

No. 189**FIRST REPORT**

REPORT FORM FOR THE Appl. 22.189 189. Domestic Workers, 2011 DOMESTIC WORKERS CONVENTION, 2011 (No. 189)

Article 22 of the Constitution of the ILO Report for the period from 8 January 2016 to 31 May 2017 made by the **Government of Finland** on the DOMESTIC WORKERS CONVENTION, 2011 (No. 189) (ratification registered on 8 January 2015)

I.

- Constitution of Finland (731/1999)
- Employment Contracts Act (55/2001)
- Working Hours Act (605/1996)
- Annual Holiday Act (162/2005)
- Non-discrimination Act (1325/2014)
- Act on Equality between Women and Men (609/1985)
- Occupational Safety and Health Act (738/2002)
- Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)
- Young Workers' Act (998/1993)
- Government Decree on Work Especially Harmful and Hazardous to Young Workers (475/2006) (no English translation available)
- Occupational Health Care Act (1383/2001)
- Health Protection Act (763/1994) (no English translation available)
- Act on Residential Leases (481/1995)
- Act on Public Employment and Business Services (916/2012)
- Government Decree on Public Employment and Business Services (1073/2012) (no English translation available)
- Aliens Act (301/2004)
- Associations Act (503/1989)
- Criminal Code (39/1889)
- Collective Agreements Act (436/1946)
- Act on Posting Workers (447/2016)
- Act on the Contractor's Obligations and Liability when Work is Contracted Out (1233/2006):

After Finland's accession to the Convention, the Employment Contracts Act and other generally applicable employment legislation apply to all domestic work.

There is no collective agreement for domestic work per se. If, however, work is done in a household that is covered by an existing collective agreement, then that collective agreement must be complied with in respect of that work.

The status of domestic workers in an employment relationship with a household was previously governed by the Act on the Employment of Household Workers (951/1977). In order for Finland to be able to ratify the Convention, the Act on the Employment of Household Workers had to be repealed. Consequently, domestic workers to whom the Act applied came under the general employment legislation. This had the effect of achieving the Convention's goal of securing domestic workers a status as equal as possible with other workers as regards things such as working hours and annual leaves. However, because the nature of domestic work is such that its special characteristics must be taken into account in the terms and conditions of employment, the Working Hours Act was amended to the effect that night work is now allowed in care work performed in the employer's home.

II.

Under section 95 of the Constitution, the provisions of treaties and other international obligations, insofar as they are of a legislative nature, are brought into force by an Act. Otherwise, international obligations are brought into force by a Decree.

Article 1

The concepts 'domestic work' and 'domestic worker' are not defined in Finnish legislation. The general legislation applying to employment relationships also applies to domestic work, regardless of the job duties.

Article 2

Finland does not apply the Convention to the employer's family members or to au pair workers who are not in an employment relationship.

In addition, the Convention is not applied in Finland to a person taking care of his or her family member, relative or any person close to him or her. These persons are covered by the Act 937/2005. The Convention does not also apply to persons performing care work in families under the Act 263/2015. These persons mentioned earlier are not considered to work in an employment relationship.

The Government of Finland is of the opinion that all the aforementioned persons are excluded from the scope of application by virtue of Article 1, because they may be considered to be working temporarily or occasionally, and not professionally or in an employment relationship.

Article 3

Finnish legislation safeguards the human rights of domestic workers just as it does those of all other workers. Finland has ratified all ILO Conventions governing workers' human rights: the Freedom

of Association and Protection of the Right to Organise Convention No. 87 (SopS 45/1949) and the Right to Organise and Collective Bargaining Convention No. 98 (SopS 32/1951); the Forced Labour Convention No. 29 (SopS 44/1935) and the Abolition of Forced Labour Convention No. 105 (SopS 17/1960); the Discrimination (Employment and Occupation) Convention No. 111 (SopS 63/1970); the Equal Remuneration Convention No. 100 (SopS 9/1963); and the Minimum Age Convention No. 138 (SopS 87/1976) and the Worst Forms of Child Labour Convention (SopS 16/2000). The rights referred to in the Article are safeguarded by provisions in the Constitution, the Associations Act, the Non-discrimination Act, the Employment Contracts Act, the Act on Young Workers and other legislation, and all these provisions also apply to domestic workers.

Article 4

Finland has ratified the Conventions referred to in the Article: the Minimum Age Convention and the Worst Forms of Child Labour Convention.

Domestic workers under the age of 18 are covered not only by the Employment Contracts Act but also by special legislation applying to young workers, such as the Young Workers Act. This Act provides inter alia for the minimum employment age, working hours for young workers, and safe and healthy work.

Under section 2 of the Young Workers' Act, a person may be admitted to work if he/she has reached the age of 15 and is not liable to compulsory school attendance. Furthermore, a person may be admitted to work if he/she has reached the age of 14 or will reach that age in the course of the calendar year and if the work in question consists of light work that is not hazardous to his/her health or development and does not hinder school attendance, for at most half of the school holidays and temporarily during schoolwork or otherwise, for individual work performances of a short duration. A Regional State Administrative Agency may, for a special reason, allow a person under 14 years of age to work as a performer or assistant in artistic and cultural performances and other similar events, assuming that doing so does not endanger the child's safety or compromise his/her health, development or schoolwork.

Under section 3 of the aforementioned Act, the person having care and control of a young worker shall have the right to rescind his/her employment contract if this is necessary for the sake of the young worker's education, development or health.

Under section 9(1) of the aforementioned Act, the employer shall see to it that the work is not hazardous to the physical or mental development of a young worker and that it does not require more exertion or responsibility than can be considered reasonable with respect to his/her age and strength. Section 9(2) states that in duties which might cause a special accident risk or a health hazard, or which might be hazardous to the young worker himself/herself or to others in the manner referred to in subsection 1, a young worker may be used only on conditions laid down by decree. The Government Decree on Work Especially Harmful and Hazardous to Young Workers provides for the criteria under which workers under the age of 18 may be assigned to perform the work

referred to in section 9(2) of the Young Workers' Act. The Ministry of Social Affairs and Health has confirmed a specimen list of types of work that are hazardous for young workers (188/2012). Such work may never be assigned to young workers under the age of 16 and may only be assigned to young workers aged 16 or over if adequate safety measures have been put into place.

Article 5

The Employment Contracts Act and other generally applicable employment legislation apply to domestic work, along with the collective agreement, if any, applying to the work in question. The Occupational Health Care Act and the Occupational Safety and Health Act also apply to domestic workers. The Occupational Health Care Act specifies for instance that employers are responsible for providing occupational health care and describes its content. Employers must look after occupational safety in order to protect workers from accidents and health hazards as provided for in the Occupational Safety and Health Act. Section 28 of the Occupational Safety and Health Act states that if harassment or other inappropriate treatment of an employee occurs at work and causes hazards or risks to the employee's health, the employer, after becoming aware of the matter, shall by available means take measures for remedying this situation. Section 5 of the Occupational Safety and Health Act states that the limitations in operating conditions due to the nature of the work shall be taken into account in respect of compliance with certain provisions of the Act in the case of work done in the employer's home or at a third party's home by assignment of the employer.

The Non-discrimination Act and the Act on Equality between Women and Men prohibit both direct and indirect discrimination and also harassment. Under section 14(2) of the Non-discrimination Act, an employer's actions are to be considered discrimination if the employer, after having been informed that an employee in their employment was subjected to harassment, neglects to take action to remove the harassment. The Act on Equality between Women and Men contains a similar provision.

Employment offences are criminalised in the Criminal Code (Chapter 47).

Article 6

Generally applicable employment legislation and collective agreements apply to domestic work with the same criteria as to any other work, and therefore domestic workers' terms and conditions of employment are in compliance at least with the minimum level specified by law.

Domestic work is specifically mentioned in section 5 of the Occupational Safety and Health Act, under which the Act also applies to work which an employee by agreement performs in his or her home or some other place he or she has chosen, in the employer's home or on the employer's assignment in some other person's home or under related conditions. The limitations to operating circumstances in the work assigned by the employer and its working conditions are taken into account in respect of compliance with the requirements stipulated in sections 9, 10 and 12 and in Chapters 3 and 5 of the Act. However, even then the employer shall comply with what the Act

stipulates in respect of operating machinery, work equipment, personal protective gear and other devices and in respect of using hazardous or harmful substances at work.

The living conditions and respect for privacy stipulated in the Convention are provided for in the Health Protection Act and the Act on Residential Leases.

Section 26 of the Health Protection Act provides for the health requirements for living premises, and section 27 addresses health hazards found in living premises. A municipal health protection authority may require a party whose actions or activities are the cause of such a circumstance to take action to remove or mitigate the health hazard, or the authority may prohibit or restrict use of the living premises.

The Act on Residential Leases governs when a rented apartment is to be made available to the tenant and the conditions under which the lessor has the right to enter the rented apartment. Under section 16 of the Act, the lessor shall make the apartment available to the tenant on the date on which the tenant is entitled to take possession. Section 22 provides for the lessor's right of entry into the apartment. Whenever necessary for supervision of the condition or upkeep of the apartment, the tenant shall immediately provide the lessor with access to the apartment at a suitable time.

For foreign workers, the process for granting a residence permit for an employed person takes into account the terms and conditions of the employment relationship and in the case of domestic workers also their living conditions, although in practice it is difficult to ascertain whether appropriate living conditions are provided.

Article 7

Under Chapter 2 section 4(2) of the Employment Contracts Act, the employer shall present an employee whose employment relationship is valid indefinitely or for a term exceeding one month with written information on the principal terms of work by the end of the first pay period at the latest, unless the terms are laid down in a written employment contract. If an employee repeatedly concludes fixed-term employment relationships of less than one month with the same employer on the same terms and conditions, the employer must provide information on the principal terms of work within a maximum of one month from the beginning of the first employment relationship. If the employment relationships continue to be repeated, the information does not need to be provided repeatedly, unless otherwise provided in subsection 3. In work carried out abroad for a minimum of one month, the information shall be provided in good time before the employee leaves for the working location. Such information may be given in one or several documents or by a reference to legislation or a collective agreement applicable to the employment relationship. The employer shall also present the employee as soon as possible with written information on any changes in the terms of work, though not later than the end of the pay period following the change, unless said change derives from an amendment in the legislation or a collective agreement.

Under section 3 of the Young Workers' Act, at the request of a young worker or the person having care and control of him, the employer shall supply the young worker with the terms of the contract of employment in writing prior to conclusion of the contract, unless the contract itself is in writing or the work only consists of one day's domestic work at the employer's home.

The Employment Contracts Act does not stipulate that an employment contract must be made in writing; a contract may be made orally, in writing or electronically. However, collective agreements may contain provisions as to the form in which employment contracts are to be made.

Article 8

Under section 73 of the Aliens Act, issuing residence permits for employed persons is based on consideration in order to: establish whether there is labour suitable for the work available in the labour market within a reasonable time; ensure that issuing a residence permit for an employed person will not prevent a person referred to in subsection 1(1) from finding employment; and ensure that a residence permit for an employed person is only issued to persons who meet the requirements, if the work requires specific qualifications or an accepted state of health. When considering the issue of residence permits for employed persons, account shall be taken of the guidelines referred to in section 72.

Under section 72 of the Aliens Act, an employer shall attach to an application for a residence permit for an employed person: written information on principal terms of work referred to in Chapter 2 section 4 of the Employment Contracts Act; an assurance that the terms comply with the provisions in force and the relevant collective agreement or, if a collective agreement is not applied, that the terms correspond to those applied to employees in the labour market doing similar work; and upon request by an employment office, a statement confirming that the employer has met and will meet his or her obligations as an employer.

The provision of Article 8 does not need to be complied with in situations where free movement of labour under regional agreements is concerned, such as the free movement of labour within the European Union and the European Economic Area (EEA). Finland is a member of the EU and the EEA.

The cooperation stipulations in Article 8 are satisfied by the agreements concerning social security to which Finland has acceded, EU provisions on the free movement of labour and the coordination of social security, and EU directives on migrant workers.

Foreign workers in Finland are free to leave the country. Under section 9(2) of the Constitution, everyone has the right to leave the country. Limitations on this right may be provided by an Act, if they are necessary for the purpose of safeguarding legal proceedings or for the enforcement of penalties.

Article 9

In Finland, an employer and an employee may freely agree upon whether an employee is to reside in the employer's household. Stand-by arrangements may also be made, within the limits allowed by the Working Hours Act and the applicable collective agreement. In all other respects, the employer may not legally limit how a domestic worker uses his/her time.

Also, the employer is not legally allowed to take possession of the employee's travel and identification documents so as to restrict the employee's freedom of movement, thereby infringing the employee's rights as safeguarded in the Constitution of Finland. The Constitution states as a fundamental right that Finnish citizens and foreigners legally resident in Finland have the right to freely move within the country and to choose their place of residence. The employer has the right to investigate the grounds for the employee's right to work and for this purpose to make copies of the relevant documents.

The obligation of the employee to remain in the household during his/her free time is governed by provisions concerning stand-by arrangements, which are explained below under Article 10.

Article 10

The Employment Contracts Act and the Annual Holiday Act are generally applied to employment relationships and hence also to domestic work. The Working Hours Act governs the time to be considered working hours, regular working hours, excess working hours, night work, shift work, rest periods and Sunday work. The Annual Holiday Act governs inter alia the length of the annual holiday, pay during the annual holiday and the granting of the annual holiday.

Section 5 of the Working Hours Act applies to stand-by time for domestic workers: An employer and an employee can agree that the employee is required to remain at home or otherwise available to be called in to work when necessary. Stand-by time is not included in working hours. The length and frequency of stand-by time must not excessively disrupt the employee's free time.

Compensation for stand-by time for domestic workers is determined as per section 5(2) of the Working Hours Act: Upon agreeing on stand-by, the employer and employee must also agree on remuneration for it. The restrictions imposed by stand-by on the employee's use of free time must be taken into consideration in the amount of the remuneration. At least half of the time the employee spends on stand-by at home must be remunerated either in pay or by corresponding free time during regular working hours.

The provisions on night work in Chapter 5 of the Working Hours Act apply to domestic workers. A domestic worker performing period-based work may be assigned night work under section 26(1)1 of the Working Hours Act. Care work in the employer's home at night is allowable under the provision on night work in section 26(1) of the Working Hours Act.

The weekly free time provisions in section 31 of the Working Hours Act apply to domestic workers. Working hours must be organised to allow employees at least 35 hours of uninterrupted free time

each week, preferably around a Sunday. The weekly free time can be arranged so that it averages 35 hours within a 14-day period. Weekly free time must, however, be at least 24 hours. In uninterrupted shift work, free time can be organized to average 35 hours within a maximum of 12 weeks. Weekly free time must, however, be at least 24 hours. With the consent of the employee concerned, this procedure is also applicable when technical conditions or the organisation of work so require. The emergency work provision in section 21 allows for derogations also from the weekly free time provisions in section 31.

Article 11

The provisions concerning minimum wage and payment of wages in the Employment Contracts Act apply to the employment relationships of domestic workers. If a generally applicable collective agreement is not applicable to a domestic worker's work and the employer and the employee have not agreed on the remuneration to be paid for the work, the employee shall be paid a reasonable normal remuneration as per Chapter 2 section 10 of the Employment Contracts Act for the work performed. The provisions on payment of wages in Chapter 2 of the Employment Contracts Act apply to domestic workers.

Section 8 of the Act on Equality between Women and Men addresses discrimination in working life. Under this provision, the action of an employer shall be deemed to constitute prohibited discrimination if the employer upon deciding on 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.

Article 12

Chapter 2 section 13(1) of the Employment Contracts Act applies to the payment of wages for domestic workers. This stipulates that pay shall be paid on the last day of the pay period unless otherwise agreed. If the basis for a time rate is a period shorter than one week, payment must be made at least twice a month, otherwise once a month. If the pay rate is performance-based, the pay period must not exceed two weeks unless the performance-based pay is paid together with a monthly salary. If performance-based work lasts longer than one pay period, part of the pay determined on the basis of the time spent on the work must be paid for each pay period. If part of the pay is determined as profit shares, commissions or on other similar grounds, the pay period for this part may be longer than stipulated above, though not more than 12 months.

Chapter 13 section 5 of the Employment Contracts Act provides for accommodation benefit and the employee's right to use a dwelling provided as emolument for a period during which work has been interrupted for an acceptable reason and on termination of the employment relationship during the period laid down as the lessor's period of notice in section 92 of the Act on Residential Leases.

Payment of wages is provided for in Chapter 2 section 16 of the Employment Contracts Act: Pay shall be paid to financial institution designated by the employee. The pay shall be withdrawable by

the employee on the due date. Pay shall be paid in cash only if it is necessary because of compelling reasons. The employer shall bear the costs of the payment method. On payment, the employer shall give the employee a calculation showing the amount of the pay and the grounds for its determination. When the payment is made in cash the employer shall have a receipt signed by the employee or another substantiation verifying the payment.

There are no provisions in Finland limiting how large a proportion of wages may be paid as benefits in kind.

The tax authorities have determined values for benefits in kind. The Tax Administration issues a decision on the principles for calculating the value of benefits in kind for each year in advance. The decision covers the most common types of benefits in kind such as accommodation benefit, car benefit, meal benefit and phone benefit. Any benefits not specified in the decision shall be valued at their fair value.

Article 13

The Occupational Health Care Act and the Occupational Safety and Health Act also apply to domestic workers. Section 5 of the Occupational Safety and Health Act states that the limitations in operating conditions due to the nature of the work shall be taken into account in respect of compliance with certain provisions of the Act in the case of work done in the employer's home or at a third party's home by assignment of the employer.

The occupational safety and health authorities monitor work done by domestic workers. Occupational safety and health monitoring is reported in more detail under Article 17 and in section III. Domestic workers, like any employees, may contact the authorities if necessary to request advice or assistance if, for instance, there are shortcomings in their working conditions or in how they are treated.

Article 14

Domestic workers in employment relationships in Finland are equal to all other wage earners as regards social security, and the same general provisions regarding social security apply to them.

Domestic workers are entitled to residence-based social security and public health services just like all other persons permanently resident in Finland. The social security agreements that Finland has signed stipulate that all workers arriving in Finland shall be treated equally.

Article 15

Finland has ratified the ILO Private Employment Agencies Convention No. 181 (SopS 21/2000).

Private employment services are governed by Chapter 12 sections 4–5 of the Act on Public Employment and Business Services. 'Private employment services' are defined as employment

services provided by a private or legal person, independent of employment and economic development authorities, and other services related to jobseeking, as well as labour force leasing. These provisions are based on ILO Conventions concerning private employment services and on the EU Directive on Temporary Agency Work. Under the Act, providers of private employment services must not charge fees from individual clients for services provided that correspond to employment exchange services distribution of information and giving advice on vacant jobs and jobseeking or registration as a jobseeker. No charge may be collected from a temporary agency worker who, after the termination of an assignment, transfers to the employment of a user enterprise, referred to in Chapter 1 section 7 of the Employment Contracts Act. The sanction for violating the prohibition of charges for employment exchange is provided for in Chapter 47 section 6 of the Criminal Code.

Providers of private employment services must comply with provisions on equality referred to in Chapter 1 section 7, and they must not supply underage labour force for work for which employing underage labour force is prohibited under the Young Workers Act. There are prohibitions on discrimination in the Employment Contracts Act, the Seafarers' Employment Contracts Act, the Non-discrimination Act and the Act on Equality between Women and Men. These prohibitions on discrimination are binding also upon providers of private employment services.

The Ministry of Economic Affairs and Employment is entitled to receive information on private employment services from providers of private employment services or the organisations representing them, for the purpose of monitoring private employment services. A Government Decree gives more details on the information to be disclosed (section 36) and provides for the handling of data and other cooperation. Under section 37 of the Government Decree, the Ministry of Economic Affairs and Employment collaborates with the labour market organisations in addressing the cooperation between the employment and business authorities on the one hand and private employment services on the other and in addressing the enforcement of the obligation to disclose information.

The legal status of private employment agencies is determined by national legislation on businesses, which requires among other things that such entities must be entered in the public Trade Register.

The terms and conditions of the employment relationships of employees who use the services of employment agencies are principally subject to the same employment legislation as all other employment relationships. Minimum wages for temporary agency workers are also provided for by law. The occupational safety and health authorities monitor compliance with the terms and conditions of employment of temporary agency workers as for the terms and conditions of employment of other employees.

Section 5 of the Act on the Contractor's Obligations and Liability when Work is Contracted Out provides for the contractor's obligation to check. This has particular relevance for companies that use temporary agency workers. Before the contractor concludes a contract on the use of a temporary agency worker or on work based on a subcontract, the contractor shall require from the contracting

partner, and he/she shall provide the contractor with: information on whether the enterprise is entered in the Prepayment Register and in the Employer Register in accordance with the Act on Prepayment of Tax, and registered as VAT-liable in the Value Added Tax Register in compliance with the Value Added Tax Act; an extract from the trade register or equivalent information otherwise obtained from the trade register; information showing that the enterprise does not have tax debts referred to in section 20b(1)2 of the Act on the Public Disclosure and Confidentiality of Tax Information or a certificate provided by an authority showing the amount of the tax debt; certificates of employee's pension insurances taken out and of pension insurance premiums paid, or an account that a payment agreement on outstanding pension insurance premiums has been made; an account of the collective agreement or the principal terms of employment applicable to the work; information showing that the occupational health care services are provided. If the opposite party is a foreign enterprise, the contractor shall request and the enterprise shall provide the contractor with information corresponding to that referred to above.

Articles 16 and 17

The same legislation applies to domestic workers as to all other workers, and thus domestic workers are able like other workers to file a civil or criminal suit concerning their employment relationship in a court of law either personally or via a representative, for instance in the case of employment offences as per Chapter 47 of the Criminal Code (39/1889).

The occupational safety and health authorities monitor work done by domestic workers. The procedure for overseeing compliance with occupational safety and health regulations by the occupational safety and health authorities and for cooperation between employers and employees on occupational safety and health in workplaces is provided for in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces. Under section 3 of the Act, occupational safety and health authorities inspect workplaces and other locations of supervision and take other actions required by legislation. Under section 9 of the Act, an inspection may be carried out in premises within the sphere of domiciliary peace if there is a reasonable cause to suspect that the work performed on the premises or the working conditions cause danger to an employee's life or obvious harm or hazards to an employee's health and enforcement actions otherwise cannot be satisfactorily carried out. Domiciliary peace is enshrined in section 10 of the Constitution. A workplace is protected by domiciliary peace if, for instance, it is the employee's own home where he/she telecommutes or performs other work. Work performed at the home of the employer or at the home of a client of the employer, such as household services or farm relief work, is work performed in a workplace protected by domiciliary peace.

The Occupational Safety and Health Act applies to all forms of work performed in a home as described above, as specified in more detail in section 5 of the Act. Notwithstanding domiciliary peace, the occupational safety and health authorities must be able to monitor compliance with occupational safety and health regulations. In domestic work, the employer and employee specifically agree that the work is to be carried out in someone's home. For instance, in the case of the work of a home care nurse or farm relief work, or of repairs or installations carried out inside a

home, the resident has specifically requested or agreed on work to be carried out in the home. This in itself already restricts the scope of domiciliary peace. The protection of domiciliary peace extends to other premises forming part of the residence; but on farms, for instance, it is not considered that cowsheds or other utility buildings are automatically protected.

Consent by the party concerned does not automatically extend the powers of the occupational safety and health authorities to conduct an inspection in premises protected by domiciliary peace. It is often possible to gain information sufficient for the purposes of monitoring work and working conditions without entering the home for an inspection. An inspection may be conducted if it is essential in a situation where the employee is in imminent danger of his/her life or subjected to a material danger or hazard to his/her health. An occupational accident or a report of misconduct may constitute reasonable cause for conducting an inspection in a home.

Article 18

Finland's Parliament ratified the Convention insofar as it was in its competence to do so. The Act Implementing Provisions of a Legislative Nature of the ILO Convention Concerning Decent Work for Domestic Workers of 2011 (1001/2014) states that those provisions of the Convention that fall within the domain of legislation shall have the force of law insofar as Finland has committed to them. The Act entered into force on 8 January 2016 as specified by Government Decree (133/2015). The provisions of the Convention that are not of a legislative nature have the force of a decree.

In preparing the Government proposal concerning accession to the Convention, statements were requested from the Confederation of Finnish Industries (EK), the Central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK), the Confederation of Unions for Professional and Managerial Staff in Finland (Akava), the Office for the Government as Employer, the Local Authority Employers and the Federation of Finnish Enterprises. The Government proposal was discussed by Finland's ILO Advisory Board at the Ministry of Economic Affairs and Employment, which includes representatives of the labour market organisations. The employment legislation aspects were also discussed in a tripartite working group chaired by the Ministry of Economic Affairs and Employment, with representatives from the Ministry of Social Affairs and Health, EK, SAK, STTK, Akava, the Office of the Government as Employer, the Local Authority Employers, the Commission for Church Employers and the Federation of Finnish Enterprises.

Article 19

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III.

Compliance with occupational safety and health regulations is monitored by the occupational safety and health authorities. This monitoring was explained above under Article 17.

The Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces provides for the powers and duties of occupational safety and health authorities and inspectors in Chapter 2 and for the use of authority in Chapter 3. An inspector as referred to in the Act may issue written advice or an improvement notice if an employer is not in compliance with the obligations imposed in the legislative provisions within the purview of the occupational safety and health authorities. The occupational safety and health authorities may require an employer to correct or eliminate a non-compliant state of affairs within a specified time. The occupational safety and health authorities may impose a default fine or a threat that the non-complying conditions will be ordered to be remedied or the concerned activity will be stopped.

Compliance with the Non-discrimination Act is monitored by the Non-Discrimination Ombudsman, the National Non-Discrimination and Equality Tribunal and the occupational safety and health authorities, as provided for in the Non-discrimination Act.

Within the purview of the Act, the Non-Discrimination Ombudsman may, among other things, assist victims of discrimination in investigations of discrimination complaints filed by them, help in planning promotional measures, issue general recommendations for preventing discrimination and promoting equality, and take action to achieve reconciliation in any matter concerning compliance with the Act.

In certain individual cases, the Ombudsman may issue a statement to prevent an action contrary to the Act or to prevent repetition or continuation of such an action, unless the case involves a matter falling under the jurisdiction of the occupational safety and health authorities or hinges on an interpretation of a collective agreement.

The National Non-Discrimination and Equality Tribunal may confirm an agreement reached between parties in a matter concerning discrimination or retaliatory measures, issue statements and, in matters other than those falling within the purview of the occupational safety and health authorities pursuant to section 22 of the Non-discrimination Act, prohibit the party concerned from continuing or repeating the discriminatory action or retaliatory measures or order the party concerned to undertake action within a reasonable time to ensure compliance with the provisions of the Act. The Tribunal may impose a default fine to enforce a prohibition or order issued.

The occupational safety and health authorities will undertake such measures specified in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces that are motivated in the case of a discrimination complaint filed in an individual case and will inform the party filing the complaint of the duty of the Non-Discrimination Ombudsman to assist victims of discrimination.

The National Non-Discrimination and Equality Tribunal and the Ombudsman for Equality monitor compliance with the Act on Equality between Women and Men.

Anyone who suspects having been subjected to discrimination as per this Act may request assistance and advice from the Ombudsman for Equality. The Ombudsman for Equality must seek to ensure through assistance and advice that the illegal practice is not continued or repeated. The Ombudsman for Equality may set a deadline for preparing an equality plan.

The Ombudsman for Equality is entitled to perform an inspection at a workplace if there is reasonable cause to suspect practices that are not compliant with the Act on Equality between Women and Men or to suspect that equality provisions are otherwise being neglected.

The Ombudsman for Equality or a labour market central organisation may submit a matter involving violations of the prohibitions on discrimination and discriminatory vacancy announcements given in the Act to the National Non-Discrimination and Equality Tribunal. The Ombudsman for Equality may submit a matter involving violations of the provisions concerning the preparation of an equality plan to the National Non-Discrimination and Equality Tribunal.

The National Non-Discrimination and Equality Tribunal may prohibit the party violating the prohibition on discrimination or on discriminatory vacancy announcements from repeating or continuing such practice, if necessary on threat of a fine. The National Non-Discrimination and Equality Tribunal may, on a motion by the Ombudsman for Equality and on threat of a fine if necessary, require the training provider or employer involved to prepare an equality plan by a given deadline. The National Non-Discrimination and Equality Tribunal confirms agreement between the parties in a matter involving discrimination as referred to in the Act.

IV.

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V.

It was difficult to estimate the number of domestic workers in Finland in the preparation for ratification. The use of live-in domestic help has decreased with the rise in municipal daycare and other services on the one hand and private service enterprises on the other.

There are no reliable statistics on how many people are employed in traditional domestic work in Finland. However, some indication of how common domestic work is and what kind of work it involves may be found in the Tax Administration's statistics concerning persons who have been awarded a tax credit for household expenses under section 127a of the Income Tax Act (1535/1992). According to this provision, a taxpayer may deduct part of payments made for work done in his/her home or leisure home in taxation (tax credit for household expenses). The tax credit is granted for ordinary household work, care work, nursing work and maintenance or repairs on a home or leisure home. The section also covers work done in the home or leisure home of the parents, adopted parents, foster parents or their antecedents of the taxpayer or his/her spouse or his/her late spouse, or of the spouse of any of the above. According to a report published by the Tax

Administration for 2011, the most common type of domestic work was maintenance on a home or leisure home, which does not fall within the scope of application of the ILO Convention. A tax credit for cleaning and cooking work was granted to more than 135,000 taxpayers. A tax credit for care work and nursing work was granted to about 10,000 taxpayers. The number of employment relationships or domestic workers cannot be directly deduced from these figures.

The work of a personal assistant may fall within the scope of application of the Convention if this work is done principally in the home of a disabled person. It is estimated that there are some 11,500 people employed in this field (2014).

No details on occupational safety and health monitoring are available.

VI.

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

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

Statements of the labour market organisations:

Central Organisation of Finnish Trade Unions (SAK), Confederation of Unions for Professional and Managerial Staff in Finland (Akava) and Finnish Confederation of Professionals (STTK):

The ILO Convention Concerning Decent Work for Domestic Workers was ratified and entered into force in Finland on 8 January 2016. At the same time, the Act on the Employment of Household Workers was repealed. Domestic workers were thus, as required in the Convention, brought under the same employment legislation and protection as any other workers.

It was difficult to estimate the number of domestic workers in Finland in the preparation for ratification. However, we may estimate that the volume of domestic work in Finland will continue to grow. Growing migration may have an impact on this trend. The trade union federations emphasise that particular attention must continue to be paid to the quality of occupational safety and health and its monitoring for domestic workers, considering the special nature of household work.