



10.11.2022

VN/22369/2022  
VN/22369/2022-TEM-11

# Statement of the Government of Finland

## Report for item IV on the agenda of the 111th Session (2023) of the International Labour Conference: Apprenticeships (standard-setting, second discussion)

### General comments

Finland points out that the Office's proposals are mainly editorial and widely acceptable. In the comments below Finland draws attention especially to the Office's proposals concerning apprenticeships in the informal economy. This question needs further discussion in the next ILC-meeting.

### Comments to the Office's proposals

#### I. Definitions, scope and implementation

##### Paragraphs 1 and 2 (Definitions and scope of the recommendation)

Given that the scope of the proposed Recommendation in Paragraph 2 applies to "apprenticeships in all enterprises and sectors of economic activity", the Office proposes for the consideration of Member States a broadening of the definition of "apprenticeship" to capture all apprenticeship systems, including apprenticeships in the informal economy.

Number of governments have noted that the proposed definition may exclude those apprentices who cannot access vocational education and training institutions. The definition of the term apprenticeship is in the very core of this recommendation. The office proposal should be discussed further in the next ILC-meeting, if the Member countries see there is a need to broaden the definition.

Finland emphasizes that purpose of the recommendation is to promote quality apprenticeships and develop them as a path to decent work. In general, Finland considers that the arrangements, procedures and requirements for apprenticeships should apply to all work, whether carried out in the formal or informal economy.

#### II. Regulatory framework for quality apprenticeships

##### Paragraph 5

Postiosoite  
Postadress  
Postal Address  
Työ- ja elinkeinoministeriö

Käyntiosoite  
Besöksadress  
Office

Puhelin  
Telefon  
Telephone

Faksi  
Fax  
Fax

s-posti, internet  
e-post, internet  
e-mail, internet

PL 32  
00023 Valtioneuvosto

Aleksanterinkatu 4  
Helsinki

0295 16001  
+358 295 16001

09 1606 2160  
+358 9 1606 2160

kirjaamo.tem@gov.fi  
www.tem.fi

The Office notes the importance of referring to the elements involved in progressively achieving higher standards in apprenticeships, including those in the informal economy, with the aim of meeting the aspirational standard proposed. Therefore, the Office invites comments from Member States on adding the words “and take measures to support the upgrading of all apprenticeships, including those in the informal economy” at the end of Paragraph 5.

Finland points out that the Office’s proposal needs further explanation and discussion together with paragraphs 24 and 27 which cover also informal economy questions. As a rule, arrangements, procedures and requirements for apprenticeships should apply to all work, whether carried out in the formal or informal economy.

### **Paragraph 9**

Office proposes to change the references to “*a skilled trade or occupation*” to read simply “*an occupation*”. Finland would prefer the original wording. The perspective should be in the learning needs of a trade rather than single occupations.

### **Paragraphs 10, 13 and 18(b)**

According to the ILO Office “*In accordance with national laws*” would not be suitable for a non-binding Recommendation. Finland considers that “*in accordance with national laws*” should be replaced with “*in accordance with national circumstances*” in paragraphs 10, 13 and 18(b).

### **Paragraph 13(e)**

Regarding paragraph 13(e) Finland points out that there was a long discussion in the ILC 2022 about the term “paid” and the consensus was that it can either mean salary or benefit. In Finland, parents are entitled to various benefits related to family leaves. Under the Employment Contracts Act, the employer is not required to pay wages during family leaves. However, many collective agreements include provisions on the payment of wages for certain family leave periods.

## **III. Apprenticeship agreement**

### **Paragraph 17**

The Office proposes the term “*public institution*” instead of “*public authority*” in the paragraph 17. Finland agrees with the Office’s proposal and points out that apprenticeship training can be undertaken both in the public and private sectors, including non-profit third sector organisations. Adding the term “public institution” after the term “enterprise” would ensure a broad scope of the recommendation.

## **IV. Equality and diversity in quality apprenticeships**

### **Paragraphs 24-27**

Office invites comments on the inclusion of measures such as recognition of prior learning and bridging courses. Paragraph 24 and Paragraph 27 of the proposed Recommendation currently do not propose any specific measures to recognize the competencies of apprentices in the informal economy to promote their access to formal education and training, including quality apprenticeships. In addition, Office invites comments on the inclusion of a new clause stating: “support the upgrading of apprenticeships in the informal economy so that they may converge towards quality apprenticeships”.

In Finland, all prior learning and skills of the apprentice are assessed, identified and recognised through the formal process. More information and discussions in the next ILC-meeting are still needed on the Office’s proposal for the inclusion of a new clause on upgrading of apprenticeships in the informal economy.

As mentioned above, Finland considers that the arrangements, procedures and requirements for apprenticeships should apply to all work, whether carried out in the formal or informal economy. See also paragraphs 1, 2 and 6.

## **Comments from the representative employers' and workers' organisations**

### **The Central Organization of Finnish Trade Unions (SAK) The Finnish Confederation of Professionals (STTK)**

In addition to the proposed Recommendation, the Central Organisation of Finnish Trade Unions and the Finnish Confederation of Professionals draw attention to the International Labour Office's proposed changes and commentary.

The Central Organisation and the Confederation consider it appropriate that the definition of apprenticeship should refer to a form of vocational education and training which is agreement-based and focused on the world of work, for which the students are paid and which also includes learning in educational institutions and theoretical instruction. The Central Organisation and the Confederation do not support the Office's proposal to leave "off-the-job training" out of the definition of apprenticeship at this stage. The Central Organisation and the Confederation are of the opinion that the definition should not be changed before the next International Labour Conference.

The proposed Recommendation uses the term "enterprise" to refer to the person or organisation for which the apprentice engages in on-the-job training. However, apprenticeships may be undertaken in both the public and private sectors, including in not-for-profit third sector organisations. The Central Organisation and the Confederation draw attention to the need to make the definition of the concept more precise and consider that the definition should ensure the appropriate scope of the Recommendation.

During the first Conference discussion, the qualifying expression "in accordance with national laws" was inserted in draft Paragraphs 10, 13, 18 and 22 of the proposed Recommendation. This wording, which is at times used in Conventions in order to mitigate the effect of certain binding provisions, would not be suitable for a non-binding Recommendation. As the provisions of the proposed Recommendation seek to provide policy guidance and not to create enforceable legal obligations, any prescriptive reference to national laws would be redundant and might give rise to confusion.

The Central Organisation and the Confederation agree with the Office's comment according to which the expression that had been put forward in the proposed Conclusions was "having regard to national circumstances", which would be more appropriate given the non-binding nature of the instrument, while affording the necessary flexibility. The Central Organisation and the Confederation agree with the Office's view that, in line with the Manual for drafting ILO instruments, the use of such expressions should be limited as much as possible when they refer to the substance of a provision rather than to its implementation.

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

#### **Main points of the comment**

- The Confederation of Unions for Professional and Managerial Staff in Finland welcomes the report.
- Education and training should remain as the main objective of apprenticeships.
- The Confederation endorses the view of involving representative employers' and workers' organisations in guidance and quality assurance.

The Confederation welcomes the report of the International Labour Organization (ILO) on apprenticeships and considers it of utmost importance to assure the quality of apprenticeships, as with any other forms of education and training. The Confederation emphasises the importance of the quality factors highlighted in the report, including clearly defined objectives for the activities, assessment criteria, guidance for the operators, and clear responsibilities, obligations and rights of all parties.

The Confederation stresses that education and training, rather than contracting out work or earning an income, should remain as the main objective of apprenticeships. The Confederation warmly supports the

objective of involving both employers and employees in providing guidance and quality assurance for activities.

### **Federation of Finnish Enterprises (Suomen Yrittäjät)**

The objectives and contents of the Recommendation largely correspond to our own objectives. The Recommendation also emphasises the importance of taking small and medium-sized enterprises into account in developing the apprenticeship system.

Apprenticeships are a versatile form of on-the-job learning that is already widely used and that suits many types of learners. However, it can be developed further and deployed more extensively. A shortage of talent is already slowing down the growth of companies and hampering the provision of public services. It is therefore increasingly important not only to train new talent, but also to upskill existing workers. Furthermore, international mobility should be improved and made more flexible. For these reasons, common rules and norms should be created for the apprenticeship system internationally, while taking into account national differences and enabling the special features of education systems.

By international standards, Finland's vocational education and training is one of the most highly valued education systems in the world, and the reform carried out in 2018 further improved its forms of on-the-job learning. Nevertheless, there is room for improvement in the apprenticeships pay system and the compensation paid to employers. In this respect, models such as those developed in many other European countries could be exploited.

Higher education also needs a system of apprenticeships. In this respect, the ILO Recommendation could serve as an incentive for creating and disseminating a common operating model.

Apprenticeships mainly aim to provide formal qualifications, degree modules and other structured certificates. However, apprenticeships should also be utilised to increase occupation-specific upskilling. This could, for example, help immigrants and those outside the labour force to find employment. However, as far as possible, harmonised standards should be created also for these smaller training packages in order to enable the identification and recognition of prior learning at a later stage.

### **Confederation of Finnish Industries (Elinkeinoelämän keskusliitto EK)**

The Confederation of Finnish Industries sees no need for an ILO-level Recommendation on apprenticeships. Apprenticeships are specific to each country's education and training system and it would be impossible to find a single model that suits everyone. In our view, the content of the Recommendation should not be based on the assumption that it will be acceptable as long as it is not in conflict with our current national legislation. If it is later decided that the Finnish regulation on apprenticeships needs amending, the ILO Recommendation, if ratified by Finland, could set obstacles to the necessary amendments. All regulation on apprenticeships should be left to national discretion.

Apprenticeship training is a useful and efficient pathway to vocational education and training and for access to employment in many sectors in Finland. In our view, any future preparation of the Recommendation should ensure that the Recommendation will not create obligations, costs or administrative burden for employers that could then set obstacles to apprenticeship training. The options to deploy apprenticeships must be flexible and assessed on the basis of needs arising from the world of work.

### **Comments on specific points of the proposed Recommendation:**

The Confederation of Finnish Industries welcomes the removal of the references to "trainees" from the Recommendation in the first discussion. Especially with regard to Chapters II and III of the Recommendation, it is important to ensure that no additional obligations, costs or administrative burden are created for employers that could later set obstacles to apprenticeship training. The Finnish legislation on vocational education and training includes provisions on apprenticeship training, and apprenticeships are therefore not a parallel or separate learning pathway. Finland has a competence-based system of vocational education and training that is developed as a whole. This includes the flexible transfer of learners from education and training or training agreements to apprenticeships.

No more regulation that increases administration should be created for apprenticeship training. For this reason, the wider context could be taken into account in considering Paragraphs 7 and 9.

7. Members should establish or designate one or more authorities responsible for regulating apprenticeships, in which representative employers' and workers' organizations should be represented.

9. Members should adopt a process, in which representative employers' and workers' organizations are represented, for recognizing a skilled trade or occupation as being suitable for quality apprenticeships

Finland has a system of business and industry committees, with both employer and employee representatives, which contribute to the development of qualifications, degrees and quality of vocational education and training. Parallel additional systems should not be created alongside the existing committees.

According to Paragraph 13(e) of the proposed Recommendation, members should take measures to ensure that apprentices have access to paid maternity or paternity leave and parental leave. In our view, the term "paid" needs clarification. Does it mean salaried or that a benefit is paid for a period of family leave? According to the Finnish legislation, the employer does not pay wages during a family leave. Apprentices cannot have rights to paid leave or per diem allowances that are better than those granted to others.