLAND  
....., on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2022.

\* \* \*

## Context and scope of the questions

At its 337th Session in October–November 2019, the Governing Body requested the Office to prepare for its consideration at its 338th Session (March 2020) the article 19 report form on six instruments: the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation (No. 165), as well as the Maternity Protection Convention, 2000 (No. 183) and Recommendation (No. 191), for a General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2021 to be discussed by the Conference Committee on the Application of Standards in 2022. In May 2020, the Governing Body decided to defer by one year the article 19 report requested. Consequently, the General Survey will be prepared by the Committee of Experts in 2022 and examined by the Committee on the Application of Standards of the Conference in 2023.

During the discussion, the Governing Body stressed that the General Survey would contribute to the reflection on how to best achieve gender equality at work, in line with the ILO's commitment in this regard, expressed in the Centenary Declaration for the Future of Work.

The General Survey will provide a comprehensive overview of the legislation and national policies in place with regard to the six instruments in ILO Member States (Part I). Moreover, the General Survey will shed light on how the specific labour and employment rights provided under the six instruments under examination are enabling factors towards achieving gender equality (Part II). It will also highlight the importance of raising awareness on the principles enshrined in these six instruments and of establishing appropriate enforcement and monitoring mechanisms, to ensure their effective application (Part III). Further, the General Survey will be an opportunity to contribute to a better understanding of the provisions both in law and in practice of the above-mentioned instruments; the challenges and opportunities in their

application, and will encourage the sharing of experiences and good practices among ILO Member States.

The present questionnaire has also been prepared in the light of the ILO Declaration on Social Justice for a Fair Globalization and its follow-up. Account has been taken of the fact that “[t]his follow-up seeks to make the fullest possible use of all the means of action provided under the Constitution of the ILO to fulfil its mandate. Some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States”. For instance, by grouping and focusing on instruments related to a specific strategic objective, General Surveys may provide an overview on the law and practice in ILO Member States concerning certain instruments and feed into the recurrent discussions with relevant information on the trends and practices in relation to a given strategic objective.

Lastly, the General Survey will enable the ILO Member States to assess the contribution of these standards to the achievement of the 2030 Agenda for Sustainable Development, through the realization of multiple Sustainable Development Goals (SDGs), notably SDGs: 1 (Poverty), 3 (Good health and well-being), 5 (Gender equality) and 8 (Decent work and economic growth). It will also inform the preparation of the recurrent discussion on fundamental principles and rights at work by the Conference in 2024 and depending on when the SRM TWG chooses to review the maternity protection instruments, could either feed into the SRM TWG discussion or follow up on it.

\* \* \*

The following questions relate to issues covered by Conventions Nos 111, 156, 183, and Recommendations Nos 111, 165 and 191.

In order to keep the present questionnaire specific, brief and focused, as requested during the November 2019 Governing Body discussion, it is limited to 32 questions. Consequently, questions are not presented instrument by instrument (or article by article). Rather, they focus on the common topics raised by the different instruments, each time identifying the provisions of the instruments to which they refer. In addition, since gender equality and maternity protection are key components of the transformative policies called for in the 2030 Agenda for Sustainable Development and contribute to a number of SDGs, notably Goals 5 (Gender equality) and 8 (Decent work and economic growth), a question on the SDGs and Beijing+25<sup>1</sup> has also been included.

**As appropriate, please give a specific reference (weblink) or include information relating to the provisions of the relevant legislation, regulations, collective agreements, work rules, arbitration awards, court decisions and policies, as well as electronic copies thereof.**

<sup>1</sup> 2020 marked the 25<sup>th</sup> anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action (1995), reaching an important milestone ten years ahead of the achievement of the Sustainable Development Goals by 2030.

## Article 19 report form concerning gender equality and non-discrimination, family responsibilities, and maternity protection

### Notes

1. Governments of countries which have ratified one or several of the Conventions and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Conventions not ratified, if any, and the Recommendations. It will not be necessary to repeat information already provided in reports under article 22 in connection with the Conventions ratified. The questions contained under the titles “Standard-setting action” and “Possible need for technical assistance” are addressed to all Member States.
2. Unless defined differently in the instruments covered by this report form, when reference is made to “national laws and regulations” or “provisions”, this should be understood as including laws, regulations, policies, collective agreements, court decisions or arbitration awards.
3. When reference is made to “workers with family responsibilities”, this should not be understood as referring only to women.
4. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.

## Part I. Legal and institutional framework on gender equality and non-discrimination

### NATIONAL FRAMEWORK ON NON-DISCRIMINATION AND MATERNITY PROTECTION

#### 1. Convention No. 111 and Recommendation No. 111

C.111: Arts 1–3 and 5 R.111: Parts I and II C.156: Arts 1–4, 9 and 11

R.165: Paras 1–2, 6–8 and 15–17 and Part VI

C.183: Arts 1, 2 and 9

R.191: Para. 5

*Please indicate any provisions in national law and practice, including policies, preventing and prohibiting discrimination<sup>1</sup> in employment and occupation, specifying:*

- *whether these provisions and policies include a definition of discrimination, indicating the grounds covered [C.111: Art. 1(1)(a)–(b); R.111: Para. 1];*

The new Non-Discrimination Act (1325/2014) entered into force at the beginning of 2015. Its purpose is to promote equality, prevent discrimination and to enhance the protection provided by law to those who have been discriminated against. The Act applies in an employment relationship or service relationship under public law.

Under the Non-Discrimination Act, discrimination constitutes:

*Direct discrimination* (section 10): A person is treated less favourably than another person was treated, is treated or would be treated in a comparable situation.

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<sup>1</sup> For the purposes of this questionnaire, the term “discrimination” refers both to direct and indirect discrimination.

*Indirect discrimination* (section 13): An apparently neutral rule, criterion or practice puts a person at a disadvantage compared with others on the grounds of personal characteristics.

Discrimination is prohibited, regardless of whether it is based on a fact or assumption concerning the person him/herself or another. Discrimination may be involved when a person is discriminated against for being closely associated with a person belonging to an ethnic minority (*discrimination by association*). An act may be a violation of the prohibition of discrimination even when the perpetrator errs regarding, for instance, a person's origin, age or sexual orientation (*discrimination based on assumption*).

*Harassment* (section 14): Behaviour that is a deliberate or de facto infringement of the dignity of a person, creating a degrading or humiliating, intimidating, hostile or offensive environment towards the person.

*Instruction or order to discriminate* (section 8): Advisories, directives or requirements that are tantamount to discrimination or foster discrimination.

*Denial of reasonable adjustments* (section 15): An authority, education provider, employer or provider of goods and services who fails to make due and appropriate adjustments necessary in each situation for a person with disabilities to secure the non-discrimination of disabled persons is guilty of discrimination.

*Prohibition of discriminatory work advertisements* (section 17): When advertising an open position, public service office or post, an employer may not unlawfully require that applicants have the personal characteristics or qualities referred to in this Act.

*Prohibition of victimisation* (section 16): A person must not be treated unfavourably or in such a way that they suffer adverse consequences as a result of pleading the rights or obligations provided for in the Non-Discrimination Act, participating in the clarification of a matter concerning discrimination, or taking other action to safeguard equality

- *whether these provisions and policies cover discrimination on any of the following grounds: race, colour, sex, religion, political opinion, national extraction, or social origin [C.111: Art. 1(1)(a); R.111: Para. 1];*

#### *Prohibited grounds of discrimination*

Pursuant to section 8 of the Non-Discrimination Act, no one may be discriminated against on the basis of age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or other personal characteristics.

#### *Work discrimination under the Criminal Code*

Work discrimination is punishable under the chapter 47, section 3 of the Criminal Code of Finland. An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts an applicant for a job or an employee in an inferior position:

- (1) because of race, national or ethnic origin, nationality, colour, language, sex, age, family status, sexual preference, inheritance, disability or state of health, or
- (2) because of religion, political opinion, political or trade union activity or a comparable circumstance shall be sentenced for work discrimination to a fine or to imprisonment for at most six months.

- *how, if covered, these provisions and policies address the prevention and prohibition of sex-based discrimination, including sexual harassment [C.111: Art. 1(1)(a), Art. 2, Art. 3; R.111: Paras 1 and 2(a)–(b)];*

Under the section 7 of the Act on Equality between Women and Men (609/1986), direct and indirect gender-based discrimination is prohibited. Sexual harassment, gender-based harassment and any order or instruction to engage in discrimination based on gender constitutes discrimination under the Act. Sexual harassment means verbal, non-verbal or physical unwanted conduct of a sexual nature by which a person's psychological or physical integrity is violated intentionally or factually, in particular by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere. Gender-based harassment means unwanted conduct that is not of a sexual nature but which is related to the gender of a person, their gender identity or gender expression, and by which the person's psychological or physical integrity is intentionally or factually violated and an intimidating, hostile, degrading, humiliating or offensive atmosphere is created. Please also see the answer below on gender-based discrimination.

- *whether these provisions and policies cover discrimination on additional grounds [C.111: Art. 1(1)(b)];*

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- *whether legislation addresses discrimination based on more than one of the above-mentioned grounds (e.g. situations where workers are discriminated against based on their sex in addition to their national extraction or colour) [C.111: Art. 1(1)(a), Art. 2, Art. 3; R.111: Para. 1];*

Please see the answer above.

- *whether these provisions and policies apply to both the public and private sectors and cover all workers [C.111: Art. 2]; and*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the Convention No. 183.

- *whether and, if so, how workers' and employers' organizations participate in the elaboration, evaluation and review of these policies, and the role of workers and employers and their respective organizations in the implementation of these policies [C.111: Art. 3(a)].*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the Convention No. 183.

*Please indicate any provisions in national law and practice, including policies, preventing and prohibiting discrimination in employment and occupation, specifying:*

- *whether these provisions and policies cover discrimination on the following grounds: marital status, family situation and family responsibilities [C.156: Arts 2–3; R.165: Paras 1–2, 6–8 and 15–16];*

### Prohibition of discrimination

Act on Equality between Women and Men (609/1986) Section 7 prohibits direct and indirect discrimination based on gender.

Direct gender-based discrimination means:

- 1) treating women and men differently on the basis of gender;
- 2) treating someone differently for reasons of pregnancy or childbirth;
- 3) treating someone differently on the basis of gender identity or gender expression.

Indirect gender-based discrimination means:

- 1) treating someone differently by virtue of a provision, criterion or practice that appears to be gender-neutral in terms of gender, gender identity or gender expression, but where the effect of the action is such that the persons may actually find themselves in a less favourable position on the basis of gender;
- 2) treating someone differently on the basis of parenthood or family responsibilities.

### Discrimination in working life (Section 8)

According to the legislation, the action of an employer shall be deemed to constitute discrimination prohibited if the employer: “upon employing a person, selecting someone for a particular task or training, or deciding on the duration, continuation or termination of an employment relationship or the pay or other terms of employment acts in such a way that the person finds themselves in a less favourable position on the basis of pregnancy or childbirth or for some other gender-related reason”.

The action referred to above is deemed to constitute discrimination prohibited also if it is based on gender identity or gender expression.

### Definitions in the Act of Equality between Men and Women (Section 3)

*Employee* means a person who, by contract, undertakes to perform work for another party (an employer) under the latter's direction and supervision in return for pay or other remuneration, or who is in a public-service employment relationship or another comparable employment relationship with the



State, a municipality or other public body (an authority). This Act's provisions on employees also apply as appropriate to persons working in other legal relationships that are treated as employment relationships.

*Employer* means an employer or public body as referred to in subsection 1. This Act's provisions on employers apply correspondingly to companies hiring labour from another employer (user enterprises), where the company exercises the authority of an employer as referred to in the Employment Contracts Act (55/2001). The provisions on employers are also applied as appropriate to clients or principals in some other legal relationship that is treated as an employment relationship.

*Gender identity* means an individual's own experience of their gender.

*Gender expression* means expressing one's gender through clothing, behaviour, or by other means.

Act's provisions on discrimination based on gender identity or gender expression apply correspondingly to discrimination based on the fact that an individual's physical gender-defining characteristics are not unambiguously female or male.

Links Non-Discrimination Act in English: <https://finlex.fi/fi/laki/kaannokset/2014/en20141325.pdf>  
Act on Equality between Women and Men:

[https://finlex.fi/fi/laki/kaannokset/1986/en19860609\\_20160915.pdf](https://finlex.fi/fi/laki/kaannokset/1986/en19860609_20160915.pdf)

Criminal Code of Finland:

[https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039\\_20150766.pdf](https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039_20150766.pdf)

- *whether these provisions and policies apply to both the public and private sectors and cover all workers [C.156: Art. 2];*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the Convention No. 183.

- *the definition given in your country to the terms "dependent child" and "other member of the immediate family who clearly needs care or support" in the context of any measures adopted to ensure that terms and conditions of employment are such as to enable workers with family responsibilities to reconcile their employment and family responsibilities [C.156: Art.1(3)];*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the Convention No. 183.

- *include social security, tax relief or other appropriate measures that take into account the situation of workers with family responsibilities (e.g. family benefits, crediting of pension rights for periods of leave, consideration of family responsibilities in determining requirements of unemployment benefits) [C.156: Art. 4(b); R.165: Part VI]; and*

*Cash benefits during leave to meet family responsibilities*

Maternity allowance is paid during the maternity leave, paternity allowance during the paternity leave and parental allowance during the parental leave. It is also possible to get special care allowance,

which is a compensation for loss of income available in situations where a person providing for a sick or disabled child under the age of 16 years is unable to do their regular work because of the need to participate in the treatment or rehabilitation of their child. Unemployment benefits cannot be received if a person is entitled to maternity, paternity or parental allowance or special care allowance. Please also see the answer to question number 10.

*Pension rights for periods of leave*

Pension accrues during maternity, paternity and parental leave the same as if the person would have been at work. Pension also accrues during child care leave, but the accrual rate is lower than during maternity, paternity and parental leaves.

- *whether and, if so, how workers' and employers' organizations participate in the elaboration, evaluation and review of these policies, and the role of workers and employers and their respective organizations in the implementation of these policies [C.156: Art. 11; R. 165: Para. 5].*

Labour legislation is drafted on a tripartite basis, in collaboration with the organisations representing the interests of employers and employees. The working conditions of employees are determined on the basis of legislation and the collective agreements that exist for the various sectors.

*Please indicate any provisions in national law and practice, including policies, providing for maternity protection, specifying:*

- *any definition given in your country to the terms "child" and "woman" in the context of the implementation of maternity protection measures [C.183: Art. 1];*

There are no definitions in legislation to the terms "child" and "woman" in the context of the maternity protection measures. All general provisions enacted for the protection of workers apply also to pregnant and breastfeeding women and in addition, there are some specific provisions concerning these workers. Please see the answer to question number 15 and on the maternity protection measures under the Occupational Health and Safety Act and the Employment Contracts Act.

- *which are the categories of women to whom maternity protection measures apply, whether any provisions or measures have been taken or envisaged for the protection of women in atypical forms of dependent work<sup>2</sup> [C.183: Art. 2(1)];*

Maternity protection measures under the current legislation are applied to employees who are in the employment relationship under the Employment Contract Act (55/2001) or in the service relationship under public law. Maternity protection legislation is applied e.g. in the fixed-term and part-time employment relationships and in the temporary agency work.

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<sup>2</sup> See Article 2(1) of Convention No.183. "Women in atypical forms of dependent work" can comprise those who are working without a written employment contract, those in disguised employment, those in home work, casual work, temporary work, as well as those working in the informal economy.

- *whether there are any categories of workers excluded from these measures as well as the reasons for their exclusion and whether the representative organizations of employers and workers concerned were consulted [C.183: Art. 2(2) and (3)]; and*

Occupational Safety and Health Act, Employment Contracts Act and collective agreements all contain provisions governing the special needs of pregnant women. Finnish legislation governing employment and public-service relationships applies to all employees and officials, regardless of the nature of their work or duties. No employee group is excluded from maternity protection measures, maternity leave or maternity benefits.

- *whether these provisions and policies cover discrimination on the ground of maternity [C.183: Art. 9(1); R.191: Para. 5].*

Please see the previous answer. Direct and indirect discrimination based on gender is prohibited under the Act on Equality between Women and Men (609/1986). Direct gender-based discrimination means inter alia treating someone differently for reasons of pregnancy or childbirth.

## **2. Convention No. 111 and Recommendation No. 111**

### **C.111: Arts 1 and 5**

*Please indicate any laws or regulations that limit the type of work individuals can do or exclude them from certain occupations, or otherwise limit their access to or continuation in employment<sup>3</sup> [C.111: Arts 1 and 5].*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the No. Convention 183.

## **3. Convention No. 111 and Recommendation No. 111**

### **C.111: Art. 5(2)**

*Please indicate whether any special measures to promote equality of opportunity and treatment have been adopted in favour of certain groups in disadvantaged positions (e.g. women and/or workers with family responsibilities) [C.111: Art. 5(2)].*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the No. Convention 183.

## **Part II. Achieving gender equality through employment and labour rights**

### **EQUAL ACCESS TO EMPLOYMENT AND OCCUPATION**

## **4. Convention No. 111 and Recommendation No. 111**

### **Equal access to training**

#### **C.111: Arts 1, 3(b), 3(e) and 5 R.111: Paras 1, 2 and 3**

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<sup>3</sup> Such as, for example, the prohibition of women's work at night, the requirement of prior approval for work from their spouse, the prohibition of certain jobs.

*Please indicate any legislative or other measures taken to promote girls' and women's access to education, training, and employment counselling, and information on the programmes and policies in place to improve women's and men's access to a wider range of jobs (e.g. training of women in non-traditionally "female" sectors) [C.111: Arts 1, 3(b) and 3(e); R.111: Paras 1, 2(b)(i)–(ii) and 3].*

In Finland, there are great differences between women and men in the completion of a higher education degree. Half (50%) of young women have a higher education degree, while the share of young men is only 34% (OECD 2020). Slightly over half (53%) of students at both universities and universities of applied sciences are women and slightly less than half (47%) of men. However, the fields of study are fairly gendered in both higher education sectors. (Vipunen).

Government-funded LUMA Centre Finland includes activities to inspire girls to study science-, technology-, engineering- and mathematics-related (STEM) subjects. LUMA Centre Finland is a science education network of Finnish universities, and it is closely related to all teacher education. In addition, the Finland's upcoming national STEM strategy will include statements of gender equality and parity in opportunities for education.

The accessibility plan for higher education and higher education institutions was published on 15.6.2021. The plan is based on the Programme of Prime Minister Marin's Government. The plan includes a review of how social, regional and linguistic equality is realised in higher education and presents objectives and policies for promoting accessibility for everyone in higher education and more specifically for under-represented population groups and minority groups. The review examines the following background factors: family background, regional accessibility of higher education, gender segregation, migrant background, functional limitations and disability, belonging to linguistic and cultural minorities, diverse learning, and belonging to sexual and gender minorities. Based on research data and international comparisons, the plan describes the state of accessibility in higher education in Finland and presents objectives for promoting accessibility, inclusion and diversity. Link (<http://urn.fi/URN:ISBN:978-952-263-838-0>)

### **Ensuring equal access to employment and occupation and termination of employment**

*Please indicate any legislative and other measures taken to ensure that race, colour, sex, religion, political opinion, social origin and national extraction do not constitute reasons for:*

- *refusal of employment [C.111: Art. 1; R.111: Paras 1 and 2(b)(i)–(ii)];*
- *refusal of advancement and benefits within employment [C.111: Art. 1; R.111: Para. 2(b)(iii)–(vi)]; and*

Please see the answer to question number 1 on the prohibited discrimination in working life. For example, refusal of employment or advancement and benefits within employment or termination of employment may constitute prohibited discrimination under the Non Discrimination Act or under the Act on Equality between Women and Men.

The Employment Contracts Act also lays down that employees must be treated equally. Work discrimination in the advertisement of a vacancy or selection of an employee or during employment that meets the statutory definition of the offence under the Criminal Code is punishable.

Links: Non-Discrimination Act in English (1325/2014):

<https://finlex.fi/fi/laki/kaannokset/2014/en20141325.pdf>

Act on Equality between Women and Men (609/1986):

[https://finlex.fi/fi/laki/kaannokset/1986/en19860609\\_20160915.pdf](https://finlex.fi/fi/laki/kaannokset/1986/en19860609_20160915.pdf)

Criminal Code of Finland (39/1889):

[https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039\\_20150766.pdf](https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039_20150766.pdf)

- *termination of employment [C.111: Art. 1].*
- *(For example, any measures to prohibit personal questions during interview processes and during employment, any measures on the non-disclosure of previous salary information, etc.).*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the No. Convention 183.

## **5. Convention No. 156 and Recommendation No. 165**

### **Ensuring access to training**

*Please communicate any information on the services available to workers with family responsibilities with regard to their right to vocational training, and to provide them with counselling and information, placement services and paid educational leave arrangements (specifying whether the services are free of charge to the workers) [C.156: Arts 4 and 7; R.165: Paras 9(a) and 12–15].*

Vocational education and training (VET) is provided for learners of different ages, irrespective of their familial or employment situation. It is possible for an individual to take part in VET while working, or as part of apprenticeship training. Financial aid is available for adult students who are unable to go to work simultaneously with their studies, and who therefore require such support.

### **Ensuring equal access to employment and occupation and termination of employment**

*Please indicate any legislative and any other measures taken to ensure that marital status, family situation and family responsibilities do not constitute reasons for:*

- *refusal of employment [C.156: Art. 3; R.165: Paras 6–8];*
- *refusal of advancement and benefits within employment [C.156: Art. 3; R.165: Paras 6–8 and 15]; and*
- *termination of employment [C.156: Art. 8; R.165: Para. 16].*
- *C.156: Arts 3, 4, 7 and 8 R.165: Paras 6–8, 9(a) and 12–16*

Please see the answer to question number 1 on prohibition of gender-based discrimination under the Act on Equality between Women and Men (609/1986).

Under the chapter 7, section 9 of the Employment Contracts Act, the employer shall not terminate an employment contract on the basis of the employee's pregnancy or because the employee is exercising his or her right to the family leave. On request, the employee must present the employer with proof of pregnancy.

If the employer terminates the employment contract of a pregnant employee or an employee on family leave, the termination shall be deemed to have taken place on the basis of the employee's pregnancy or family leave unless the employer can prove there was some other reason.

The employer is entitled to terminate the employment contract of an employee on maternity, special maternity, paternity, parental or child-care leave on the financial or production related grounds only if its operations cease completely.

Corresponding employment protection is applied to public officials in central and local government under the Act on Public Officials in Central Government (750/1994) and the Act on Civil Servants in Local Government (304/2003).

Link Employment Contracts Act (55/2001):

<https://www.finlex.fi/fi/laki/kaannokset/2001/en20010055.pdf>

**6. Convention No. 183 and Recommendation No. 191**  
C.183: Arts 8(1) and 9

**Ensuring equal access to employment and occupation and termination of employment**

*Please indicate any legislative and other measures taken to ensure that maternity does not constitute direct or indirect reasons for:*

- *refusal of employment [C.183: Art. 9];*
- *refusal of advancement and benefits within employment [C.183: Art. 9]; and*
- *termination of employment [C.183: Art. 8(1)].*
- *(For example, any measures to prohibit mandatory pregnancy tests except where required by national legislation in respect of work that is prohibited or restricted for pregnant or nursing women or where there is a significant risk to the health of the women and child.)*

Please see the answer to question number 1 on prohibition of gender-based discrimination and the answer to previous question on termination of employment.

*Prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment (Article 9, paragraph 2)*

Act on the Protection of Privacy in Working Life (759/2004) applies to all employees and, as appropriate, to jobseekers. Section 3 of the Act contains provision on necessity requirement. Employers are only allowed to process personal data directly necessary for their employees' employment relationship. The data must be connected with managing the rights and obligations of the parties to the

employment relationship or with the benefits provided by the employers for their employees, or the need to collect data must arise from the special nature of the work concerned. No exceptions can be made to the necessity requirement, even with an employee's consent. Requiring information on pregnancy does not usually meet the necessity requirement and therefore employer is not entitled to collect and process this kind of information. In addition, information on jobseeker's pregnancy is considered as a health status information under the section 5 of the Act. Employer may collect health status information only in situations listed in the section 5 of the Act.

Requiring a test for pregnancy when a woman is applying for employment may also constitute discrimination prohibited under the Act on Equality between Women and Men (609/1986). Based on the above-mentioned legislation, requiring a pregnancy test from jobseeker is in principle prohibited.

Link Act on the Protection of Privacy in Working Life (759/2004): <https://www.finlex.fi/fi/laki/kaan-nokset/2004/en20040759.pdf>.

## PARENTAL LEAVES

### *Family Leave Reform (entry into force on 1 August 2022)*

In Finland, the government and the social partners have implemented a family leave reform supporting the wellbeing of families. On 8 December 2021, Parliament approved the amendments to the legislation on parental allowances and leaves. The family leave reform aims to increase gender equality both in the daily lives of families and in working life. The position of women in the labour market will improve when family leave is divided more equally between the two parents. This will affect attitudes, which in turn can reduce discrimination against women in working life. In addition, EU Work-Life Balance Directive,<sup>4</sup> required certain changes in the regulations concerning parental allowance and family leave. New legislation reforming parental allowances and leaves will come into effect on 1 August 2022.

### *The main changes*

The parental allowance system has been reformed entirely: the total number of parental allowance days increases, and more days has been allocated for each parent. Each parent has a quota of 160 days of parental allowance. A maximum of 63 allowance days would be transferable to the other parent. Flexibility in the use of parental allowance increases considerably, as it can be used in free-form periods until the child turns two, removing the obligation to use all of it in one continuous period. In addition, parental leave periods have been increased and employed persons will be entitled to a maximum of four periods of parental leave. Furthermore, pregnant parent is entitled to 40-day pregnancy allowance period which could be started more flexibly 30-14 work days before estimated due date.

Employed parents will be subject to the family leave provisions of the Employment Contracts Act as they are now. The amount of periods when parental leave can be taken will be increased. In addition, the Work-Life Balance Directive requires some amendments. The employer will be required to give

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<sup>4</sup> Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.

written justification if they decline part-time parental leave. A completely new feature based on the directive is carer's leave. Employees will be entitled to take five days per year as leave to care for relatives. No allowance will be paid for carer's leave.

## **7. Convention No. 156 and Recommendation No. 165**

C.156: Art. 4

R.165: Paras 22–23

### **Leave to meet family responsibilities**

*Please indicate whether workers are entitled to other leave to meet family responsibilities, such as:*

- *parental leave [C.156: Art. 4; R.165: Para. 22];*
- *paternity leave; and*
- *leave in case of illness of family members [R.165: Para. 23].*

*Please indicate for each type of leave: the duration of the leave periods, the conditions of eligibility to the leave, the basis upon which the leave is granted, and other modalities of the leave (such as the use and distribution of leave between parents) [R.165: Paras 22 and 23].*

Under the Employment Contracts Act chapter 4, an employee is entitled to a period of paternity and parental leave during which he or she can receive a paternity or parental allowance. Employees are entitled to leave during benefit periods as referred to in the Sickness Insurance Act. Family leaves include also child-care leave, partial child-care leave, temporary child-care leave and temporary leave of absence for a compelling family-related reasons. An employee must notify his/her employer of leave observing the notification periods determined in the Employment Contracts Act.

*Paternity leave.* Paternity leave can last up to 54 week days. Fathers can choose to stay at home up to 18 weekdays at the same time as the child's mother and the rest of the paternity leave must be taken after the parental leave. Alternatively fathers can use their paternity leave (1-54 week days) after maternity and parental leave. In both cases the paternity leave must be taken before the child turns two years.

*Full or partial parental leave.* Parental leave is 158 week days. Parents can take parental leave full- or part-time. Someone who is the spouse or partner of the parent of a child and who officially resides with him or her (registered relationship) is entitled to parental leave, if the child is born or the other partner has adopted a child under the age of seven after the two partners' relationship has been officially registered.

Both parents can take full-time parental leave for a maximum of two leave periods. The minimum length of a period of leave is 12 working days.

Parental leave may be taken part-time, with each of the parents agreeing with their employer to shorten their working hours and reduce their pay accordingly for at least two months. Parents on partial parental leave may look after their child either on alternate days or in alternate weeks, or with one parent looking after the child in the mornings, and the other in the afternoons.



*Child-care leave.* Employees are entitled to take full-time child-care leave in order to care for their child or some other child living permanently in their household until the child reaches the age of three. For the care of an adoptive child leave can be taken for two years after adoption, however only until the child enters school. Child-care leave can be taken in one or two periods of at least one month, unless the employee and the employer agree on more than two periods or a period shorter than one month. Only one parent or person having the care and custody of the child is entitled to child-care leave at one time. During maternity or parental leave, the other parent or person having care and custody is nonetheless entitled to take one period of child-care leave.

*Partial child-care leave.* An employee who has been employed by the same employer for a total period of at least six months during the previous 12 months is entitled to take partial child-care leave in order to care of his or her child, or some other child living permanently in the employee's household. Partial child-care leave can be taken up until the end of the second school year (July), or, if the child must start school one year earlier than normal, until the end of the third school year, and in the case of a disabled or chronically ill child until the age of 18.

*Leaves in case of illness of family members.* Employees are entitled to temporary absence from work if their immediate presence is necessary because of an unforeseeable and compelling reason due to an illness or accident suffered by their family. If the employer so requests, employees must present a reliable account of the grounds for their absence.

In addition, employees are entitled to 1-4 workdays *temporary childcare leave* in order to care for or arrange care for a child under the age of 10, who has unexpectedly become ill. This entitlement also applies to a parent who does not live in the same household with the child.

Employment Contracts Act contains also provisions on agreement-based leave of absence to care for a family member or another person close to the employee

Public officials in central government are entitled to family leaves under the collective agreement for government. Under the Act on Civil Servants in Local Government (304/2003), a civil servant is entitled to family leaves in accordance with the Employment Contracts Act chapter 4.

## **8. Convention No. 183 and Recommendation No. 191**

### **Leave related to maternity**

*Please indicate whether workers are entitled to the following leave:*

- *leave for medical examination related to pregnancy [R.191: Para. 6(6)]; and*
- *leave in case of illness, complications or risk of complications arising out of pregnancy or childbirth [C.183: Art. 5]; and maternity leave [C.183: Art. 4; R.191: Para. 1].*

Under the Employment Contracts Act chapter 2, section 11, employees prevented from performing their work by an illness or accident are entitled to sick pay. This applies also to illnesses arising out of pregnancy before the employee has begun her maternity leave. In addition, entitlement to sick

leave is applied after the end of the family leave, if employee is unable to perform her work because of illness or complications arising out of pregnancy or childbirth.

In principle, employees should go to medical examinations related to pregnancy outside working hours. Nonetheless, under the Employment Contracts Act chapter 4, section 8, employer shall compensate a pregnant employee for loss of earnings incurred from medical consultations prior to the birth if it is not possible to arrange the consultations outside working hours.

*Please specify the duration of maternity leave before and after childbirth, and whether the period of leave after childbirth includes a compulsory six-week period (if such period is less than six weeks, please indicate whether it has been agreed at the national level by the government and the representative organizations of employers and workers) [C.183: Art. 4(4)].*

Under the Employment Contracts Act chapter 4, section 1, an employee is entitled to maternity leave of 105 week days during the maternity allowance period. The maternity leave begins before the expected date of birth of the child. Depending on employee's choice, maternity leave can be taken 30-50 working days or about 5-8 weeks before the expected due date.

During the maternity allowance term the employee is, with the employer's consent, entitled to perform work that does not pose a risk to her or to the unborn or newly born child. However, such work is not permitted during a period of two weeks before the expected time of birth and two weeks after giving birth. Thus, compulsory period of maternity leave is altogether four weeks. This is based on the EU's Pregnant Workers Directive.<sup>5</sup> Both the employer and the employee have the right to discontinue work done during the maternity allowance term at any time. Even though the provision of the Employment Contracts Act concerning the mandatory length of maternity leave was prepared by the Employment Contracts Act Committee, which included labour market organisations from both sides of industry, a provision cannot in itself be considered to represent an agreement between the government and the social partners within the meaning of the Convention.

Public officials in central government are entitled to maternity and other family leaves under the collective agreement for government, which contains provision on mandatory four-week maternity leave. Under the Act on Civil Servants in Local Government (304/2003), a civil servant is entitled to maternity and other family leaves in accordance with the Employment Contracts Act chapter 4.

*Please indicate whether the appropriateness of extending the period of maternity leave is examined periodically in consultation with the representative organizations of employers and workers [C.183: Art. 11].*

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## **Related types of leave**

C.183: Arts 4-5 and 11

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<sup>5</sup> Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

R.191: Paras 1, 6(6) and 10

*Please indicate whether workers are entitled to the following leave:*

- *in the case of death of the mother before the expiry of postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave? [R.191: Para. 10(1)];*
- *in the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, is the employed father of the child entitled to a leave of a duration equal to the unexpired portion of the postnatal maternity leave to look after the child? [R.191: Para. 10(2)];*

If the mother dies during the maternity allowance period or is unable to take care of the child due to an illness, the father is entitled to get parental allowance and leave for as many days as the maternity allowance has been unused.

- *leave for adoptive parents to look after their child [R.191: Para. 10(5)]; and*

Adoptive parents are also entitled to parental leave.

- *parental leave [R.191: Para. 10(3) and (4)].*

*Please indicate for each type of leave: the duration of the leave periods, the conditions of eligibility to the leave, the basis upon which the leave is granted, and other modalities of the leave (such as the use and distribution of leave between parents) [R.191: Para. 10(4) and (5)].*

*Please also indicate any measures taken to safeguard the employment and social security rights of workers who take the leave and any measures taken to encourage men and women workers to take such leave.*

Please see the answer to question number 7 on parental leave.

## **BENEFITS**

### **Convention No. 156 and Recommendation No. 165**

#### **9. Cash benefits during leave to meet family responsibilities**

C.156: Art. 4(b) R.165: Paras 27–28

*Please indicate whether any financial compensation, cash benefits or other type of income support is provided to workers during periods of leave of absence referred to in question 7. Please specify the categories of workers covered, the qualifying conditions, and the financing modalities of the respective benefits provided [C.156: Art. 4(b); R.165: Paras 27–28].*

*Cash benefits during leave to meet family responsibilities*

*Paternity allowance.* Paternity allowance period is up to 54 working days. The child's biological father is entitled to a paternity allowance if he is married to or living together with the child's mother and takes part in the child care responsibilities. It is also possible to receive paternity allowance even if father is not married to or cohabiting with the child's mother provided that the father cares for the child. It is not required that the father is living with the child, but he must be a caregiver for him or her during the paternity leave. Paternity allowance can be paid also to adoptive fathers. The mother's spouse or partner is also entitled to paternity allowance. It is not necessary for her to have adopted the child of the other spouse or partner in order to qualify for paternity or parental allowance. The father's spouse or partner is not entitled to maternity, paternity or parental allowance payments.

*Parental allowance.* The parental allowance period begins after the maternity allowance period. During the parental leave, parental allowance is paid for the parent taking care of the child in total for 158 working days. The parental allowance is paid for more than 158 working days if the child was born before payment of the maternity allowance began. In that case, payment of the parental allowance is extended by as many days as the maternity allowance period was brought forward. Parents can agree between themselves how to use the parental leave entitlement. They can split the parental leave, or only one parent can go on leave. Adoptive parents are also entitled to get parental allowance during the parental leave.

The amount of parental allowances is determined by previous annual income. Paternity allowance and parental allowance are up to 70% of previous income. If the parent has no previous income, the allowance will be paid at a minimum/flat rate.

*Special care allowance.* It is also possible to get special care allowance, which is a compensation for loss of income available in situations where a person providing for a sick or disabled child under the age of 16 years is unable to do their regular work because of the need to participate in the treatment or rehabilitation of their child.

*Child home care allowance.* Child home care allowance can be granted when a child under 3 years of age does not have a place in municipal early childhood education. As a rule, child home care allowance is paid to the child's parent or other guardian. In some cases the it may also be paid to some other person who mostly looks after the child and lives in the same household. Child home care allowance includes *care allowance*, which is not affected by the family's income, *care supplement*, which is affected by the family's total income and possible *municipal supplement*, depending on the home municipality.

General requirement for entitlement to parental allowance is that parent is covered by the Finnish social security system. The parent must have been entitled to coverage under the Finnish social security system for at least 180 day immediately before the expected due date for the child. Periods of insurance spent in other EU/EEA countries, Switzerland or Israel may count towards the 180-day requirements.

Parental allowances are financed by insurance payments made by employers and employees and with proportion paid by the government. Please also see the answer to question number 10 on financing of parental allowances.

## Convention No. 183 and Recommendation No. 191

### 10. Cash benefits during leave

C.183: Arts 6 and 7

R.191: Paras 2–4

*Please indicate whether any cash benefits or other type of income support is provided to women workers and workers with family responsibilities during periods of leave of absence referred to in question 8, by any of the following means or a combination thereof:*

- *compulsory social insurance; public funds;*
- *the employer;*
- *social assistance funds;*
- *tax relief and other fiscal measures; and*
- *other means as determined by national law and practice.*

*Please indicate, for each of the means used, the conditions to qualify, the categories of workers, including those in atypical forms of dependent work, to which the conditions apply, the share of contribution, payroll tax or payment borne by those who finance the benefits (e.g. workers, employers, the State), as well as the methods used to determine the amount or level of cash benefits and the rates payable [C.183: Arts 6(1)–6(6), 6(8) and 7].*

#### Cash benefits during the maternity leave

*Maternity allowance.* Maternity allowance is paid during the maternity leave. Maternity allowance period begins 30–50 working days before the expected date of birth and it lasts in total for 105 work days. Maternity allowance is paid only to the child's biological mother.

If a woman is unable to work during pregnancy due to an illness, she can get sickness allowance. If the mother dies during the maternity allowance period or is unable to take care of the child due to an illness, the father is entitled to get parental allowance for as many days as the maternity allowance has been unused.

Mothers who are covered by the Finnish social security system are entitled to get maternity allowances regardless of their labour force status. For example, employees, entrepreneurs, students and people outside the labour force have all the same rights to maternity allowance. However, it is required that the mother has been entitled to coverage under the Finnish social security system for at least 180 day immediately before the expected due date for the child. Periods of insurance spent in other EU/EEA countries, Switzerland or Israel may count towards the 180-day requirements.

Parental allowances are financed by insurance payments made by employers and employees and with proportion paid by the government. Please also see the answer below on financing of family benefits.

The amount of parental allowances is determined by previous annual income. For the first 56 days, the amount of maternity allowance is up to 90% of previous income. If the parent has no previous income, the allowance will be paid at a minimum/flat rate.

*Maternity grant.* After 154 days of pregnancy, mother is entitled to a maternity grant. Mother can choose between a maternity package and a tax-free cash benefit of 170 €. A prerequisite for receiving the maternity grant is visiting a doctor or a maternity and child health clinic for a health check before the 4th month of pregnancy.

The maternity grant can be awarded to persons who are permanently resident in Finland. In addition, person who have moved from another EU or EEA country or from Switzerland to Finland in order to work here or persons who are family members of a person who has moved to Finland in order to work here, are also entitled to the maternity grant. In such a case, it is also required that the person is covered by the Finnish social security system.

*Please indicate whether contributions due under compulsory social insurance or taxes on payroll raised to finance maternity benefits are paid by both the employer and the employee or by the employer; and in respect of the total number of men and women employed, without distinction of sex [R.191: Para. 4].*

#### Financing of family benefits

Maternity benefits are financed in Finland from social security contributions collected from employers and employees, and from central government funds where necessary. Otherwise than in respect of the pay stipulated in the collective agreement, employers are not individually liable for the direct costs of the financial benefits payable to female employees in their service due to their maternity leave, or due to leave arising from pregnancy or childbirth or the consequences thereof.

Parental benefits, compensation for the costs of annual leave and compensation for family leave costs arising from parenthood are financed through earned income insurance in accordance with the Health Insurance Act.

The financing of earned income insurance comprises a central government share, the employers' sickness insurance contribution and the employees' daily allowance contribution. Central government finances the portion of the costs of the minimum daily allowance and rehabilitation allowance that exceeds the daily allowance or rehabilitation allowance calculated on the basis of the annual income of the insured person. Central government also finances five per cent of the benefits and rehabilitation allowances that are otherwise financed through insurance. The family leave allowance is financed through the employer's sickness insurance contributions. 52 per cent of the costs in other respects are financed through the employer's sickness insurance contributions and 48 per cent by a daily allowance contribution levied on employees and the self-employed.

The payment percentages<sup>6</sup> of the sickness insurance daily allowance and the employer's sickness insurance contribution are reviewed annually to ensure that the costs of earned income insurance can

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<sup>6</sup> The employer's sickness insurance contribution is 1.53 per cent of the total pay serving as the basis of earned income insurance in 2021. The daily allowance contribution for health insurance is 1.36 per cent of annual pay and self-employed income totalling at least EUR 14,766. The daily allowance contribution for a self-employed person insured un-

be covered by revenues from these contributions and the financial contribution of central government. Changes in costs are financed by equally dividing the change in contributions required after deducting the central government contribution between the daily allowance contribution and the employer's sickness insurance contribution.

### **Maternity medical care benefits**

*Please indicate whether medical care is provided for women and their children during maternity, and specify:*

- *whether such care includes prenatal, childbirth and postnatal care and hospitalization care when necessary;*

#### Maternity and child health clinics

Maternity clinics provide family support, with attention to relationships and parenting. Special emphasis is placed on the role of fathers and parental responsibility. Expectant mothers normally meet with a nurse and doctor 11-15 times during pregnancy. Attending a maternity clinic is one of the preconditions for eligibility for maternity benefit.

In addition, parents take part in family and childbirth preparation sessions. Visits monitor the progress of the pregnancy and arrange for mothers to receive follow-up treatment in the event of problems. Mothers are offered screening for foetal chromosome and growth defects during pregnancy.

Child health clinics assess the physical, mental and social condition of children under school age, provide vaccinations and support parents in providing secure, child-focused rearing, care and in attending to relationships. The clinics also promote healthy growing environments for children and healthy family lifestyles.

Support is provided by home visits by a public health nurse before and after the birth of a child, and at other times if needed, plus by parents' groups.

Child health clinics try to identify problems affecting families with small children at an early stage and to arrange for appropriate help. The clinics carry out multi-professional collaboration with other professionals working with young families. Public hospitals provide mother and her child prenatal, childbirth and postnatal care and hospitalization when necessary.

Public central and university hospitals provide for prenatal, childbirth and postnatal care and hospitalization care when necessary.

- *by which means such medical care is financed; and*

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der the YEL scheme is 1.55 per cent of confirmed earned income. No daily allowance contribution is collected for annual pay income falling below EUR 14,766 and the daily allowance contribution is 0.19 per cent of confirmed earnings under the YEL scheme.

Municipalities are in charge of the practical arrangement of maternity and child health services. Public healthcare is primarily funded by taxation and in addition, by patient fees. The responsibility for organising public health care services will be transferred from municipalities to wellbeing services counties from 2023.

- *whether women have to share in the costs thereof and, where applicable, the rules concerning such cost sharing [C.183: Art. 6(7); R.191: Paras 3 and 4].*

Visiting maternity and child health clinics is free of charge. Patient fees under the Act on Client Charges in Healthcare and Social Welfare (734/1992) may be charged for example for doctor's appointments and hospitalization related to childbirth.

## **RETURN TO EMPLOYMENT**

### **11. Convention No. 156 and Recommendation No. 165**

C.156: Art. 4(b), R.165: Paras 22(1) and 28

#### **Return to work after other types of leave to meet family responsibilities**

*Please indicate whether any measures have been adopted to ensure that workers who take parental leave do so without relinquishing employment and with their rights resulting from employment being safeguarded. Please specify whether these measures also apply to the types of leave referred to in question 7 [C.156: Art. 4(b); R.165: Para. 22(1)].*

Under the chapter 4, section 9 of the Employment Contracts Act (55/2001), at the end of a family leave referred to in the chapter 4, employees are in the first place entitled to return to their former duties. If this is not possible, employees shall be offered equivalent work in accordance with their employment contract, and if this is not possible either, other work in accordance with their employment contract. Employee's right to return to work is applied to all family leaves mentioned in the answer to question number 7.

*Please also indicate any measures taken to safeguard the social security rights of workers who take the leave (e.g. the crediting of pension rights for such periods) [C.156: Art. 4(b); R.165: Para. 28].*

Pension accrues during maternity, paternity and parental leave the same as if the person would have been at work. Pension also accrues during child care leave, but the accrual rate is lower than during maternity, paternity and parental leaves.

### **12. Convention No. 183 and Recommendation No. 191**

#### **Return to work after maternity or adoption leave**

C.183: Art. 8(2)

R.191: Paras 5 and 10(5)

*Please indicate whether any measures of a legal and procedural nature have been adopted to ensure that women and adoptive parents, as the case may be, are guaranteed the right to return to the same*



*position or an equivalent position paid at the same rate at the end of their maternity or adoption leave [C.183: Art. 8(2); R.191: Paras 5 and 10(5)].*

Please see the previous question. Employee's right to return to work from family leave is applied also to adoptive parents.

## **OTHER MEASURES TO RECONCILE WORK AND FAMILY RESPONSIBILITIES**

### **13. Convention No. 156 and Recommendation No. 165**

#### **Other work arrangements to reconcile work and family responsibilities**

C.156: Arts 1, 4 and 9

R.165: Paras 3 and 17–21

*Please indicate any measures taken to ensure that terms and conditions of employment are such as to enable workers to reconcile their work and family responsibilities [C.156: Art. 4; R.165: Para. 17].*

*In this regard, please indicate:*

- *the extent to which measures have been taken to reduce daily working hours and overtime, provide more flexible arrangements in working schedules, rest periods and holidays, and to take family responsibilities into consideration in the assignment of shift and night work and when transferring workers from one locality to another [R.165: Paras 18–20];*

#### *Flexible parental leave or child-care leave arrangements*

*Parental leave periods.* Both parents can take full-time parental leave for a maximum of two leave periods. The minimum length of a period of leave is 12 working days.

*Part-time parental leave.* Parental leave may be taken part-time, with each of the parents agreeing with their employer to shorten their working hours and reduce their pay accordingly for at least two months. Parents on partial parental leave may look after their child either on alternate days or in alternate weeks, or with one parent looking after the child in the mornings, and the other in the afternoons.

*Partial child-care leave.* An employee who has been employed by the same employer for a total period of at least six months during the previous 12 months is entitled to take partial child-care leave in order to care of his or her child, or some other child living permanently in the employee's household. Partial childcare leave may be taken up until the end of the second school year, or, if the child has to start school one year earlier than normal, until the end of the third school year. For parents of children who are disabled or chronically ill and who are in need of special care and treatment, entitlement continues until the child is 18 years old.

The employer and the employee shall agree on partial child-care leave and the detailed arrangements concerning it as they see fit. The employer cannot refuse to agree on or grant such leave unless the leave causes serious inconvenience to production or service operations that cannot be avoided through

reasonable rearrangements of work. The employer must provide the employee with an account of the grounds for its refusal.

If an employee is entitled to partial child-care leave, but it is not possible to reach agreement on the detailed arrangements, the employee shall be granted one period of partial child-care leave in a calendar year. The duration and timing of the leave shall be according to the employee's proposal. In such cases, the partial child-care leave shall be granted by reducing the regular working hours to six hours per day. The reduced working hours shall cover a continuous period, notwithstanding rest periods. If regular working hours have been arranged on the basis of an average, the average shall be reduced to 30 hours per week.

*Other flexible arrangements for employees who have family responsibilities*

*Absence for taking care of a family member or someone close to the employee.* Under the Employment Contracts Act chapter 4, section 7a, if it is necessary for an employee to be absent in order to provide special care for a family member or someone else close to him or her, the employer must try to arrange the work so that the employee may be absent from work for a fixed period. The employer and the employee shall agree on the duration of such leave and on other arrangements.

The employer and employee may also always agree on unpaid leave of absence for other needs, such as assisting other close relatives. Employees may also use such facilities as annual leave, holiday bonus, balance leave and working time bank days, teleworking and flexible working time. Subject to specific conditions, an employee may use the temporary care leave prescribed in section 6 of chapter 4 of the Employment Contracts Act and the leave of absence for compelling family reasons prescribed in section 7 of the said chapter to attend to the care needs of certain relatives

- *whether these measures cover all workers with family responsibilities (e.g. fathers, adoptive parents, etc.) [C.156: Art. 1];*

Flexible working hours and parental leave arrangements under the Employment Contracts Act and the Working Hours Act (872/2019) cover also fathers and adoptive parents.

- *the extent to which measures have been taken to ensure that the terms and conditions of employment, including social security coverage, of part-time and temporary workers, are, to the extent possible, equivalent to those of full-time and permanent workers respectively (and, in appropriate cases, that their entitlement is calculated on a pro-rata basis) [R.165: Para. 21(1)–(2)];*

Under the Employment Contracts Act, an employer may not apply less favourable employment terms to an employee just because the employee works part-time or is in fixed-term employment relationship, unless there is proper reason for doing so. The principle of *pro rata temporis* can be applied to granting benefits based on the employment relationship in fixed-term and part-time employment relationships. This means that the benefits or responsibilities are proportioned to the working time whenever possible and appropriate in regard to the nature of the benefit.

### Partial parental and child care allowance

If the parent is working part-time and is partially taking care of the child, the parent is entitled to *partial parental allowance*. The partial parental allowance is half the amount of the parental allowance. If the parent is reducing working hours and for the rest of the time is looking after a child under 3 years, the parent is entitled to flexible care allowance. The amount for the flexible care allowance is determined based on the number of working hours. Parent of a child who is in the first or second year of school can be paid *partial care allowance* if the parent has reduced his/her working hours.

- *the extent to which measures have been taken to give the option to part-time workers to obtain or return to full-time employment when a vacancy exists and when the circumstances which determined assignment to part-time employment no longer exist [R.165: Para. 21(3)]; and*

Under the Employment Contracts Act, an agreement shall be reached on discontinuing part-time work or altering its terms. If agreement cannot be reached, the employee is entitled for a justified reason to discontinue part-time work and return either to the parental leave referred to in section 1 of this chapter or to his or her previous working hours.

Any changes in partial child-care leave shall be agreed on. If it is not possible to reach an agreement, the employee has the right to interrupt partial child-care leave for a justified reason, observing a notice period of at least one month. Employee's right to return to work is applied also to partial parental and child-care leave.

In addition, under the chapter 2, section 6 of the Employment Contracts Act, employer has an obligation to offer work to a part-time employee. If the employer requires more employees for duties suitable for employees who are already doing part-time work for the employer, the employer shall offer such employment to these part-time employees. If accepting the work calls for training that the employer can reasonably provide in view of the aptitude of the employee, the employer shall provide the employee with such training.

- *whether these measures are provided for under national legislation, collective agreements, work rules, or through any other means [C.156: Art. 9; R.165: Para. 3].*

These measures are provided for under national legislation and collective agreements.

## **14. Convention No. 156 and Recommendation No. 165**

### **Services (childcare and family services and facilities, home-help and home-care services)**

C.156: Art. 5

R.165: Paras 25–26 and 33–34

Please provide any detailed information on the measures taken to take account of the needs of *workers with family responsibilities in community planning* [C.156: Art. 5].

Finland reports only on the Recommendations Nos. 111, 165, 191 and the Convention No. 183.

*In particular, please provide any information on the measures taken to:*

- *develop childcare and family services and facilities, as well as home-help and home-care services (e.g. information on: the number of childcare and family services and facilities available in the country (including long-term facilities such as facilities and services for persons with disabilities and their families), their geographical distribution, how they are organized and staffed, the cost and method of payment, etc.) [R.165: Paras 25–26 and 33]; and*

*Early childhood education and care.* Finnish early childhood education and care combines education, teaching and care that promote the balanced growth, development and learning of children. As a municipal service, children can be cared for on a full-time or part-time basis at a day-care centre, in family day care or in group family day care. In addition, private day care services, congregations and organisations offer alternative care arrangements.

Under the Act on Early Childhood Education and Care (540/2018), municipalities are obliged to organise early childhood education and care for children whose municipality of residence is the municipality in question. In 2019, there were 3 617 day-care centres (72,5 % municipal and 27,5 % private) in Finland. About 77 per cent of children aged between 1 and 6 years received early childhood education in 2020. 13 per cent of these children used an early childhood education voucher issued by a municipality. Less than 5 per cent of support for private care in early childhood education was disbursed by the Social Insurance Institution (Kela). 82 per cent of all children participating in early childhood education secured their places in nursery schools and family day care operated or outsourced by municipalities and joint municipal authorities.

*Pre-primary education and morning and afternoon activities.* Before starting school, children receive pre-primary education that supports learning by play. Pre-primary education is organised in connection with a daycare centre or school. Year 1 and 2 pupils can participate in guided morning and afternoon activities at schools outside the scope of lessons (before-school and after-school activities). The activities are available for pupils with special needs in all grades.

*Private day-care allowance.* As an alternative to municipal day care, families can apply for a private day-care allowance to arrange care for children under school age. The care provider can be a private day-care centre, a group family day care unit or a private childminder. Private day-care allowance consists of a care allowance and a care supplement, eligibility for which depends on the size and income of the family. Municipalities may also pay a municipal supplement to families receiving private day-care allowance.

*Child guidance and family counselling.* Child guidance and family counselling services provide expert help in case of problems concerning children or family relationships. Conciliation for family members also includes matters related to child care, visiting rights and maintenance.

*Child welfare assistance in open care.* Child welfare assistance in open care promotes favourable child development in situations where the parents cannot alone manage their child's care and upbringing. Preventive work and assistance in open care aim at supporting children and families as early

as possible when they need support. In situations defined by the Child Welfare Act, a child can be taken into care and placed in substitute care (family care or institutional care).

*Disability services.* Disability services are mainly the responsibility of municipalities in Finland. People with disabilities are provided with a personal service plan on the services and support they require. These include, for example, family care, which is round-the-clock care in a private home. As a disability service it is in particular organised as a service for persons with disabilities.

More information on disability services can be found on the following website: <https://stm.fi/en/disability-services>

- *promote the provision of services in the community, such as public transport, supply of water and energy in or near workers housing with labour-saving layout [R.165: Para. 34].*

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## **15. Convention No. 183 and Recommendation No. 191**

### **Health protection**

C.183: Art. 3

R.191: Para. 6

*Please indicate any legislative and practical measures taken to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined to be prejudicial to the health of the mother or the child [C.183: Art. 3; R.191: Para. 6(1)], specifying:*

- *whether alternatives are available to pregnant and breastfeeding mothers where the work they perform entails a significant risk for their health or their child's without loss of pay [R.191: Para. 6(2)–(4)]; and*

### Working during maternity leave

Under the chapter 4, section 2 of the Employment Contracts Act (55/2001), during the maternity allowance term the employee is, with the employer's consent, entitled to perform work that does not pose a risk to her or to the unborn or newly born child. However, such work is not permitted during a period of two weeks before the expected time of birth and two weeks after giving birth. Both the employer and the employee have the right to discontinue work done during the maternity allowance term at any time.

### Special maternity leave and allowance

A pregnant employee can, under certain conditions, be granted special maternity leave. An employee can be granted leave, if a chemical agent, radiation or a contagious disease or another equivalent issue poses a risk to the employee's health or that of the foetus, and this cannot be avoided in the work and the employer is unable to arrange other work tasks for the duration of the pregnancy.

The health implications of the employee's working conditions are evaluated by the employer's occupational health care provider, and eligibility for a special maternity allowance is decided by the Social Insurance Institution of Finland. Employees who are deemed eligible for the special maternity allowance are also entitled to special maternity leave. Special maternity allowance payments end if the risk in the employee's working conditions can be eliminated or if their employment contract ends. Employees who are receiving a special maternity allowance cannot work for other employers.

Special maternity allowance payments can be made from the beginning of the employee's pregnancy until they become eligible for a standard maternity allowance. The special maternity allowance is for the same amount as the standard maternity allowance, and it has no impact on the amount of the standard maternity allowance that will ultimately be payable to the employee.

#### Occupational Safety and Health Act (738/2002)

While all general provisions enacted for the protection of workers also apply to pregnant and breastfeeding women, there are also some specific provisions concerning these workers. According to section 10 of the Occupational Safety and Health Act (738/2002), the employer shall, taking the nature of the work and activities into account, systematically and adequately analyse and identify the hazards and risk factors caused by the work, the working hours, the working premises, other aspects of the working environment and the working conditions and, if the hazards and risk factors cannot be eliminated, assess their consequences to the employees' safety and health. The factors to be considered in doing so include the risk of accident and other loss of health, paying particular attention to such hazards and inconveniences of the work or workplace concerned as are referred to in chapter 5 of the said Act, the age, gender, occupational skills and other personal capacities of the worker, factors related to the workload, and potential hazards to reproductive health.

Subsection 2 of section 11 of the Act provides that if the work or working conditions may cause a particular hazard to a pregnant employee or to an unborn child, and if the hazard cannot be eliminated, then the employer shall seek to transfer the employee to suitable duties for the duration of the pregnancy. Night work may also pose a risk for pregnant women. Under section 30 of the said Act, an employee performing night work shall, where necessary, be provided with an opportunity to change duties or switch to day work if this is possible under the circumstances, and if changing duties is necessary in view of the employee's personal capacities, in order to avert a hazard to the employee's health arising from the conditions of the workplace or the nature of the work. If this is not possible, then the employer shall investigate whether other measures can be taken to reduce factors related to the workload. The employee shall be given an explanation on request as to why a change of duties or switching to day work is not possible. Subsection 2 of section 48 of the Act provides that pregnant women and breastfeeding mothers shall, as necessary, have an opportunity to rest in a break room or other suitable place.

In addition to the more general regulation described above, the Government Decree on Agents Posing a Risk to Reproductive Health and Measures to Prevent the Risk (603/2015) also governs the protection of pregnant and breastfeeding mothers. Section 1 of the said Decree regulates the agents that pose a risk to reproductive health at work, which are numerous chemical substances and mixtures. It is further provided that an employer shall ensure that the agents referred to in section 1 that pose a

risk to reproductive health are replaced with agents that pose less of a risk when this is technically possible and reasonably feasible.

Section 3 further requires the employer to ensure that a pregnant worker is not exposed to any chemical, physical or biological agent within the meaning of section 1 and does not use any working method that may justifiably be presumed to endanger foetal development or pregnancy. Until parental leave begins, efforts shall be made to transfer such a worker to other duties that are suitable for her, having regard to her professional skills and experience, if it has not been possible to eliminate the agent posing the risk. The employer must also ensure that a pregnant worker is not exposed to the chemical agents referred to in section 1 to an extent that exceeds the guideline values for concentrations known to be harmful laid down in a decree of the Ministry of Social Affairs and Health. The employer must inform workers of any risk posed to foetal development or pregnancy if agents that may cause such a risk are used or present in the work. A pregnant worker engaged in such work must notify her employer or the occupational health service of her pregnancy. The choice of working methods used by a pregnant worker must allow for the size of any burdens to be moved, and for working postures or movements that may be hazardous to a foetus.

Links An English translation of the Occupational Safety and Health Act (not up to date) is available online at <https://www.finlex.fi/en/laki/kaannokset/2002/20020738>

The current Occupational Safety and Health Act is available online in Finnish at

<https://www.finlex.fi/fi/laki/ajantasa/2002/20020738>

The current Government Decree on Agents Posing a Risk to Reproductive Health and Measures to Prevent the Risk is available online in Finnish at

<https://www.finlex.fi/fi/laki/ajantasa/2015/20150603>

- *whether women retain a right to return to their jobs or an equivalent job as soon as it is safe for them to do so [R.191: Para. 6(5)].*

Under the chapter 4, section 9 of the Employment Contracts Act (55/2001), at the end of a family leave, employees are in the first place entitled to return to their former duties. If this is not possible, employees shall be offered equivalent work in accordance with their employment contract, and if this is not possible either, other work in accordance with their employment contract. Employee's right to return to work is applied to all family leaves, e.g. maternity leave.

## **16. Convention No. 183 and Recommendation No. 191**

### **Work arrangements Measures to facilitate nursing**

C.183: Art. 10

R.191: Paras 7–10

*Please indicate:*

- *whether any national legislation provides for the right of women to one or more daily breaks or a daily reduction of hours of work to breastfeed their child [C.183: Art. 10(1)];<sup>7</sup>*

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<sup>7</sup> For information, please note that in ensuring access to the system of protection offered by the Convention, in certain countries access for adoptive parents to nursing or feeding breaks may exist. Furthermore, and with a view to ensure

- *any daily arrangement of working time prescribed for such purposes (including the period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work), and whether the frequency and length of nursing breaks can be adapted to particular needs [C.183: Art. 10(2); R.191: Paras 7–8];*
- *whether these breaks or reduction of daily hours are counted as working time and remunerated accordingly [C.183: Art. 10(2)]; and*

*Consideration of Recommendation No. 191 on the Reform of the Maternity Protection Recommendation (1952)*

The right to breastfeeding breaks of a mother who has recently given birth has not been regulated in Finland. Maternity and parental leaves are of long duration and well compensated, and there has been no practical need for breastfeeding breaks. Long family leaves provide the opportunity to breastfeed as recommended. In addition, a breastfeeding parent may agree with the employer to take partial parental leave by reducing daily working hours. A breastfeeding parent may also take partial child care leave at the end of parental leave if the conditions are met. The flexibilities of family leave are explained in greater detail in the answer to question 13. Working time legislation also provides for several flexibilities in working time, and agreement on teleworking is also possible where working duties so allow. There are also no provisions on breastfeeding breaks in European Union legislation.

The family leave reform that is due to take effect in August 2022 will also further extend the mother's share of family leaves. The flexible use of parental leave enabled by the family leave reform may result in the child switching to the primary care of a non-breastfeeding parent before the age of one year, which is also currently possible. The main goal of the family leave reform has been to increase the exercise of parental leave and caring responsibilities by fathers, which in turn requires other arrangements for breastfeeding and access to maternal milk. Breastfeeding and use of a breast pump are possible before and after the working day after returning to work, and may also occur during the working day within the confines of normal breaks or flexible working time. Employees may also seek to agree with the employer on breastfeeding breaks if these measures are insufficient. A father or other parent at home may also care for a child independently through bottle feeding.

For the foregoing reasons, no provisions have been enacted for paid breastfeeding breaks or for a breastfeeding break or deeming a reduction in working time as paid working time. The long maternity and parental leaves of the Finnish system have ensured the opportunity for breastfeeding in accordance with the recommendations.

- *whether provision is made under national law or practice for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace [R.191: Para. 9].*

Under the Occupational Health and Safety Act section 48, taking into consideration the nature and duration of the work and the number of the employees, adequate and appropriately fitted rooms for washing, dressing and keeping of clothes as well as dining rooms, break rooms and toilet rooms and

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and promote gender equality among parents, access for biological fathers to nursing or feeding breaks may also exist. Members may wish to provide any relevant information in this regard.



other personnel rooms shall be available for use by the employees in the workplace or in its immediate vicinity. Decent drinking water in adequate amounts shall be available for the employees. Pregnant women and breast-feeding mothers shall, when necessary, have an opportunity to go to rest in a break room or other suitable place.

### **Part III. Promoting gender equality in employment and occupation**

#### **RAISING AWARENESS ON GENDER EQUALITY**

##### **17. Convention No. 111 and Recommendation No. 111**

##### **Promoting understanding and acceptance of gender equality and non-discrimination**

C.111: Art. 3(a) and (b)

R.111: Paras 2–5

C.156: Arts 6 and 11

R.165: Paras 5, 10–11, and 24

*Please describe any measures taken to promote information and education, which generate a broad public understanding of the principle of gender equality and of the problems faced by women workers and workers with family responsibilities, including information on:  
the measures taken to secure acceptance and observance of the principle of equality of opportunity and treatment for men and women workers [C.111: Art. 3(b)].*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the Convention No. 183.

*Please indicate the role of employers' and workers' organizations in promoting understanding, acceptance and the realization of the principle of gender equality [C.111: Art. 3(a)].*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the Convention No. 183.

##### **Promoting understanding and acceptance of gender equality and non-discrimination**

*Please describe the measures taken to promote information and education, which generate a broad public understanding of the principle of gender equality and of the problems faced by women workers and workers with family responsibilities, including information on:*

- *the measures taken to address stereotypes which promote the exclusions of girls/women from certain educational programmes/opportunities [C.156: Art. 6; R.165: Para. 10];*
- *the research undertaken to provide objective information on which relevant policies and measures may be based [R.165: Paras 11(a) and 24(a)]; and*
- *educational activities that encourage the sharing of family responsibilities between men and women [R.165: Para. 11(b)].*

The National Teacher Education Forum (TEF), nominated by the Ministry of Education and Culture, is renewing teacher education through co-configurative collaboration with all stakeholders. TEF has created e.g. the Teacher Education Development Programme (TEDP) that outlines the objectives and

measures that ensure that teacher education will support equity and remain strong and attractive also in the future. As part of the TEDP, the Ministry of Education and Culture financed SETSTOP-project in 2017-2019. The project developed contents for teacher education in Finland related to gender equality planning and equality work. (The National Teacher Education Forum: <https://okm.fi/opettajankoulutusfoorumi>)

The Ministry of Education and Culture has appointed a steering group for the development of democracy and human rights education (2020-2023). The task of the steering group is to support the implementation of the Government Programme entries on democracy and human rights education in schools and educational institutions, inclusion of pupils and capacity building of teaching staff, and to put forward proposals for concrete measures. (<https://okm.fi/-/ohjausryhma-tukemaan-demokratia-ja-ihmisoikeuskasvatuksen-kehittamista>)

The Ministry of Education and Culture has commissioned a review of Finnish higher education institutions' staff equality and diversity advancement measures. The review will be finished by the end of June 2022 and it consists of five parts: 1) Review of existing literature and statistics on gender equality and diversity 2) National review, including conducting a questionnaire and interview to both university and university of applied sciences' staff members 3) International benchmarking that focuses on learning from the best practices of similar countries 4) Workshops on validating and developing the project findings and 5) Reporting. The intention is to draft a plan on future steps in gender equality and diversity advancement as one key outcome of the project.

*Please indicate the role of employers' and workers' organizations in promoting understanding, acceptance and the realization of the principle of gender equality [C.156: Art. 11; R.165: Para. 5].*

Labour legislation is drafted on a tripartite basis, in collaboration with the organisations representing the interests of employers and employees. Please also see statements of the labour market organizations (annex 1).

## **IMPLEMENTATION, MONITORING AND ENFORCEMENT**

R.111: Paras 9 and 10

C.156: Arts 9–11

C.183: Arts 8, 9 and 12

### **18. Convention No. 111 and Recommendation No. 111**

*Please indicate how it is ensured that any laws and policies addressing discrimination based on race, colour, sex, religion, political opinion, national extraction, or social origin or other grounds as per Article 1(1)(b) of C.111, and promoting gender equality, are effectively monitored and implemented in practice [R.111: Para. 10].*

*In particular, please provide information on relevant activities of the following institutions:*

- *the labour inspectorate (e.g. trainings on gender equality, creation of special labour inspectorate task forces on gender equality, etc.);*

### Occupational Safety and Health Authority

One function of the Occupational Safety and Health Authority is to supervise compliance with the Non-discrimination Act (1325/2014) in the world of work. The Non-discrimination Act prohibits discrimination and discriminatory job advertisements, and requires employers to promote equality.

The supervision work of the Occupational Safety and Health Authority focuses on compliance with the Non-discrimination Act:

- in employment,
- in service relationships governed by public law,
- in internships and other similar workplace operations, and
- in recruitment.

The Occupational Safety and Health Authority is an independent and autonomous supervisory authority. The occupational safety and health departments of Regional State Administrative Agencies (AVI) serve as regional occupational safety and health authorities.

The Occupational Safety and Health Authority assesses discrimination on all of the grounds specified in the Non-discrimination Act. The Non-discrimination Act prohibits discrimination on the basis of age, origin, citizenship, language, religion, conviction, opinion, political or trade union activity, family relations, health, disability, sexual orientation or other personal characteristics.

Discrimination on the basis of gender is prohibited under the Act on Equality between Women and Men. Supervision of discrimination based on gender (including pregnancy and responsibility for maintaining a family) falls within the purview of the Ombudsman for Equality. The Occupational Safety and Health Authority nevertheless oversees special situations related to pregnancy and family leave that are governed by the Employment Contracts Act.

Some 200 requests for supervision concerning discrimination were submitted to the Occupational Safety and Health Authority in 2020. Supervision measures are initiated in response to such requests if the information provided by the client gives cause to suspect that the employer has infringed the Non-discrimination Act. 140 inspections were performed in 2020 on the basis of requests for supervision concerning discrimination. 42 of these inspections found that the employer had infringed the prohibition of discrimination. Obligations were imposed on the employer with respect to the observed infringements. Most obligations for infringing the prohibition of discrimination were issued for discrimination based on health, origin, citizenship or some other personal characteristic.

The most common reason for issuing an obligation was in-service discrimination, and the second most common reason concerned cases related to termination of employment. Discrimination on health grounds was mainly observed in cases related to termination of employment. Discrimination on the basis of origin and citizenship was most commonly found to occur in recruitment.

An inspection report is also accompanied by details concerning the ability to seek compensation or damages in accordance under the Non-discrimination Act. Clients are also advised that the Ombudsman for Equality can assist a person who has been the victim of discrimination. Instructions are issued

to the employer regarding the observed infringements. Most instructions for infringing the prohibition of discrimination were issued due to discrimination based on health, origin and citizenship.

The Occupational Safety and Health Authority also supervises compliance with non-discrimination provisions on the initiative of public authorities. Compliance with the Non-discrimination Act was supervised through a total of some 720 occupational health and safety inspections in 2020.

The Occupational Safety and Health Authority is required by law to notify the police if supervision gives probable cause to suspect that a criminal offence of work discrimination has occurred. The Occupational Safety and Health Authority submitted 26 preliminary investigation notices to the police concerning suspected work discrimination offences in 2020. Some of these notices concerned cases involving multiple grounds for discrimination. The grounds for discrimination in the preliminary investigation notices were:

- Origin, citizenship, language: 16
- Health: 9
- Trade union activity and opinion: 2
- Disability: 3
- Religion: 1

The reporting obligation of the Occupational Safety and Health Authority also applies to gender discrimination, even though supervision in this area falls within the purview of the Ombudsman for Equality. Probable grounds for suspecting a criminal offence of work discrimination on the basis of gender emerged in the context of other supervision by the Occupational Safety and Health Authority, which made one request for an investigation into discrimination based on gender in 2020.

Training of Occupational Safety and Health Administration staff ensures the competence of inspectors in issues concerning supervision of non-discrimination, and the ability to take the necessary measures if discriminatory practices are detected in the course of such supervision.

- *equality or other specialized bodies (including information on their mandate, their functioning and their accessibility to the workers);*

### National Non-Discrimination and Equality Tribunal

The National Non-Discrimination and Equality Tribunal is an impartial and independent judicial body appointed by the Government. The Tribunal supervises compliance with the Non-Discrimination Act and the Act on Equality between Women and Men (Equality Act) both in private activities and in public administrative and commercial activities. However, the mandate of the Tribunal does not cover matters related to private life, family life or practice of religion.

In matters that concern Non-Discrimination Act, the person being discriminated or, with his or her consent, the Non-Discrimination Ombudsman or an association promoting non-discrimination may submit a matter to the Non-Discrimination and Equality Tribunal for consideration. The Tribunal may confirm a conciliation settlement between the parties.

If the matter falls under the scope of the Equality Act, only the Ombudsman for Equality or a central organization of employers' associations or of central labour market organisation may submit it to the Non-Discrimination and Equality Tribunal for consideration.

The function of the Tribunal is to give legal protection to those who consider they have been discriminated against or victimised. The Tribunal may prohibit continued or repeated discrimination or victimisation and impose a conditional fine to enforce compliance with its injunctions and order payment of such a fine. The Tribunal may oblige the party concerned to take measures within a reasonable period of time in order to fulfil the obligations under the Non-Discrimination Act. However, the tribunal may not order any compensation to be paid. A decision issued by the Tribunal may be appealed to the competent Administrative Court. The Tribunal considers petitions free of charge and there are no service fees. However, the parties concerned are liable for any other legal costs.

- *courts (including information on whether any special procedural arrangements may apply such as special constitutional procedures; the reversal of the burden of proof; and on whether specific references to the international labour standards covered by this questionnaire have been made in court decisions); and*

Provision on burden of proof is applied in court and authority proceedings. The person instituting the proceedings must present an account of facts, which the claim is based on, in the proceedings of the matter concerning discrimination or victimisation in a court or other authority. If it can be assumed on the basis of the clarification provided in the proceedings of the matter that the prohibition of discrimination or victimisation has been violated, in order to revoke the assumption, the adverse party must prove that the prohibition was not violated. The provisions of this section are not applied to criminal proceedings (section 9 a § in Equality Act and 28 § in Non-Discrimination Act).

Under the section 28 of the Non-Discrimination Act the person who considers having been discriminated against or victimised may claim for compensation and for the discriminatory terms to be declared void in a district court. Under the section 11 of the Equality Act, anyone who has violated the discrimination prohibition will be liable to pay compensation to the affected person. Those who suspect they have been discriminated against may claim compensation by legal action brought at the district court under their own name.

- *other bodies competent to address dispute prevention and resolution (e.g. ombudsperson, etc.).*

### Ombudsman for Equality

A person who suspects that they have been discriminated against based on gender can ask for guidance and advice from the Ombudsman for Equality. If the Ombudsman for Equality notices that the obligations of the Act are not being observed, or that the regulations of the Act are being violated, they must seek to prevent this by providing guidance and advice. The Ombudsman for Equality can bring illegal activity before the National Non-Discrimination and Equality Tribunal.

### Non-Discrimination Ombudsman

The Non-Discrimination Ombudsman is an autonomous and independent authority. The task of the Non-Discrimination Ombudsman is to promote equality and to prevent discrimination. The Ombudsman also works towards improving the rights, living conditions and status of groups at risk of discrimination, such as foreign nationals. The Ombudsman further supervises the removal from the country of foreign nationals and is the National Rapporteur on Trafficking in Human Beings.

The Non-Discrimination Act provides the Ombudsman with many different ways to tackle discrimination and promote equality. In practice, the work of the Non-Discrimination Ombudsman includes guidance, the investigation of individual cases, negotiating reconciliation, training, gathering information, and influencing legislation and the practices of authorities. The Ombudsman may also take an individual case of discrimination to the National Non-Discrimination and Equality Tribunal or court. The Ombudsman cooperates closely with stakeholders and does advocacy work to promote equality, prevent and tackle discrimination.

*Please provide information on the manner in which the participation of employers' and workers' organizations is ensured in practice in equality or other specialized bodies [R.111: Para. 9].*

#### **Convention No. 156 and Recommendation No. 165**

*Please indicate how it is ensured that any laws and policies addressing discrimination based on marital status, family situation, and family responsibilities, and promoting gender equality, are effectively monitored and enforced in practice [C.156: Arts 9 and 10].*

*In particular, please provide information on relevant activities of the following institutions:*

- *the labour inspectorate (e.g. trainings on gender equality, creation of special labour inspectorate task forces on gender equality, etc.);*
- *equality or other specialized bodies (including information on their mandate, their functioning and their accessibility to the workers);*
- *courts (including information on whether any special procedural arrangements may apply such as special constitutional procedures; the reversal of the burden of proof; and on whether specific references to the international labour standards covered by this questionnaire have been made in court decisions); and*
- *other bodies competent to address dispute prevention and resolution (e.g. ombudsperson, etc.).*
- *Please provide information on the manner in which the participation of employers' and workers' organizations is ensured in practice in equality or other specialized bodies [C.156: Art. 11].*

Finland reports only on the Recommendations Nos. 111, 165, 191 and the Convention No. 183.

#### **Convention No. 183**

*Please indicate how it is ensured that the laws and policies addressing discrimination based on maternity are effectively monitored and enforced in practice [C.183: Arts 9 and 12].*

Discrimination based on pregnancy, maternity, parenthood and family responsibilities is covered by the Act on Equality between Men and Women (609/1096), so called the Equality Act. The Equality

Act is supervised by the Ombudsman for Equality and the National Non-Discrimination and Equality Tribunal.

The main task of the Ombudsman is to provide guidance and advice for those who suspect they have been discriminated against. Approximately half of working-life related requests received by the Ombudsman concern discrimination due to pregnancy or family leave. The number of client contacts related to discrimination based on pregnancy and family leaves, made in writing and on telephone, was 142 in 2020 (132 respectively in 2019 and 143 respectively in 2018). According to the Ombudsman, especially women who are on a fixed term contract, are temporary agency workers or are on a zero-hours contract, are at increased risk for facing discrimination based on these grounds. The Ombudsman has brought up this issue in societal discussion through its campaigns titled “Justice for Those Expecting” in 2012, “Pregnancy discrimination is no child's play” in 2017 and “Forerunner” in 2018.

The Ombudsman either provides an expert opinion after having investigated the case in the written procedure or gives guidance and advice on more general level. In certain cases, the Ombudsman has powers to take the case before the Tribunal. In late 2016 the Ombudsman was provided with statutory powers to take measures for reconciliation. Since then, the Ombudsman has succeeded in promoting reconciliation between the parties in a couple of cases per year.

Those who suspect they have been discriminated against may claim compensation by legal action brought at the district court under their own name.

*Please indicate any relevant legal, including procedural, measures by virtue of which protection against unlawful termination of employment based on maternity is provided, specifying the remedies afforded in case of unjust dismissal.*

*Please indicate whether the burden of proving that the reasons for dismissal are unrelated to maternity shall rest on the employer [C.183: Arts 8 and 12].*

### Employment Contracts Act

Please see the answer to question number 5 on termination of an employment contract of an employee who is pregnant or on family leave (Employment Contracts Act Chapter 7, Section 9).

Under the chapter 12, section 2 of the Employment Contracts Act, if the employer has terminated an employment contract contrary to the grounds laid down in this Act, it must be ordered to pay compensation for unjustified termination of the employment contract. An employee can claim compensation by legal action brought at the district court.

The employer can be made to pay a lump sum compensation equivalent to 3 to 24 month's pay. The maximum amount of compensation for shop stewards and elected representatives, however, can be the equivalent of up to 30 month's pay. The amount of compensation is determined on the basis of overall discretion, in which the following factors must be taken into account: estimated time without

employment, and loss of earnings, the remaining period of a fixed-term employment contract, duration of the employment relationship, the employee's age and prospects for finding work corresponding to his/ her profession, or education and training, the employer's termination procedure, reason for terminating the employment contract due to the employee himself/herself, the employee's and the employer's circumstances in general, and other comparable factors.

### Equality Act

If the dismissal constitutes prohibited discrimination under the Equality Act, an employer is liable to pay compensation to the affected employee. Under the Equality Act Section 11, the compensation payable shall amount to no less than EUR 3,240. When the amount of compensation is being determined, the nature and the extent and duration of the discrimination shall be taken into account, as well as any financial penalty imposed or ordered for payment based on an offence against the person arising from the same action by virtue of other legislation. The compensation may be reduced beyond the minimum amount prescribed above, or the liability to pay compensation may be waived completely, if this is deemed reasonable in view of the offender's financial situation and attempts to prevent or eliminate the effects of the action, and other circumstances of the case. Payment of compensation does not prevent the injured party from further claiming compensation for financial loss under the Tort Liability Act (412/1974) or any other legislation.

Please also see the answer to question number 18 on burden of proof in discrimination cases and the answers to questions number 1 and 11.

## **INFORMATIONAL COLLECTION**

C.111: Arts 1–3

R.111: Para. 1

C.156: Arts 3 and 5

R.165: Paras 6–8, 11, 17–18, 21–23 and 24–26

C.183: Arts 2, 3–4, 6 and 8–9

R.191: Paras 1, 5 and 10

## **19. Convention No. 111 and Recommendation No. 111**

*Please indicate whether the following information, including statistics, is collected (and if so, please communicate such information):*

- *information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.111: Arts 1–3; R.111: Para. 1].*

In 2020, the number of legal actions concerning alleged violation of Non-Discrimination Act brought at the district courts was 10.<sup>8</sup>

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<sup>8</sup> Finnish courts statistics 2020:



The Ombudsman for Equality has commissioned reports on court decisions relating to the application of the Equality Act, e.g. for the period 2012 – 2014, and has collected court decisions for a report 2015-2018. In 2015 – 2018, the number of legal actions concerning alleged discrimination based on pregnancy or family leave brought at the district courts was 10 and at the administrative courts was 3 (11 and 1 respectively in 2012 – 2014).

As can be seen, there are only few court cases per year in Finland. The Ombudsman for Equality considers that this is mainly due to the well-known obstacles to access to justice, e. g. the costly and time-consuming legal proceedings.

The amount of compensation set by the court is often between 5 000 and 8 000 euros when it comes to court decisions relating to the application of the Equality Act in general. Only in some cases the compensation has been higher. We have no disaggregated information regarding compensation or sanctions concerning discrimination based on pregnancy or family leave.

### **Convention No. 156 and Recommendation No. 165**

*Please indicate whether the following information is collected (and if so, please communicate such information):*

- *information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of marital status, family situation or family responsibilities), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.156: Art. 3; R.165: Paras 6–8];*

Please see the answer to the previous question.

- *information on the number of women and men in employment by parental status, number and age of children, household composition, including information on related working conditions (e.g. occupation, industry, type of contract, public/private, number of hours of work, earnings) [R.165: Paras 17–18];*

### *Mothers in employment<sup>9</sup>*

The employment rate for mothers with children rose from 77.2 per cent to 79.2 per cent in 2020. The largest employment rate increase was among mothers whose youngest child was under 3 years of age. The most common occupational groups among mothers were professional nurse (30 per cent of all women in the occupational class), practical nurse (23 per cent), and childcare worker (25 per cent).

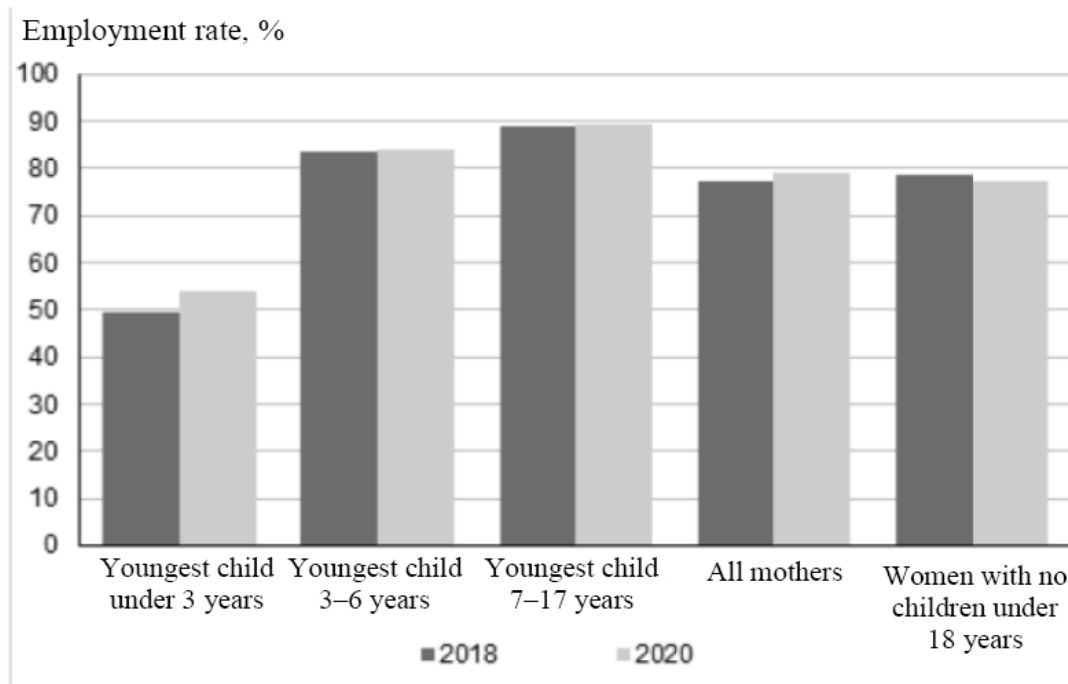
In 2019, 94 per cent of mothers in a profession or trained occupation receiving parental allowance were employees and 6 per cent were self-employed.

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<https://app.powerbi.com/view?r=eyJrIjoieMjc3ZjhmYzMtNTY1ZC00MDQ3LTk2MTUt-NzdIMjIyYWVmMTY2IiwidCI6IjIjMTRkZmE0LWwZmMtNDcyNS05ZjA0LTc2YTQ0M2RIYjA5NSIsImMi-Ojh9.>

<sup>9</sup> Statistics Finland: [https://tilastokeskus.fi/til/tyti/2020/14/tyti\\_2020\\_14\\_2021-11-02\\_fi.pdf](https://tilastokeskus.fi/til/tyti/2020/14/tyti_2020_14_2021-11-02_fi.pdf).

### Employment rates of mothers by age of youngest child in 2018 and 2020, age 20–59 years, %



(Statistics Finland)

#### Fathers in employment<sup>10</sup>

The employment rate for fathers with children was 91.9 per cent in 2020, compared to 74.7 per cent for men without children (men aged between 20 and 59 years). The most common occupations of fathers in 2018 were heavy goods and special vehicle driver, building construction worker and salesman.

A quarter of fathers take all of their paid paternity leave. On the other hand, about a quarter of fathers do not exercise their full right to take paid paternity leave. About 76 per cent of fathers take at least one day of paternity leave, either at the same time as the mother or after parental leave. The 2018 Working Conditions Survey indicated that 82 per cent of fathers of children under 18 years had taken family leave. 61 per cent of fathers of children under the age of 10 years had been absent from work due to the need to care for a sick child.

#### Family forms<sup>11</sup>

<sup>10</sup> Fathers in employment, Statistics Finland 2021: <https://www.stat.fi/tup/tilastokirjasto/isat-tilastoissa.html#tyollisyys>.

<sup>11</sup> Families, Statistics Finland 2021: [https://www.stat.fi/til/perh/2020/perh\\_2020\\_2021-05-28\\_tie\\_001\\_en.html](https://www.stat.fi/til/perh/2020/perh_2020_2021-05-28_tie_001_en.html).

- There are 556,052 families with children in Finland and 37 percent of the population are members of such families.
- The average number of children in these families is 1.84. 43 per cent of families with children have one child, 39 per cent have two children and 13 per cent have three children. Five per cent of families with children have at least four children under the age of 18 years.
- The most common form of family with children comprises a married couple of different sexes and their children. Such families make up 56 per cent of all families with children.
- About one-fifth of families with children are unmarried couples and their children.
- Very few such families (3.5%) comprise fathers and children only. There were 19,608 single parents in 2020.
- 886 families comprise a same-sex couple and registered couple with children, accounting for less than 0.2 per cent of all families with children.
- Stepfamilies account for 9 per cent of all families with children.

*Share of maternity, paternity and parental allowance recipients with the minimum rate of allowance*<sup>12</sup>

In 2020, recipients of the lowest rate of maternity, paternity or parental allowance paid on account of some other reason than employment accounted for 14.9% and 3.8% of all mothers and fathers, respectively. The corresponding shares in 2019 were 12.5% and 3.4%. Among mothers starting their maternity leave in 2020, the share of mothers with the minimum rate of allowance was 16.4%.

In 2020, the minimum rate was 28.94 euros per weekday, or about 723 euros per month. The rise in unemployment and furloughs due to the pandemic in 2020 may have contributed to the higher share of recipients of the minimum rate of allowance.

- *information disaggregated by sex on the number of workers eligible for family or care leave, and the number of workers benefiting from such leave [R.165: Paras 22–23];*

*Number of persons benefiting from parental allowances*

The parental allowances are maternity, paternity and parental benefit. 79,666 mothers and 58,170 fathers received these benefits in 2020. There were fewer fathers and mothers than in the previous year. 89 per cent of daily parental benefit claims were paid to mothers. The proportion of daily claims paid to fathers was 10.8 per cent, matching the previous year. Most (38%) daily allowances for mothers were paid to beneficiaries aged between 30 and 34 years. One third (33%) of the daily allowances for fathers were paid to beneficiaries aged between 30 and 34 years, with almost the same proportion (32%) paid to beneficiaries aged between 35 and 39 years. 8 per cent of daily allowances for mothers were paid to beneficiaries aged over 40 years, while 20 per cent of daily allowances for fathers were paid to beneficiaries of the same age.

- *information on the number of workers with family responsibilities, collected to ascertain their needs and preferences for childcare and family services and facilities, and home help and home care; [C.156: Art. 5; R.165: Paras 24–26];*

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<sup>12</sup> Kela, Information on family leaves: <https://www.kela.fi/web/en/information-on-family-leaves>.

- *information on the number of workers in part-time employment, and on other flexible arrangements as regards working schedule rest periods, working hours and holidays, disaggregated by age and sex [R.165: Para. 21];*

### Part-time work

439,000 people in Finland were working part-time in 2019, accounting for 17 per cent of all people in work. There were 356,000 part-time employees. More than a fifth (22%) of employees aged between 15 and 74 years in 2019 were in part-time work, including one in every ten men (Figure 1).

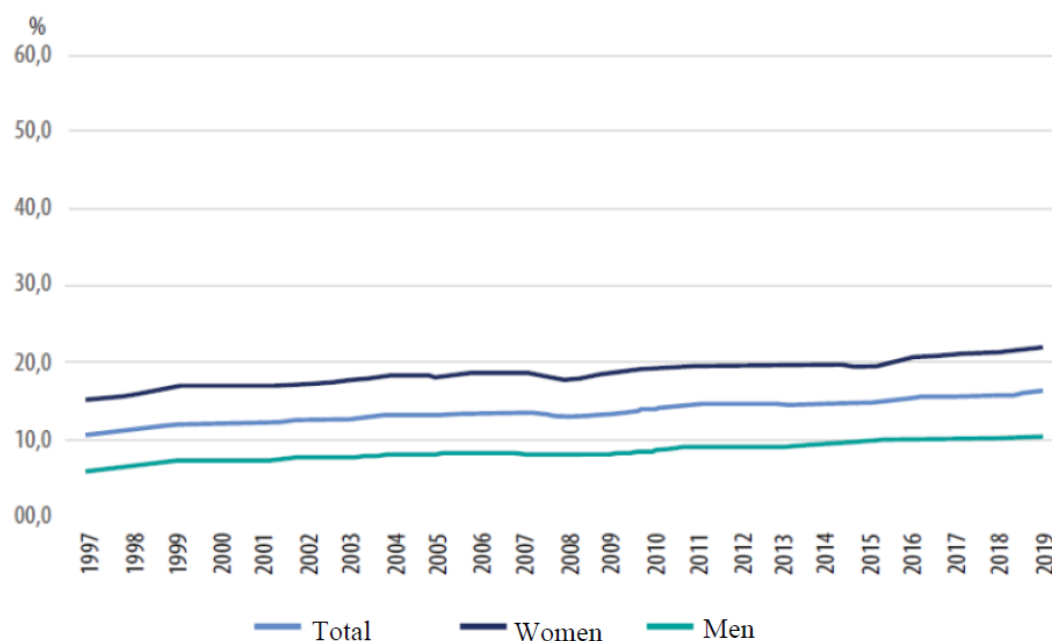
Most part-time work in Finland has been done by students, part-time pensioners and employees who have not secured full-time work. Part-time work was most common among employees in the youngest and especially the oldest age groups.<sup>13</sup> A lack of full-time work was the most common reason (33%) for female employees to work part-time in 2018. The most common reason (37%) for men to work part-time was studying. Caring for children or relatives was the reason for 11 per cent of women. The corresponding proportion for men was one per cent.<sup>14</sup>

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<sup>13</sup> Labour Force Survey (2019). Employment and unemployment, Employment and unemployment in 2019. Official Statistics of Finland (OSF).

<sup>14</sup> Sutela, H., Pärnänen, A. and Keyriläinen, M. (2019). Digiajan työelämä – työolotutkimuksen tuloksia 1977–2018 [The world of work in the digital age - findings of a working conditions survey 1977–2018]. Helsinki: Statistics Finland.

Figure 1. Part-time workers by sex, employees aged 15–74 years, 1997–2019, %



(Source: Statistics Finland, Labour Force Survey)

17 per cent (approximately 2,000) of employed mothers (aged between 20 and 59 years) of young children under the age of one year worked part-time in 2019. A quarter (14,000) of mothers with a child aged between 1 and 2 years worked part-time. This was much less common for corresponding fathers (4%, 4,000). Part-time work is clearly linked to the age of the child in Finland, with full-time work by mothers becoming more common as the child grows older. One-fifth of employed mothers with a child aged between 3 and 6 years were in part-time work, whereas only 11 per cent of mothers of school-age children worked part-time. While part-time work for parents of young children was becoming increasingly common until 2017, it has since declined, especially for mothers. (Figures 2 and 3)<sup>15</sup>

<sup>15</sup> Report of the working group on work-life balance 14 December 2021 p. 22:  
<http://urn.fi/URN:ISBN:978-952-327-971-1>

Figure 2. Part-time work done by mothers by age of youngest child, 20–59 years, 2015–2019, %

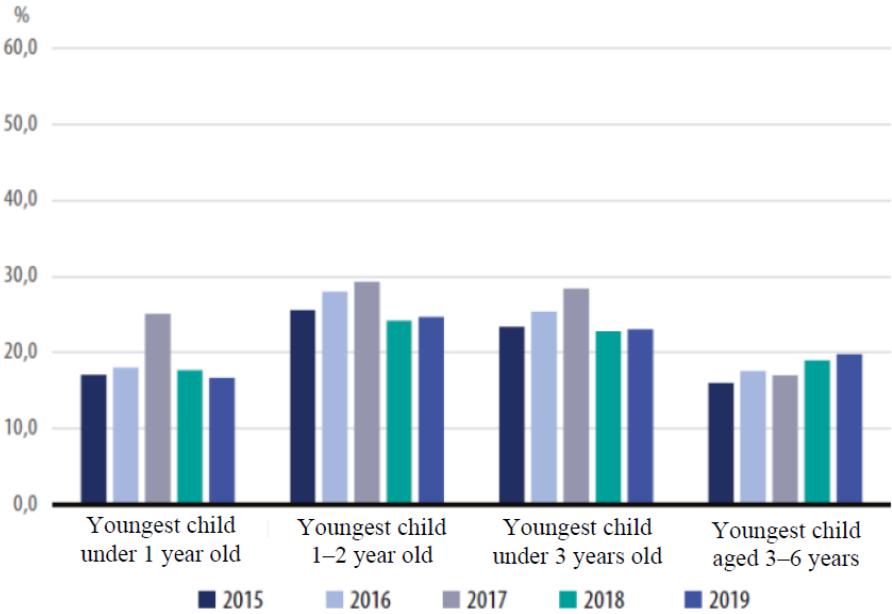
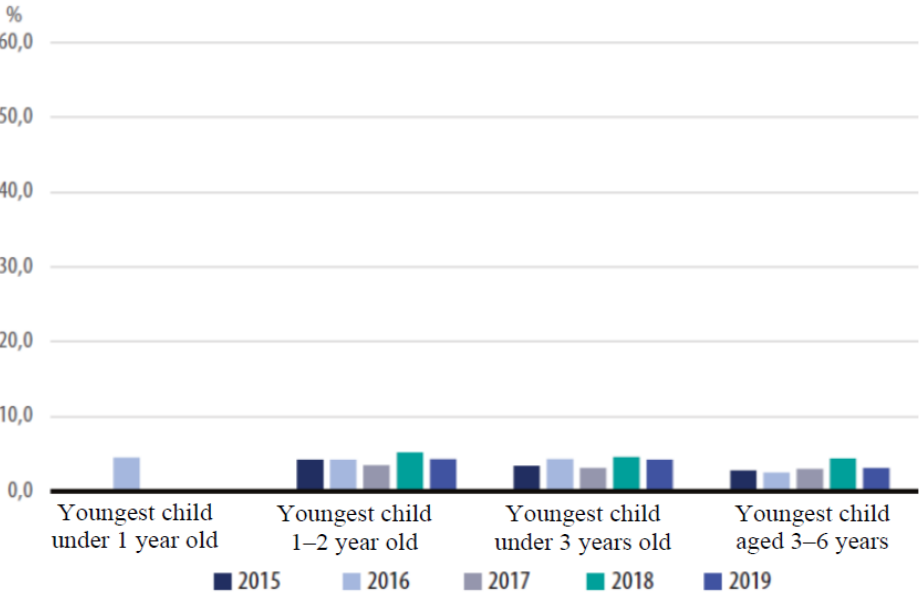


Figure 3. Part-time work done by fathers by age of youngest child, 20–59 years, 2015–2019, %



- *any other research into the various aspects of the employment of workers with family responsibilities with a view to providing objective information on which sound policies and measures may be based [R.165: Para. 11(a)]; and*
- *any other research conducted on the sharing of family responsibilities between men and women [R.165: Para. 11(b)].*

### Fathers' share of family leaves<sup>16</sup>

Mothers take the majority of parental leaves. In 2020, mothers accounted for 90% and fathers 10% of all maternity, paternity and parental allowance days. Fathers have an earmarked parental leave entitlement of nine weeks, and nearly 75% of fathers do use at least some of their entitlement. The majority take 1–3 weeks around the time of the birth of their child, coinciding with the maternity leave. Only 45% of fathers use the additional paternity leave available after the parental leave is over. The take-up of paternity leave is higher than average among middle- and high-income earners, fathers with high educational attainment, and the spouses and partners of mothers with high educational attainment.

Conversely, fathers who are without work, on low income, or have low educational attainment are less likely to take any earmarked leaves. About four percent of fathers take some parental leave after the maternity leave, which is available to either parent. Nearly one in four fathers do not take any family leave at all. Fathers' share of family leaves is rising slowly.

Family leave reform which goes into effect in August 2022 is set to produce a comprehensive overhaul of the parental leave system. It is proposed that the terms 'maternity leave' and 'paternity leave' would no longer be used, and the parental leave entitlement would be shared equally between the parents. Parents can give up some of their parental leave entitlement in favour of the other parent. Parents' combined paid leave entitlement will be extended from about 12.6 months to 14.4 months.

### **Convention No. 183 and Recommendation No. 191**

*Please indicate whether the following information, including statistics, is collected (and if so, please communicate such information):*

- *information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of maternity), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.183: Arts 8–9; R.191: Para. 5];*

Please see the answer to question number 19.

- *information on the number of women in employment, including information on the number of women in atypical forms of dependent work (e.g. home work, casual work, temporary work, etc.) [C.183: Art. 2(1)]; and*

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<sup>16</sup> Kela, Information on family leaves: <https://www.kela.fi/web/en/information-on-family-leaves>.

In 2020, employment rate of women aged between 15 and 64 years was 70,7 % and employment rate of men was 72,5 %.<sup>17</sup> Information on women's and men's labour market position and number of women in fixed-term or part-time employment relationships can be found on the following website: [https://www.stat.fi/tup/tasaarvo/tyoelama/index\\_en.html#atypicalemployment](https://www.stat.fi/tup/tasaarvo/tyoelama/index_en.html#atypicalemployment).

Please also see the answer to question number 19.

- *information disaggregated by sex on the number of workers eligible for maternity-related leave, and the number of workers benefiting from such leave [C.183: Arts 3–4; R.191: Paras 1 and 10].*

Please see the answer to the question number 19.

## THE WAY FORWARD

### 20. Optional question

*Please provide information on your country's strategy (e.g. national plan) for the attainment of the Sustainable Development Goals (SDGs), in particular SDG 5, target 5.1 – Achieve gender equality and empower all women and girls, and on the national reviews that may have been conducted on the implementation of the Beijing Declaration and Platform for Action for Beijing+25.*

### 21. Prospects for and obstacles to ratification

*Please provide information on any prospects of ratification and identify the challenges or obstacles regarding the possible ratification of any of the Conventions covered by the questionnaire (Nos 111, 156 and 183), and indicate any measures taken or envisaged to overcome these obstacles.*

Concerning ratification of the Convention No. 183, the maternity protection legislation was reviewed in 2001. It was then stated that the provisions of the Convention No. 183 concerning the mandatory six-week period of maternity leave, determining the maternity cash benefit level, the right to return to the same or an equivalent position with the same amount of pay as before the maternity leave, the breastfeeding breaks or reduction of daily working hours for breastfeeding purposes, and the pay thereof, would require amendments to the legislation. The national legislation was seen compatible with the Convention's provisions on health protection, length of maternity leave, sick leave, employment protection, non-discrimination and burden of proof. The Finnish legislation on maternity protection measures meets the requirements of the European Union legislation.

### 22. Standard-setting action

*Are there any existing gaps or inconsistencies that should be addressed by future standard-setting discussions in regard to the instruments to which this questionnaire relates.*

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<sup>17</sup> Labour Force Survey, Statistics Finland: [https://www.stat.fi/til/tyti/index\\_en.html](https://www.stat.fi/til/tyti/index_en.html).



### 23. Possible need for technical assistance

*Please indicate whether your country has formulated any requests for technical assistance by the ILO to give effect to the provisions of the instruments covered by this questionnaire? If, so please provide information on the effect of this support. Please also indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support countries' efforts to promote gender equality at work.*

**24.** *Please indicate the representative employers' or workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.*

Before finalising this report, the following labour market organizations have been consulted:

- Confederation of Finnish Industries (EK)
- Central Organisation of Finnish Trade Unions (SAK)
- Finnish Confederation of Professionals (STTK)
- Confederation of Unions for Professional and Managerial Staff in Finland (Akava)
- Office for the Government as Employer (VTML)
- Local Government and County Employers (KT)
- Federation of Finnish Enterprises (SY)

Statements of labour market organizations are attached to this report (annex 1).

A copy of this report has also been sent to the above mentioned labour market organizations.

## Annex 1

### Statements of labour market organizations

**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)**

#### *Discrimination against individuals in a vulnerable labour market position*

Under the recommendation, all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of such aspects as remuneration for work of equal value and conditions of work. Working conditions include hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits based on employment.

Discrimination against employees persists in the world of work, notwithstanding legislation on equality and non-discrimination in Finland. Discrimination arising in Finland includes varying degrees of employee exploitation and underpayment as a business model that seems to have taken root in the world of work.

Forms of discrimination and exploitation range from underpayment payment of wages to conduct satisfying the elements of the criminal offence of trafficking in human beings. Between these extremes, there are working days of extended duration without compensation, sick leave bans and failure to arrange occupational health care. Fees are charged to foreign workers for a job and a worker's residence permit, and employers even commit identity theft for the purpose of money laundering. Living conditions in housing provided by an employer can be inhumane, and ill-treatment of employees is manifest as inappropriate behaviour, emotional pressure and control exerted by employers against their employees. When nothing is done to eradicate the discrimination, exploitation and underpayment of employees that lies between serious abuse and individual pay disputes, employers realise that this is a profitable approach with no risk of getting caught, which only aggravates the phenomenon, leading at worst to an increase in serious abuse of workers.

While foreign workers in particular fall victim to discrimination, exploitation and underpayment, the phenomenon is not limited to these employee groups. Part-time and young employees are also at risk of exploitation. We may generalise by noting that these employees are, for one reason or another, in a vulnerable position in the labour market.

While the police, health and safety and victim support services have found that this employee abuse is most common in catering, cleaning, agricultural and livestock rearing, crop and berry farming, and construction, there are also cases in the beauty sector, warehousing, car washes and workshops, and domestic service. Exploitation and underpayment of workers is even already normal practice in some of these sectors.

Specialists in various administrative sectors and victim support organisations find that current instruments of control and legal redress are insufficient to effectively eradicate exploitation and underpayment of employees in Finnish workplaces. The range of remedies available to occupational safety and health authorities is modest, for example in cases of underpayment. Public prosecutors have also noted a need to criminalise underpayment explicitly.

The trade union confederations have long called for measures to finally address business models that rely on discrimination, exploitation and underpayment of workers. Legal remedies in cases of underpayment are currently inadequate, and employers who perpetrate discrimination and exploitation of workers seem to be able to continue their business model. Public authorities are aware of the exploitation and underpayment of workers. The need to address this has been identified and is also recognised in the programme of the present Finnish Government. The issue has been discussed in a working group appointed by the Ministry of Economic Affairs and Employment, but the outcomes so far have been very modest with respect to eradicating the problem.

#### *Discrimination on grounds of pregnancy and family leave*

Even though Finnish legislation prohibits discrimination on the grounds of pregnancy and family leave, this nevertheless remains a significant equality problem in the world of work. Discrimination based on pregnancy and family leave has long been the most common reason for suspecting discrimination in employment reported to the Ombudsman for Equality. Workers contact trade unions for advice in this area every week.

Even though women and men in Finland participate almost equally in the world of work, women still take most family leave, especially for extended periods. This has several undesirable impacts on the status of women in the labour market and on gender equality. It can be difficult for young women to secure permanent employment. A 2019 survey by Statistics Finland indicated that 19 per cent of female employees and 13 per cent of male employees were in temporary employment. This is a significant difference between the sexes.

The risk of suffering discrimination is nevertheless not limited to women, and may affect both women and men due to exercising the right to take family leave. Finnish legislation does not ensure that all parents can have children without fear of discrimination, even irrespective of family form. Diverse forms of family must be treated equitably, regardless of whether a child is biological, conceived through fertility treatment or adopted, and irrespective of the gender of the parents or any other factor.

Discrimination is difficult for an individual employee to address, with employees often unwilling to claim their rights, even in clear cases of discrimination. Litigation is a cumbersome process for individual employees and the fear of losing reputation prevents them from bringing legal action or otherwise claiming their rights. This fear relates to stigmatisation and the end of an employee's career path. Employees also often suffer discrimination in circumstances where they lack the drive to insist on their rights. It is unreasonable to leave the issue of reducing pregnancy-related discrimination up to individual employees alone, with legislation failing to serve as a deterrent, and to require the employee to bring a lawsuit against her employer. Current Finnish legislation has not provided sufficiently effective practical protection for pregnant women and employees returning from family leave.

Discrimination has far-reaching impacts on the world of work and the labour market. An ancillary study on reconciling work and family that formed part of the 2018 Statistics Finland Quality of work life survey was the first to investigate the incidence of discrimination based on pregnancy and family leave for the entire population of Finland.

While most women returning from family leave continued in their former jobs, a large number nevertheless experienced involuntary changes in their careers. Such changes were more common for those in more highly educated groups. 25 per cent of employed mothers who had changed jobs or duties, or failed to return to work after ending family leave, reported that the change had not been freely chosen. This affected a total of about 42,000 women in the population as a whole. Some 17,000 women changed jobs or duties because the duties had changed or disappeared, or because another person had been hired to replace them. Some 11,000 women in the population as a whole suffered discrimination in the form of failure to continue temporary employment.

#### *Discrimination on grounds of pregnancy*

Discrimination on grounds of pregnancy remains a persistent form of discrimination and an equality problem in Finland. This form of discrimination most often arises as a limitation on the duration of temporary employment. No new employment contract is concluded after a temporary employee has announced her pregnancy. Employment contracts are often concluded for a fixed period that ends when maternity leave begins, so that the employer avoids liability for maternity leave pay and associated obligations. Discrimination on grounds of pregnancy remains widespread, regardless of educational background or occupation.

Temporary employment is still significantly more common for women than men. Two-thirds of new service relationships are temporary for women, whereas fewer than half are so for men. The focus on temporary employment for women is often justified on the grounds that a great deal of family leave is taken in sectors with a preponderance of female employees. However, only one third of temporary employment contracts are concluded for reasons of substitution. The prevalence of temporary employment among women is also maintained by the predominance of female employees in the public sector, the major responsibilities of mothers for care, and segregation.

#### *Part-time work*

Even though technological progress has enabled flexible working, these opportunities have not been taken up in Finnish legislation. The starting point is still the employer's right to direct and supervise work during working hours. The Finnish system accordingly lacks any directly enforceable right of an employee to transfer to part-time work on a temporary basis when children are small, or ability of an employee to influence how part-time work is arranged in practice.

#### *Maternity protection*

Implementation of the family leave reform currently passing through the Finnish Parliament would enlarge the care responsibilities of fathers, potentially enabling mothers to return to work at an earlier stage. Together with the fragmentation of the world of work and improved training opportunities for

women athletes, for example, this requires the provision of better breastfeeding opportunities for mothers. A report of the Employment and Equality Committee of Parliament also calls attention to ensuring breastfeeding opportunities (see reports TyVL 14/2021 vp, p. 5 and StVM 33/2021 vp).

Finland has not ratified the Maternity Protection Convention. We believe that the Convention should be ratified.

The Central Organisation of Finnish Trade Unions (SAK)

The Confederation of Unions for Professional and Managerial Staff in Finland (Akava)

The Finnish Confederation of Professionals (STTK)

### **The Confederation of Finnish Industries (EK)**

As specified in the call for statements, Finland is not reporting on Convention No. 111 or Convention No. 156, which are subjects of the ILO reporting request, as Finland has ratified these conventions. The reporting accordingly only applies to Convention No. 183 (Revision of the Maternity Protection Convention) and Recommendation No. 191. This statement similarly only concerns the foregoing Convention No. 183 and Recommendation No. 191.

EK sees no need to ratify the convention or recommendation now subject to reporting. Finnish legislation already provides a good standard of health protection, social security and employment protection for pregnant or postpartum mothers. This legislation partially satisfies the minimum requirements of the convention and the recommendation.

Certain provisions of the convention, such as the level of benefits related to pregnancy or maternity, the right to return to work at the same pay after maternity leave and the right to breastfeeding breaks during the working day, are far-reaching and incompatible with Finland's current regulations governing the world of work and family leave. Ratifying the convention or recommendation would require amendments to Finnish legislation that would impose significant additional costs on the employer.

We also note in general that ILO recommendations are non-binding principles, even in the Organisation's own view. Finnish reporting must also draw attention to this aspect. It is not necessary to examine compliance with any individual Article of the recommendation in Finland.

We leave a more detailed description of general conditions in the field of legislation and recommendations to the competent government department and public authorities insofar as this is necessary for reporting.

We would also like to reserve the opportunity to supplement our statement if any need to do so remains after the consultation round.

Respectfully submitted,

Confederation of Finnish Industries

## **The Federation of Finnish Enterprises**

The Ministry of Economic Affairs and Employment has requested a statement concerning a report to the International Labour Organisation (ILO). This concerns reporting in accordance with Article 19 of the ILO Constitution related to conventions and recommendations that Finland has not ratified. The report relates to the Maternity Protection Convention No. 183 and its Supplementary Recommendation No. 191, and Recommendations No. 111 on Discrimination (Employment and Occupation) and No. 165 on Workers with Family Responsibilities. The Federation of Finnish Enterprises issues the following general remarks as its statement.

Answers to the questions in the reporting form appended to the call for statements may largely be found in current legislation and statistics. It should nevertheless be noted that the provisions of sectoral collective agreements are also relevant, especially in relation to the pay for various periods of leave granted for reconciling work and family life.

Finland has not ratified Convention No. 183 (the Maternity Protection Convention), as Finnish legislation is not fully compatible with the provisions of the said Convention. The Federation of Finnish Enterprises considers that the principal differences between the said Convention and Finnish legislation are of minimal significance with respect to family leave and non-discrimination regulations. These differences primarily concern the fact that the maternity allowance payable under the Health Insurance Act falls short of the level referred to in the Maternity Protection Convention for the highest income brackets. Another difference is that breastfeeding breaks have not been included in Finland's Working Time Act. It should be noted in this respect that, in addition to the Working Time Act, working hours and breaks are comprehensively regulated under collective agreements, which similarly include no provisions on breastfeeding breaks. A third difference is that section 9 of chapter 4 of the Employment Contracts Act, which concerns returning from family leave, does not guarantee an absolute right to return to precisely the same work as was done before taking family leave.

The Federation of Finnish Enterprises finds that Finnish legislation governing the use of family leave and non-discrimination is of a high standard and stands up well to international comparison. The Federation also notes that Finnish legislation and the upcoming reform of family leave also exceed the requirements of EU law. The differences between Finnish legislation and the Maternity Protection Convention are also justified, and do not lead to unreasonable outcomes for mothers.

It should be noted with regard to breastfeeding breaks that the totality of family leave enables breastfeeding of a child, as the family leaves applied in Finland enable a significantly longer absence from work than is required under the Maternity Protection Convention. One drawback to long absences is that significant changes can occur at a workplace, meaning that former duties may no longer be available as such. A right to return to the same work nevertheless remains the clear starting point of Finland's Employment Contracts Act. This right can nevertheless not be absolute, as long absences could lead to unreasonable outcomes for the employer in practice. Finland's legislation as a whole must nevertheless be considered to comply with the spirit of the Maternity Protection Convention, with no cause for amendment.

With regard to the recommendations that are the subject of the call for statements, the Federation of Finnish Enterprises finds that current Finnish labour legislation, including the Act on Equality Between Women and Men and the Non-discrimination Act, covers the principal content of the said recommendations. Family leaves under Chapter 4 of the Employment Contracts Act (including the upcoming family leave reform) and the opportunity to work part-time for social reasons in accordance with section 15 of the Working Time Act satisfy the requirement of the recommendations with respect to reconciling work and family life. The Federation of Finnish Enterprises does not consider it necessary to make legislative amendments based on the recommendations. The Federation similarly sees no necessity for any measures by the ILO in relation to the recommendations, or for their reinforcement with new conventions.

Respectfully submitted,

Federation of Finnish Enterprises