

## Article 22 of the Constitution of the ILO

Report for the period 1 June 2012 to 31 May 2017, made by the **Government of Finland**

on the

### **DOCK WORK CONVENTION, 1973 (No. 137)**

(ratification registered on 13 January 1976)

#### **Direct Request, 2012.**

The normal provisions of employment legislation apply to dock workers.

As noted in the statement returned by SAK, STTK and Akava below in section VI, ILO Convention No 137 was implemented nationally in Finland through a collective agreement concluded by the Transport Workers' Union AKT and the Finnish Port Operators Association. Three different collective agreements have been in force during the reporting period: 1 February 2012 to 31 January 2014; 1 February 2014 to 31 January 2017; and currently 1 February 2017 to 31 January 2021 (of which 1 February 2017 to 31 January 2019 is a fixed term and 1 February 2019 to 31 January 2021 is an optional term).

As with the previous collective agreements, the most recent collective agreement concluded by the Transport Workers' Union AKT and the Finnish Port Operators Association contains a clause according to which the number of permanent employees in a company must be at least 90% of the total number of stevedoring and repair shop employees. The total number of employees equals the number of stevedoring and repair shop employees on indefinitely valid employment contracts as at the end of the period under review plus the average number of daily temporary stevedores. Temporary employees may account for no more than 10% of this number.

The numbers of permanent and temporary stevedores employed at ports are reported in section V.

#### **I LEGISLATION AND REGULATIONS**

The following is a list of amendments to the legislation mentioned in the previous report:

##### **1) Act on Regional State Administrative Agencies (896/2009)**

Amendments:

949/2015: Specification of the provision on administrative appeal to make the claim for rectification more broadly used as the first recourse

##### **2) Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)**

Amendments:

398/2012: Amendment concerning occupational safety and health committees on board vessel

1330/2014: Concerning the issuing of written advice and an improvement notice in matters within the enforcement purview of the occupational safety and health authorities  
 210/2015: Concerning the issuing of written advice and an improvement notice in matters within the enforcement purview of the occupational safety and health authorities  
 482/2015: Concerning notifying the authorities of occupational accidents and diseases  
 1037/2015: Concerning appealing a decision made by the occupational safety and health authorities  
 449/2016: Concerning the issuing of written advice and an improvement notice

### **3) Government Decree on Regional State Administrative Agencies (906/2009)**

Amendments:

523/2012: Concerning the domain and jurisdiction of Regional State Administrative Agencies  
 1093/2013: Concerning the organisation and duties of Regional State Administrative Agencies  
 954/2014: Concerning the organisation and duties of Regional State Administrative Agencies  
 441/2015: Concerning the organisation and duties of Regional State Administrative Agencies  
 838/2015: Concerning qualification requirements for public service posts  
 1742/2015: Concerning the domain and jurisdiction of Regional State Administrative Agencies  
 812/2016: Concerning the domain and jurisdiction of Regional State Administrative Agencies

### **4) Decree of the Ministry of Social Affairs and Health on occupational safety and health divisions at Regional State Administrative Agencies (1494/2015)**

Amendments:

764/2016: Amendments to divisions

### **5) [Occupational Safety and Health Act \(738/2002\)](#)**

Amendments:

329/2013: Concerning analysis and assessment of risks at work; instruction and guidance to be provided for employees; and appointing first aid and rescue personnel

### **6) Government Decree on the Safe Use and Inspection of Work Equipment (403/2008)**

Amendments:

1091/2012: Concerning requirements for elevating cages for lifting persons

### **7) Employment Contracts Act (55/2001):**

Amendments:

451/2012: A new Chapter 11a added to the Employment Contracts Act concerning the joint liability of employers in hiring workers who are in the country illegally.  
 873/2012: The provision concerning information to be provided on the principal terms of work (Chapter 2 section 4) was amended to state that in fixed-term employment relationships this information must include the reason for and expiry date or estimated duration of the fixed-term employment. Also, the provision specific to temporary agency work was amended to increase the information to be provided to hired employees, thereby improving their potential for understanding the reason for their fixed-term employment relationships and their future employment opportunities.  
 920/2012: Technical amendments.  
 398/2013: Amendment stating that pay shall be principally paid into the employee's bank account (Chapter 2 section 16).  
 1051/2013: E.g. provisions requiring the employer to notify the TE Office when 10 or more employees are to be dismissed (as opposed to one or more employees, previously).  
 1331/2014: Changes due to the enactment of the new Non-discrimination Act (1325/2014).  
 1367/2014: Act temporarily amending Chapter 13 section 6 of the Employment Contracts Act making it possible in certain specifically limited situations to derogate from the employer's

obligation to offer employment to laid-off and part-time employees and to former employees covered by the reinstatement obligation. This provision applies to local authorities, joint municipal authorities, associations and foundations as employers.

418/2015: Technical amendment due to the enactment of the new Local Government Act (410/2015).

102/2016: Change raising the mandatory retirement age in connection with the employment pension reform.

448/2016: Chapter 11 of the Employment Contracts Act, pertaining to employment contracts of an international nature, was amended in connection with the enactment of the Act on Posting Workers (447/2016).

1448/2016: Section 3a was added to Chapter 1 of the Employment Contracts Act, whereby no particular grounds need be given for a fixed-term employment contract if the person hired has, according to the TE Office, been an unemployed jobseeker consecutively for the past 12 months (long-term unemployed). The maximum length of the trial period at the beginning of an employment relationship was extended to six months. Employers were also given the right to extend the trial period if the employee has been absent due to disability or family leave during the trial period. The duration of the employer's reinstatement obligation was shortened to four months, although the reinstatement obligation period is six months if the employee's employment relationship had lasted for 12 years or more. This amendment also included certain technical adjustments.

1458/2016: The previously temporarily valid Chapter 13 section 6 of the Employment Contracts Act was amended to make it possible in certain specifically limited situations to derogate indefinitely from the employer's obligation to offer employment to laid-off and part-time employees and to former employees covered by the reinstatement obligation. The provision concerning the trial period was updated with a view to the provision added to the Act on Public Employment and Business Services concerning work try-outs for the purpose of assessing employee suitability. The work try-out period would be subtracted from the maximum trial period at the beginning of the employment relationship.

1467/2016: Provisions were added to the Employment Contracts Act concerning the right of a terminated employee to participate in training to promote employment and in coaching or training paid for by the employer. This provision applies to workplaces where the employer employs at least 30 people on a regular basis. An employee must have been in consecutive employment with the employer for at least five years before the termination of the employment relationship in order to be eligible for such training or coaching.

73/2017: Mainly technical changes related to the leave-to-appeal practice of the Supreme Administrative Court.

204/2017: This amendment removed certain notification obligations of the employer having to do with temporary lay-offs and dismissals.

See Employment Contracts Act (amendments up to 204/2017 included, unofficial translation):

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

## **8) Act on Co-operation in Undertakings (334/2007)**

Amendments:

923/2012: Technical amendments to section 49 concerning the action plan and operating principles, due to the enactment of the Act on Public Employment and Business Services.

1137/2013: Change to section 16 concerning the personnel and training plan. A new section 20(4) was added. These changes were related to the enactment of the Act on Financially Supported Development of Professional Skills.

1344/2014: Mainly technical changes due to the enactment of the new Non-discrimination Act (1325/2014).

1471/2016: The scope of application of the Act on Co-operation in Undertakings was extended to apply to branches where the number of regular employees is 20 or more. Also, a new subsection 4 was added to section 16 concerning the personnel and operating plan; under this provision, if an employer employs 30 or more persons on a regular basis, the personnel and operating plan must include the principles according to which the employer arranges coaching or training promoting employment for employees under Chapter 7 section 13 of the Employment Contracts Act or Chapter 8 section 11 of the Seafarers' Employment Contracts Act (756/2011).

208/2017: Technical change.

See Act on Co-operation within Undertakings (amendments up to 1137/2013 included, unofficial translation): <https://www.finlex.fi/en/laki/kaannokset/2007/en20070334.pdf>

## II-IV.

Nothing new to report in the sector.

## V.

Statistics Finland provides the following information on the number of stevedores between 2010 and 2014:

### 83441 Stevedores (Level

5)	2010	2011	2012	2013	2014
<b>Both genders</b>	2,760	2,425	2,512	2,351	2,251
<b>Men</b>	2,561	2,247	2,353	2,201	2,120
<b>Women</b>	199	178	159	150	131

Source: Statistics Finland, Labour Force Survey.

According to information received from the Transport Workers' Union AKT, the number of permanent and temporary stevedores between 2015 and 2017 was as follows:

	2015	2016	2017
<b>Both genders</b>	<b>2,250</b>	<b>2,250</b>	<b>2,350</b>
<b>Men</b>	<b>2,150</b>	<b>2,150</b>	<b>2,250</b>
<b>Women</b>	<b>100</b>	<b>100</b>	<b>100</b>

Furthermore, according to the website of Finnish Port Operators Association, member companies of the Association employ approximately:

- 300 port foremen
- 2100 full-time stevedores
- 150 temporary stevedores on average
- 300 office staff.

The Association currently has 41 member companies operating in 25 ports.

Link to the website:

<http://www.satamaoperaattorit.fi/pages/en/about-us.php>

## VI.

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

1. The Confederation of Finnish Industries (EK)
2. The Central Organisation of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Professionals (STTK)
4. The Confederation of Unions for Professional and Managerial Staff in Finland (Akava)
5. Local Government Employers (KT)
6. The Office for the Government as Employer (VTML)
7. The Federation of Finnish Enterprises

The following organisations of employers and employees have had an opportunity to give a statement before finalizing the report:

1. The Finnish Seamen's Union
2. The Finnish Shipowners' Association
3. The Finnish Ships' Officers' Union
4. The Finnish Engineers' Association
5. Suomen Erikoisalusten Työnantajaliitto ry [Finnish Employers' Association of Special Vessels]
6. Finnish Port Operators Association

### **Statements of the labour market organisations**

The Central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK) and the Confederation of Unions for Professional and Managerial Staff in Finland (Akava) state the following with regard to Conventions Nos. 137 and 152:

The purpose of the Convention concerning the social impacts of new cargo handling methods is to safeguard continued employment and livelihood in dock work for port employees. In view of this purpose, the Convention guarantees registered dock workers priority in finding employment at ports.

The Convention stipulates that 'dock work' and 'dock workers' must be defined at the national level. The Convention was implemented nationally in Finland through a collective agreement concluded by the Transport Workers' Union AKT and the Finnish Port Operators Association. Therefore the scope of application of the Convention is determined by the scope of application of the collective agreement. The collective agreement applies to all work in ports: both the stevedoring proper and the pre-processing and post-processing of cargo.

The purpose of the collective agreement remains important. Turnaround times decrease as new cargo binding methods and unitisation increase, and digitalisation and automation of work processes reduce the need for stevedores in loading and unloading ships. Pre-processing and post-processing of cargo account for an increasing percentage of dock workers' work. The aforementioned trends also affect the nature of that pre-processing and post-processing. Employers have sought to assign this work to employees other than registered dock workers.

At the same time, shipping lines wish to assign cargo lashing duties on board stern port vessels, which operate fast, at relatively short intervals and with small cargoes, to sailors rather than dock workers, in contravention of the purpose of the Convention and of its provision guaranteeing priority in employment to dock workers.

It is the considered opinion of SAK, STTK and Akava that dock work should continue to be carried out by registered dock workers.