Appendix II

Finland

The Government is requested to include in the reports due
between 1 June and 1 September 2021
replies to the points raised in the following comments made by the Committee of Experts on the Application of Conventions and Recommendations
Forced Labour Convention, 1930 (No. 29)

Finland

Direct Request, 2017

Articles 1(1), 2(1) and 25 of the Convention. Trafficking in persons. 1. Penalties and law enforcement. The Committee notes the Government’s information in its report that slavery and forced or compulsory labour are criminalized as trafficking under Chapter 25 of the Criminal Code and are punishable by from four months to six years of imprisonment. Sanctions for aggravated trafficking can be up to ten years’ imprisonment. The Government indicates that extortionate work discrimination, of which elements may be similar to those of trafficking in persons, is criminalized under Chapter 47 of the Criminal Code and punishable by a fine or imprisonment of up to two years. The Committee also notes that a few dozen trafficking offences have been reported to the police and the Border Guard in recent years. Moreover, district courts have issued six convictions of trafficking in persons in 2012 and three convictions in 2013, while the number of suspects convicted of aggravated trafficking was one each in 2011 and 2013. The Committee requests the Government to continue providing information on the enforcement of the related provisions under the Criminal Code, including the number of investigations, prosecutions and convictions, as well as the penalties imposed.

2. Victim protection. The Committee notes the Government’s information that, pursuant to the Aliens Act (301/2004), a temporary residence permit is issued to a victim of trafficking if he/she is prepared to cooperate with the authorities in apprehending the suspects under section 52(a)(1), while a temporary residence permit is issued to a victim of trafficking in a particularly vulnerable position without a requirement of cooperation with the authorities. The Committee also notes the Annual Report 2015 of the Non-Discrimination Ombudsman that a legislative amendment (388/2015) to the Act on the Reception of Persons Seeking International Protection (746/2011) concerning the identification of and assistance for victims of trafficking has entered into force on 1 July 2015, aimed at affirming by law the duties of the national assistance system for victims of human trafficking. The amendment of the Criminal Code concerning trafficking also entered into force on 1 January 2015 (Act on the amendment of the Criminal Code 1177/2014), with a purpose to clarify penal provisions concerning trafficking in persons and to affirm the status of victims of pandering in the criminal process. According to the 2016 Global Report on Trafficking in Persons of the United Nations Office on Drugs and Crime (UNODC), the number of victims of trafficking identified was 56 in 2013, 46 in 2016 and 44 in the first half of 2017. The Committee requests the Government to continue providing information on the application of the laws regarding the protection of victims in practice, including the number of victims identified, the types of services provided to them and the number of those who have received such services.

3. National Action Plan. The Committee notes the Government’s information that the National Action Plan (NAP) against Human Trafficking 2016–17 has been adopted, which includes provisions to create a national referral mechanism for victim identification and assistance, as well as nine specific areas of focus spanning efforts for prosecution, protection, prevention and partnerships. The Committee requests the Government to provide information on the implementation of the NAP 2016–17 and to indicate whether the NAP will be renewed upon its expiration in 2017.

Article 2(2)(c). Community service imposed as an alternative measure to imprisonment. The Committee previously noted that, for offences punishable with unconditional imprisonment not exceeding eight months, an alternative sentence of community work may be imposed by a court, with the free, formal and informed consent of the convicted person and for a term of up to 200 hours. Such work should be performed by the convicted person free of charge and "for the public good". The Government indicated that, pursuant to section 8 of Decree No. 4 of 2011 on community service, such services may be organized by a government unit, an association under public law, or a non-profit community or foundation. Community service may also be organized by a profit-seeking community or foundation that carries out services for the Government under public supervision, but may not be carried out in a commercial enterprise or for the benefit of private persons. The Committee noted further the information provided by the Government with regard to a project to amend the legislation on community service.

The Committee notes the Government’s information that the Act on Enforcement of Community-Based Sanctions was adopted on 1 May 2015, which applies to four types of community-based sanctions imposed by a court, including community service, monitoring sentence, supervision to reinforce conditional imprisonment and juvenile penalty. Community service may comprise a minimum of 14 hours and a maximum of 240 hours. For an offence committed while under the age of 21, community service may include particular assignments and programmes for enhancing social functioning, related support and guidance, designed for young persons. The Government indicates that no other amendments have been made to the provisions on community service.
The Committee notes the observations made by the Central Organization of Finnish Trade Unions (SAK) and the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA) communicated with the Government's report.

Article 1 of the Convention. Contribution of the employment service to employment promotion. In its observations, AKAVA indicates that unemployment and long-term unemployment has increased with respect to the unemployed with a higher education degree, adding that the quality of services and the special competence to match the needs of this group of unemployed persons have been seen as lacking in the Employment and Economic Development Offices (TE Offices). The Government indicates in its report that the service provision system within Finnish labour policy must currently weather the storm of many challenges. Structural changes are continuing at a swift pace, and more unpredictably than ever before, in both the labour market and in working life more generally. This notably increases the need for labour policy services and places greater demands on these services to be provided in new and more individually tailored ways. At the same time, the sustainability gap in public finances requires that services be provided more efficiently than before. The Committee notes that, in the face of this twin-pronged challenge, the Government launched a broad-reaching evaluation and development project of its labour policy service structure for the period June 2013 to April 2015. It notes in this regard that the evaluation of the labour policy’s service structure proposed that the efficiency and overall performance of the service system should be strengthened through on-going investment in strategically targeted development work. The Committee requests the Government to provide updated information on the impact and effectiveness of the activities carried out by the employment service and the manner in which it ensures “the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources” (Article 1(2)). Please also continue to provide information on the number of public employment offices established, the number of employment applications received, the number of vacancies notified and the number of persons placed in employment by the offices.

Article 9. Staff of the employment service. SAK and AKAVA have been concerned about the resourcing of public employment services, which has already, for a long time, decreased both as to appropriations and especially to person-years. In this regard, SAK adds that cuts to employment appropriations have also had a negative impact on the implementation of the Youth Guarantee. In addition, SAK points out that during 2010–15, TE Offices’ personnel has been cut by almost 1,000. At the same time, the number of unemployed jobseekers and therefore new customers has grown by approximately 100,000. SAK is of the view that the workload has become unreasonable, and directing the unemployed to e-services has not improved the service level. The Government indicates that the goals of the reform of the public employment services are to strive for uniform management, uniform approaches, more flexible resource use and, through these, better effectiveness. It also indicates that with the organization change, the number of personnel was reduced and some tasks of the TE Offices’ administrative and human resources management were transferred to the Centre for Economic Development, Transport and the Environment (ELY Centre). The Committee notes that the development and administration centre for ELY Centres and TE Offices began its operation on 1 January 2015. The Committee requests the Government to continue to provide information on the impact of the reform of the public employment services in relation to employment service staff and employment services provided.
The Committee notes the observations made by the Confederation of Finnish Industries (EK), the Commission for Local Authority Employers (KT), the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA), the Finnish Confederation of Professionals (STTK), and the Central Organization of Finnish Trade Unions (SAK), transmitted together with the Government’s report.

**Articles 1, 2 and 3 of the Convention. Implementation of an active employment policy. Consultation with the social partners.** The Committee welcomes the detailed information provided in the Government’s report in relation to its Strategic Programme (SP), adopted on 29 May 2015. The Government indicates that its objectives are to promote sustainable growth, employment and entrepreneurship, and to ensure sufficient financial resources for public services and social protection. Its key projects in the area of employment and competitiveness include: improving conditions for business and entrepreneurship, reducing structural unemployment, removing barriers to employment, and reforming the employment services. The Government’s goal is to increase the employment rate to 72 per cent and the number of employed persons by 100,000. The Government notes, however, that achieving this goal has proven difficult. It notes that economic growth and employment have been weaker than anticipated; nevertheless, the unemployment situation is improving and the employment rate is increasing. The Committee notes that, according to Statistics Finland’s Labour Force Survey, the employment rate among persons aged 15–64 years increased from 67.3 per cent in February 2017 to 69.8 per cent (70.5 per cent for men and 69.2 per cent for women) in February 2018, and the unemployment rate decreased from 9.2 to 8.6 (8.7 per cent for men and 8.6 per cent for women). In their observations, the workers’ organizations highlight the issue of long-term unemployment, indicating that more than 56,000 persons have been unemployed for more than two years, but that no separate allocations for managing long-term unemployment have been made in recent years. The Government notes that the working-age population (15–64 years) has continued to decline since 2010 and that this trend is expected to continue over the next few years. It adds that this will limit the supply of labour, although immigration is providing some compensation. The Government adds that increasing employment among older workers could counteract this trend, but the growth in employment among older workers has decelerated. The Committee notes the adoption of the ninth Europe 2020 National Reform Programme (2017 NRP), presented to the social partners on 11 April 2017. The 2017 NRP calls for specific measures, including reforms in the areas of unemployment security and vocational education and training, the enhancement of employment and business services, regional trials of employment and business services, the promotion of youth employment and the integration of immigrants into the labour market. The Committee further notes that, according to the 2017 European Commission Country Report on Finland, promoting job creation and the integration of those furthest away from the labour market, such as youth not in employment, education or training and non-EU nationals, pose challenges for the Finnish labour market. The Committee notes according to the 2017 NRP report that employment promotion and reform projects are discussed regularly with the social partners. The Committee requests the Government to provide updated information on the impact of the employment measures taken under its Strategic Programme and the Europe 2020 National Reform Programmes, including measures to address long-term unemployment. The Committee further requests the Government to provide detailed information on the manner in which the social partners participate in the formulation, implementation and review of active labour market measures. It also requests the Government to continue to provide information on employment trends, disaggregated by age and sex.

**Public employment services.** In response to the Committee’s previous comments requesting information on the impact of the public employment services reform, the Government refers to the Act on Multisectoral Joint Services for the Promotion of Employment (1369/2014), which entered into force in January 2015. The Act establishes an operating model in which the Regional Employment and Economic Development Offices (TE Offices), local authorities and Social Insurance Institutions (KELA) jointly appraise the service needs of unemployed persons who require multisectoral joint services. The responsibilities of local authorities in the active management of long-term unemployment have been augmented and the requirement that unemployed persons accept a job offer outside their travel-to-work area has also been expanded to cover a wider area. The objectives of the Act include reducing long-term unemployment and cutting public expenditure due to unemployment, improving the service system and developing cooperation between central and local government. The Government indicates that a regional government reform will be introduced in 2020 to harmonize the regional administration, decentralizing the public employment services into autonomous regions (known as counties), which will take over some of the tasks of the Regional Centres for Economic Development, Transport and the Environment (ELC centres) and will replace the TE Offices. In its observations, the EK welcomes the regional government reform, considering that it will contribute to achieving the objectives of the Convention. The EK and the KT report that the cited reform has been prepared in consultation with the social partners. The EK nevertheless maintains that the employment services must improve their response to the labour needs of enterprises and sufficient resources should be allocated for this purpose. In their observations, the workers’
organizations indicate that the resources available to TE Offices have been steadily decreasing. The Government indicates that in 2017, an additional allocation of €17 million was allocated for the recruitment of TE Office staff, the retention of external employment-related services and the development of information systems. An additional €5 million was allocated to engage external services to conduct interviews for unemployed persons at three-month intervals. According to the 2017 NRP report, the objective of these interviews is to accelerate return to work, prevent long-term unemployment, and fill job vacancies rapidly. Finally, the Government refers to a pilot programme implemented from 2012 to 2015 in certain municipalities, targeting the long-term unemployed. The aim of the programme was to identify new labour market integration models based on local partnerships in order to better respond to the needs of jobseekers and the local labour market. An evaluation of the programme concluded that it created new opportunities for cooperation between the central and local governments in employment promotion and resulted in more efficient use of resources. The Government adds that 65 local authorities were involved and 23,000 persons participated in the programme. The Committee requests the Government to provide updated details on the impact of the public employment service reform as well as of the measures implemented by the TE Offices and the counties in contributing to assist workers, particularly the long-term unemployed, in securing full, productive and freely chosen employment.

**Education and training programmes.** The Committee notes the information provided by the Government regarding the measures taken to address the challenge of matching labour market supply with labour demand. In particular, the Government indicates that a joint central government procurement system was introduced in stages in 2016 and 2017 to unify regional practices in labour market training. It adds that the number of persons who commenced training declined from 55,871 in 2014 to 50,003 in 2016. In 2014 and 2016, 39 per cent of participants were still unemployed three months after the training. In addition, as a result of the inflow of immigrants to Finland in 2015, a new model of integration training for immigrants was implemented. The Government refers to the implementation of an intensive orientation module, which provides a more detailed assessment of immigrants’ competence and vocational skills, and provides short-term basic language courses. The Committee notes that the Government Strategic Programme envisages the reform of the vocational education and training system with the aim of reducing skills gaps. The Committee requests the Government to provide updated information on developments in relation to the vocational education and training reforms and their impact on reducing existing skills gaps. The Committee also once again requests the Government to provide information on the manner in which the social partners participate in the design and implementation of education and training policies and programmes.

**Older workers.** In reply to the Committee’s previous comments, the Government indicates that the increase in the employment of older workers slowed down from 60 per cent in 2015 to 31.4 per cent in 2016. The Committee notes the statistical information provided by the Government in relation to the impact of the services offered by TE Offices to older workers. The Committee requests the Government to continue to provide detailed updates on the measures adopted or envisaged to increase the participation of older workers in the labour market and their impact.

**Young workers.** In reply to the Committee’s previous comments, the Government indicates that the number of young persons registered as unemployed began to decline in June 2016 and that in March 2017, the youth unemployment rate was 20 per cent. Long-term unemployment among young people also decreased in 2017. The Government recalls that the youth unemployment rate in Finland includes full-time students who are looking for part-time work. The Committee notes the Government’s indication that the Youth Guarantee remains one of the Government’s main responses to youth unemployment. In March 2015, a report was published by the Youth Guarantee working group assessing the impact of the changes implemented and presenting recommendations on how the Youth Guarantee should be further developed. The main recommendations were, among others, that the Youth Guarantee should be a long-term project, early intervention should be at its centre, sufficient resources should be allocated, and all young people should be beneficiaries. The Government indicates that under the Youth Guarantee scheme, 40 one-stop-shop guidance centres for young people under the age of 30 (Ohjaamo centres) were established in more than 100 municipalities to bring service providers together and increase cooperation between administrative bodies. The services provided include face-to-face career guidance, training, and provision of housing, welfare and social services. In 2016, 80,000 young persons used the Ohjaamo services. In their observations, the workers’ organizations highlight that the funding of the Youth Guarantee was reduced from €60 million per year to about €10 million. They also allege that tripartite consultations were abandoned in relation to the preparation, implementation and follow-up of the Youth Guarantee. The Government refers to the Sanssi card, a pay subsidy for those under the age of 30 who are searching for their first job. The Committee observes from the statistical information provided by the Government that the number of people issued a Sanssi card decreased from 37,139 in 2014 to 117 in 2017. The Committee requests the Government to continue to provide updated detailed information on the measures undertaken to promote full, productive, freely chosen and lasting employment for young workers and the impact of such measures.
The Committee notes the observations made by the Central Organization of Finnish Trade Unions (SAK) and the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA) which were communicated with the Government's report.

Articles 3 and 7 of the Convention. Promotion of vocational rehabilitation and employment opportunities for persons with disabilities. The Government provides in its report information on the laws and regulations that were amended since its last report and information on the practical application of the Convention. The Committee notes in this regard that recipients of vocational rehabilitation increased from 13,389 persons with reduced working capacity in 2011 to 15,178 in 2014. It also notes that the number of job placements for jobseekers with disabilities by the public employment service and active labour market measures arranged by the labour administration, decreased from 39,392 in 2010 (out of 91,433 jobseekers) to 24,881 in 2014 (out of 86,992 jobseekers). In their joint observations, the SAK and AKAVA indicate that, currently, persons with disabilities in Finland do not have equal opportunities of employment in the open labour market. For example, some people on partial disability pension cannot work even though they would want to. The SAK and AKAVA add that there are also problems in the availability of vocational rehabilitation as it is substantially weakened by the fragmentation of the rehabilitation system. The workers’ organizations are also of the view that the tool range of vocational rehabilitation should be widened to better answer to the needs of the rehabilitated person, such as the disability or illness limiting the work capacity, or the remaining work capacity. Moreover, the SAK and AKAVA refer to a 2011 report of the Ministry of Social Affairs and Health entitled “Everybody along! People With Partial Work Capacity In The Labour Market”. According to this report, based on the replies of employers, it seems that those with a disability, and especially the mentally disabled and impaired, are the least wanted in the labour market when compared to a young person without a vocational education, a long-term unemployed person or an immigrant. As to working and coping at work, no related negative views were expressed. Three out of five employers stated that the employees on the marginal area of the labour market do not have problems as such with others, and that they are committed to their work. Over half of the employers estimated that special arrangements are problematic and the risk of working incapacity is greater. Overall, the evaluation of qualification was seen as a problem, and employment was suspected to be inefficient relative to its costs. The Committee notes that the Programme for persons with partial work capacity of the Ministry of Social Affairs and Health (2013–15) aims to develop working solutions with practical level actors for finding employment for those with partial work capacity and helping them remain employed. The Government indicates that Finland has a wide range of tools in its service system to enable sustained employment and facilitate job placement of a person with a partial working capacity. The Government adds, however, that this range of tools is not utilized effectively enough. Vocational rehabilitation measures are part of this range of tools. The Committee requests the Government to provide information on the impact and effectiveness of the measures implemented in the context of its policy on vocational rehabilitation and employment of persons with disabilities. Please also continue to include relevant information, supported by statistics, on the implementation of the Convention.
The Committee notes the observations made by the Confederation of Finnish Industries (EK) and the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA) communicated with the Government's report.

Articles 11 and 12 of the Convention. Rights of workers employed by a private employment agency. Allocation of responsibilities between private employment agencies and user enterprises. In reply to the Committee's previous comments, the Government indicates in its report that workers employed by private employment agencies are protected in case of insolvency of their employer in the same manner as other employees, and they are also treated equally in terms of statutory social security benefits. Private employment agencies have the same responsibilities as other employers in terms of contributing to pay security and paying social security benefits, as well as a responsibility to provide workers with accident insurance in case of occupational diseases and accidents. The Committee requests the Government to continue to provide practical information on the application of these provisions of the Convention.

Article 13. Cooperation between the public employment service and private employment agencies. In its observations, the EK indicates that it is most satisfied with the fact that the Government was invited to produce a report on how cooperation between public and private employment services has been promoted and regularly reviewed. The AKAVA indicates that the competences of private employment services are to be utilized more with respect to employment, and perhaps in closer cooperation with the public authority. The AKAVA takes a positive view of the strengthened role of private services in employment services. The Government indicates in this regard that, according to the Act on Public Employment and Business Service, the Ministry of Employment and the Economy (MEE) has the right to receive information from private employment agencies. The MEE did not separately collect such information during the reporting period, but rather received information through partnership cooperation. The cooperation strengthens the functioning of the labour market and promotes the availability of labour for employers and swift employment for jobseekers. The Government indicates that cooperation between public and private employment services is being increased in line with MEE policies. The Committee notes that the MEE and Private Employment Agencies Association (HPL) signed a cooperation agreement on 26 February 2015, aiming at improving the effectiveness of employment services and finding more jobseekers jobs through temporary agency work. As private employment services develop as an industry, the MEE will re-evaluate the cooperation opportunities, roles and tasks between public and private employment services. The Committee requests the Government to continue to provide information on the manner in which efficient cooperation between the public employment service and private employment agencies is promoted and reviewed periodically.

Application of the Convention in practice. The Government indicates that, between 1 January 2010 and 28 April 2015, the Occupational Safety and Health Authorities conducted 467 inspections in enterprises under categories 781 (private employment services), 782 (temporary agency work) and 783 (other human resource services). The Committee notes that, as a result of the inspections, 1,123 guidelines and 115 improvement notices for action were issued. The Committee requests the Government to continue to provide information relevant to the practical effect given to the Convention, including extracts from reports of the inspection services and information on the number of workers covered by the Convention.
Articles 3 and 4 of the Convention. Measures to promote the granting of paid educational leave. Coordination of general policies with the policy to promote the granting of paid educational leave. The Committee notes the Government's report in which it indicates that the tripartite working group of the Ministry of Employment and Economy, tasked with discussing the reform of the Study Leave Act, did not reach a consensus and that, therefore, no amendments were made. The Government indicates that it considers the development of employees' competence important and that, in the long term, it will examine the need to reform legislation relating to study leave and adult training allowances. The Committee notes the amendments to the Act on Adult Training Allowance (1276/2000), which establish, inter alia, the conditions for receiving an adjusted adult training allowance, the maximum time period for receiving such an allowance and the source of financing. In this regard, the Committee takes note of the observations made jointly by the Central Organization of Finnish Trade Unions (SAK), the Finnish Confederation of Salaried Employees (STTK) and the Confederation of Unions for Academic Professionals in Finland (AKAVA), which indicate that the adult education allowance was reduced as of 1 August 2017 by shortening the maximum period for receiving the allowance from 19 months to 15 months, while the basic amount of the allowance was also cut by 15 per cent for all recipients. The Committee notes that the Government ceased financing the basic amount of the adult education allowance for wage earners, leaving the allowance for wage earners to be funded by employees and employers through their unemployment insurance contributions. The SAK, STTK and AKAVA consider this situation to be problematic. The Committee notes that the number of allowance recipients nevertheless grew steadily from 16,085 in 2011 to 35,768 recipients in 2016. Moreover, the legislation to promote the development of professional skills of employees entered into force in 2014, following tripartite consultations in 2013. The Government indicates that the goal of the legislation is to improve employees' ability to adjust to changes in working life and to prolong careers, as well as to give employers the opportunity to receive a financial incentive for training provided to employees after preparing a training plan. The Committee also takes note of the Act on Financially-Supported Development of Professional Skills (1136/2013) which applies to both private and public sectors. Finally, the Committee notes that the Government provides detailed information showing that the number of adult education subsidy recipients increased from 17,589 in 2014 to 24,356 in 2017, and that the total amount of cash benefits granted increased from €135.9 million in 2014 to €188.3 million in 2017. The Committee requests the Government to continue to provide information on the measures envisaged or adopted to contribute to the attainment of the objectives set out in Article 3 of the Convention, as well as on the manner in which the national policy on paid educational leave is coordinated with general policies concerning employment, education and training, in particular to adapt to the changing needs of the labour market (Article 4).
The Committee notes the observations of the Central Organization of Finnish Trade Unions (SAK), the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA), the Finnish Confederation of Professionals (STTK) and the Confederation of Finnish Industries (EK), communicated together with the Government's report.

The Committee notes the information provided by the Government in response to its previous comments, indicating that the wage subsidy system was reformed through the adoption of Act No. 1366/2014, which amended the Act on Public Employment and Business Services, entering into force on 1 January 2015. Act No. 1366/2014 establishes a sliding scale for wage subsidies that increases the amount and maximum duration of the subsidy the longer the person has been unemployed. Subsidies are facilitated where the person is over 60 years of age and has been unemployed continuously for at least 12 months. In addition, the Government indicates that subsidies granted due to disability or illness may be permanent where the employment and economic development office determines that the impairment is of a permanent nature.

Articles 2(2) and (3) of the Convention. Adequate safeguards against recourse to fixed-term employment contracts. The Committee notes the Government's indication that the number of persons employed in government agencies and institutions on fixed-term contracts declined during the reporting period, from 13.9 per cent in 2011 to 12.5 per cent in 2015. The Government adds that the number of central government personnel has declined significantly, having dropped to 3.1 per cent of all persons in employment.

Act No. 873/2012 amending Chapter 2, section 4 of the Employment Contracts Act No. 55/2001 entered into force on 1 January 2013. Act No. 873/2012 applies to all fixed-term employment relationships and require employees in such relationships to be informed of the date of termination of the contract, or its estimated date of termination, including whether it is connected to the completion of the work, the end of a period of substitution, or some other objective reason.

The Government indicates that, according to subsection 4, the information must be provided upon request of the temporary agency employee, even if the contract has been made for less than one month. The Government adds that this subsection was supplemented so that when a temporary agency worker on a fixed term contract is assigned for use by a user-employer, the information provided by the temporary work agency must include details about the reason for and duration, or estimated duration, of the assignment. This obligation aims to provide temporary agency workers with the possibility of determining, based on the duration and reason for the user enterprise’s order underlying the temporary agency contract, whether there are legal justifications for signing a fixed-term temporary agency worker’s contract. The Committee notes that the 2013 amendments to the Employment Contracts Act take into account a 2012 Supreme Court decision that examined a situation in which the company providing temporary employers (temporary agency) had signed a fixed-term employment contract with an employee, and according to the contract’s terms, the fixed-term employment relationship would be terminated when the customer company’s (user enterprise) assignment for the employee ended. On the basis of the justifications stemming from the ruling of the Supreme Court it was held that the employment contract should be regarded as permanent. The Committee requests the Government to provide information on any further legislative developments, particularly any reforms of the Employment Contracts Act on facilitating the use of fixed-term employment contracts and extending trial periods and to provide a copy of such reforms once they are adopted. Please also continue providing information on the maximum length of use of fixed-term contracts and on the impact of the 2013 amendments to the Employment Contracts Act.

Article 13. Consultation of workers’ representatives concerning termination of employment for economic, technological, structural or similar reasons. In response to the Committee’s previous comments, the Government indicates that a tripartite working group had deliberated on problems in interpretation connected with the application of the 2014 Act on Cooperation Within Undertakings. The Cooperation Ombudsman raised the problems identified by the tripartite working group in a proposal to amend the Act, which was presented to the Ministry of Employment and the Economy and in a statement of the Labour Council. In addition, an amendment to the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) is before Parliament for consideration. The Committee requests the Government to continue to provide information on the operation of the consultation mechanisms with workers’ representatives on terminations of employment for economic, technological, structural or similar reasons.

Application of the Convention in practice. The workers' organizations observe that the 2013 amendments to the Employment Contracts Act clarify the legislation related to fixed-term employment contracts and increased the amount of information provided to temporary agency workers, enabling them to evaluate the basis for the fixed-term nature of their employment contract, thereby improving the situation of temporary agency workers. In addition, the workers’ organizations observe that the Act on the Contractor’s Obligations and Liability when Work is Contracted Out has been amended to require contractors to provide information upon request to staff representatives on the reasons for using temporary agency work. They consider that the legislative situation has
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improved, but point out that no studies have yet been carried out so far to determine the impact of the amendments in practice. The workers’ organizations observe that, in 2015, Statistics Finland found that 83,000 persons were on “on call” employment contracts in which they agreed to be called in to work only when needed, which in effect means that they are not entitled to a notice period. Such “on call” contracts are used in temporary agency work, but also increasingly in other employment relationships. The EK welcomes the steps taken by the Government to lower the threshold for employment by making it easier to sign fixed-term employment contracts and extending trial periods; however, it notes that the facilitation of fixed-term employment relationships remains a limited opportunity when compared to the objectives of the Government Programme. The EK noted that the reforms to the Employment Contracts Act are supported by the entrepreneur survey of April 2016, which included replies from 761 entrepreneurs, indicating that facilitating the use of fixed-term contracts would significantly increase their recruitment intentions. The Committee requests the Government to provide general information on the manner in which the Convention is applied in practice, including, for example, available statistics on the activities of the bodies of appeal (such as the number of appeals against unjustified dismissal, the outcome of such appeals, the nature of the remedy awarded and the average time taken for an appeal to be decided) and on the number of terminations for economic or similar reasons. Please also indicate any practical difficulties encountered in the implementation of the Convention, and measures taken or envisaged in this regard.
The Committee notes the observations of the Central Organization of Finnish Trade Unions (SAK), the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA) and the Finnish Confederation of Professionals (STTK), communicated with the Government’s report. The workers’ organizations refer to their joint statement of 2006 in which they underlined the lack of clarity in relation to whether municipalities could be considered central authorities within the meaning of Article 1(1) of the Convention, and noted that in Finland the Convention is not deemed to apply to contracts concluded by municipalities. The Committee requests the Government to provide its comments in this respect.

The Committee requests the Government to indicate whether the reforms include clauses ensuring workers’ rights in relation to wages (including allowances), hours of work and other conditions of labour. The Committee further requests the Government to provide information on the manner in which organizations of employers and workers have been consulted and participated in the determination of the terms and clauses to be included. It further requests the Government to provide information on any developments in amending the public procurement legislation and to provide a copy of the text as soon as it is adopted.

Article 2(4). Ensuring tenderers are aware of labour clauses. In reply to the Committee’s previous comments, the Government indicates that the Ministry of Justice maintains a free and open database which contains the texts of generally applicable collective agreements as well as agreements between the central labour market organizations. In addition, compliance with these agreements as part of the collective agreements is stipulated in every collective agreement. The Government further indicates that notice forms for public procurement procedures provide contracting authorities the possibility of referring to the applicable legislation and collective bargaining agreements in different parts of the notification forms. Recalling its previous comment that informing tenderers of labour clauses seems to be left to the discretion of the contracting authorities, the Committee once again requests the Government to provide information on the manner in which it is ensured that tenderers have prior knowledge of the terms of the labour clauses.

Article 4. Posting of notices. Notification of all persons concerned. The Committee previously requested the Government to indicate the measures, taken or envisaged, to ensure that workers engaged in the execution of public contracts are informed of the working conditions applicable to them through the posting of notices at the workplace, as prescribed by Article 4(a)(iii) of the Convention. The Government provides information on the legal measures regarding notification and posting of collective agreements at workplaces, in accordance with the laws on employment contracts (No. 55/2001) and on collective agreements (No. 436/1946). The Committee recalls that the abovementioned obligations also apply to laws, regulations and other instruments that give effect to the Convention. Consequently, the Committee reiterates its requests that the Government indicate how it is ensured that information concerning the applicable laws and regulations are brought to the notice of all persons concerned and how it is ensured that persons responsible for complying with this obligation are defined. It further requests the Government to provide examples of the notification forms on public procurements.

Article 5. Penalties. The Government indicates that the Act on Public Contracts (No. 348/2007), being part of the Finnish procurement legislation currently under review, sets out the legal remedies available for violations of the Act. If an application is made to the Market Court, as the special court tasked with handling procurement
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Cases, the Court is authorized to: (1) cancel a contracting authority's decision in part or in full; (2) forbid the contracting authority from applying an incorrect section in a document relating to the contract or otherwise pursuing an incorrect procedure; (3) require the contracting authority to rectify an incorrect procedure; or (4) order the contracting authority to pay compensation to a party who would have had a genuine chance of winning the contract if the procedure had been correct. The Committee requests the Government to provide information of the changes to the Act on Public Contracts as part of the legislative reforms.

Article 4(b)(ii). System of inspection and application of the Convention in practice. Further to a general overview of inspections carried out between 2011 and 2015, the Government states that the Occupational Safety and Health Administration's Vera information system, introduced in 2016, is able to generate specific information on inspections on public administration. The Committee requests the Government to continue to provide information on inspections focused on public administration, indicating the number of inspections, the number and type of infringements detected, and sanctions imposed. Furthermore, it requests the Government to provide up-to-date information on the manner in which the Convention is applied in practice, including, for instance, statistics on the average number of public contracts granted annually and the approximate number of workers engaged in their execution, as well as information on any practical difficulties in the application of the Convention.