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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

FINLAND*

[18 January 1984]

INTRODUCTION

1. The purpose of the present report is to provide information on the developments that have taken place since the submission by the Government of Finland of its initial report in 1978. Reference is also made to the reports submitted by the Government of Finland to the International Labour Office on the implementation of the following ILO Conventions:

- (a) Employment Policy Convention, 1964 (No. 122), report submitted in 1982;
- (b) Human Resources Development Convention, 1975 (No. 142), reports submitted 1981 and 1983;
- (c) Labour Administration Convention, 1978 (No. 150), report submitted 1982.

* The initial report submitted by the Government of Finland concerning rights covered by articles 6 to 9 of the Covenant (E/1978/8/Add.14) was considered by the Sessional Working Group of Governmental Experts at its 1980 session (see E/1980/WG.1/SR.6).

Some statistical information is provided in annexes 1 to 6 to the present report. The present organization of the Finnish labour administration is shown in the enclosed brochure "Labour Administration in Finland" (annex 7).

I. ARTICLE 6: THE RIGHT TO WORK

2. Since the submission of the initial report, work aiming at reforming employment legislation has been undertaken. A parliamentary committee on employment legislation submitted its report in 1980. Based on that report and comments thereon, a working group established by the Ministry of Labour has been preparing a draft Employment Act. The matter has also been dealt with in the Labour Force Council, which includes representatives of the labour market. Since the present Employment Act is partly in force until the end of 1984, it is likely that the new bill will be considered in the course of 1984.

3. At the beginning of 1982, the Ministry of Labour undertook the drafting of a new programme on employment and manpower policy (the previous programme dates from 1974), the aim of which is to achieve and maintain full employment. The programme runs until the mid-1990s.

4. The present programme on employment and manpower policy deals particularly with the questions of youth unemployment and long-term unemployment. In August 1983 a decree was issued concerning the placing at work of the long-term unemployed on an experimental basis. Presently, projects are being prepared which are aimed at eliminating youth unemployment by means of education and such placing at work.

5. A bill concerning the improvement of employment security (No. 89/1982) was introduced in Parliament in 1982; the proceedings were, however, interrupted by parliamentary elections. The bill, with essentially similar contents, was reintroduced in Parliament in 1983 and adopted in January 1984. According to this law, an employee dismissed for no valid reason is to receive compensation, the amount of which is determined by law and equals 3 to 20 months' salary or wages. When establishing the amount of the compensation, consideration should be given to the circumstances of the employee and of the employer, the measures taken by the employer at the dismissal, the reasons the employer has possibly given for the dismissal, and the length of both the employment relationship and the probable term of unemployment. If the court should find that grounds exist for the continuation of the employment relationship, it could order the amount of compensation to be lowered provided that the employer agrees to continue the employment relationship. Contracts of employment concluded for specific periods would be restricted to cases defined by law. The length of notice would be extended to conform with the Dismissal Safeguards Agreements. The law also includes a provision concerning the procedures to be followed when the dismissal is carried out. The right to terminate an employment relationship owing to the transfer of ownership of an enterprise has been restricted to cases in which a well-founded reason exists. The provisions of the ILO Convention on the Termination of Employment at the Initiative of the Employer (No. 158) have been taken into consideration in the preparation of the bill.

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6. Protection against dismissal has already been strengthened by the Act of 1978 (No. 476/78), according to which, inter alia, an employee cannot be dismissed during maternity leave. According to the same Act, the employer is obliged to offer employment primarily to former employees, whose contracts of employment have been terminated on grounds relating to the operational requirements of the enterprise.

II. ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

7. According to available statistics, part-time work is becoming increasingly common (it is presently undertaken by approximately 7 per cent of the total labour force). This causes problems in cases in which part-time work is not based on the employee's own choice: income from work decreases with the reduction in working hours, and social security for part-time employees is not equal to that of full-time employees. The Government has appointed a special committee to study the situation and to make proposals for necessary reforms. The committee is due to conclude its work in 1984.

B. Safe and healthy working conditions

8. Since the initial report was submitted, provisions on occupational safety have been developed, particularly with regard to the control of dangerous substances. Article 40 (a) of the Labour Protection Act, which has essentially improved such control, was amended as early as 9 September 1978, and the control system has been further modified by lower-level regulations (Decree Nos. 286/78, 388/78, 409/78 and 515/79). The control system is primarily aimed at improving the possibilities for studying at the place of work the risks involved with the substances to be handled and the methods of protection.

9. As stated in the initial report, a special Act on Occupational Health (No. 743/78) has been gradually brought into force. According to the Act, the employer is obliged:

- (a) To examine the dangerous elements at the place of work;
- (b) To give sufficient information concerning these elements to the employees' representatives;
- (c) To establish each employee's state of health and suitability for the intended task;
- (d) To provide health examinations at regular intervals;
- (e) To follow the progress of disabled employees in particular;
- (f) To arrange for the necessary first-aid facilities.

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10. The legislation on occupational health came into force as a whole in 1983. It now applies to all employees. Self-employed persons also have the possibility of receiving occupational health services. The Social Insurance Institution compensates the employers and self-employed persons for 60 per cent of the occupational health costs.

11. With reference to new technology in particular, a committee has been appointed to study the necessary reforms of labour protection. It is due to conclude its work by 30 June 1984 at the latest.

12. The following regulations, aimed at improving labour protection, have been introduced since the submission of the initial report:

(a) Decision No. 286/78 of the Council of State concerning the identification and marking of substances dangerous to health;

(b) Decision No. 772/78 of the Council of State concerning the application of the Labour Protection Act to the transportation of liquid nitrogen in vehicles;

(c) Decision No. 417/81 of the Council of State concerning the working environment on vessels;

(d) Decision No. 418/81 of the Council of State concerning regulations to be observed in work on vessels;

(e) Decision No. 616/81 of the Council of State concerning cranes installed in vehicles and the inspection thereof;

(f) Decision No. 982/80 of the Council of State concerning construction lifts used by passengers, and the inspection thereof;

(g) Decision No. 355/82 of the Council of State concerning work involving exposure to benzene;

(h) Decision No. 356/82 of the Council of State concerning the elimination and supervision of harmful effects due to the use of lead;

(i) Decision No. 191/82 of the Council of State concerning protection against hearing impairment caused by work;

(j) Decision No. 769/82 of the Council of State concerning the application of the Labour Protection Act to suspension scaffolding and the inspection thereof;

(k) Decision No. 573/79 of the Council of State concerning steam shovels;

(l) Decision No. 354/83 of the Council of State concerning loading cranes and the inspection thereof.

13. The number of industrial accidents has varied during the past few years. The number of accidents per 1,000 employees began to increase in 1979 and 1980; in 1981 there was a decline which continued in 1982. The yearly variation in the number of

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accidents partly covers the decreasing trend which started in the mid-1970s. Despite the 7 per cent increase in the total number of employees, there were 10,000 fewer industrial accidents in 1981 than in 1976.

14. Since the legislation on occupational health came into force, the occurrence of occupational diseases has distinctly increased. This is seen to be due to closer control and the increased number of health examinations. In 1982, for instance, a total of 5,365 cases of occupational diseases were reported, while the corresponding figure for as late as 1980 was 4,471.

15. The table below contains statistical information concerning industrial accidents and accidents which occurred while commuting to or from work in the period 1976-1982.

Industrial accidents and accidents while commuting to or from work, 1976-1982 a/

Year	Accidents at the place of work			Accidents while commuting to or from work	
	Total	Accidents per 1,000 employees	Deaths	Total	Deaths
1976	125 409	69.0	173	19 000	71
1977	109 375	60.6	122	15 200	64
1978	102 520	57.2	136	13 300	63
1979	112 561	61.2	141	13 700	65
1980	118 633	62.3	124	14 900	55
1981	115 125	59.1	112	17 000	42
1982 <u>b/</u>	110 000	55.5	95-100		

a/ The figures do not include accidents for which no compensation except for medical care, was paid (i.e., absence from work was less than three days). Accidents involving farmers and other self-employed persons have also been excluded.

b/ Advance information.

C. Equal opportunity for promotion

16. The Convention on the Elimination of All Forms of Discrimination against Women was signed by the Government of Finland in 1980. The ratification of the Convention, however, is considered to require the development of present legislation in such a manner that unequal treatment of men and women in working life would be eliminated. This calls for new regulations on recruitment, promotion and pay, as well as the development of measures of supervision. The appropriate

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bills have been under preparation in several committees, the most recent of which submitted its proposals in the fall of 1983.

D. Rest, leisure, limitation of working hours, and holidays with pay

17. The regulation of hours of work in commerce and offices was reformed by the Act of 1978 (No. 400/78). The amended Act includes provisions on periods of stand-by, time spent while commuting to and from work, so-called emergency work, and night work.

18. The Act concerning the working hours of seafarers on vessels in domestic transport was completely amended in 1982 (No. 248/82). By this Act, the statutory weekly working hours were reduced to 40. The 40-hour week had already been included in collective agreements. The new Act also contains more detailed provisions on the organization of working hours and periods of rest, as well as the maximum lengths of overtime.

19. According to the amendment of the Annual Holidays Act (No. 2254/79), adopted in 1981, an employee whose employment relationship has continued for three years without interruption is entitled to a total of five weeks' holiday which, as a rule, must be given in two parts, four weeks in the summer and one week in the winter. However, by collective agreements, the length of employment required to qualify for this longer holiday has been reduced to one year from the beginning of 1984.

20. The hours of work in bakeries have been revised in respect of night work by an Act adopted in 1983. Work in three shifts is permitted for baking bread, if the appropriate employers - and workers - organizations have agreed and, furthermore, on condition that the section for exceptional cases of the Labour Protection Board has given its permission. In bakeries in which there are two shifts at the most, night work is permitted for a restricted number of workers. Restrictions on the hours of work do not apply to the owners of bakeries. In view of this revision, the Government of Finland has denounced the ILO Convention on Night Work (Bakeries), 1925 (No. 20).

21. The 36-hour working week, which was first introduced in the paper industry, has been extended, through collective agreements in 1983, to sectors in which a similar system of uninterrupted shift-work (three shifts) is applied. These sectors include the paper and pulp industry, the metallurgic industry, the food industry, the feed industry, the chemical industry and the textile industry. The system covers approximately 11 per cent (65,000) of industrial workers in 1983.

Observations included in the report of the International Labour Organisation

22. The previous paragraphs contained partial replies to the observations on Finland presented in the report of the ILO (E/1979/33, part II). To supplement this, the information below is provided.

23. The amendment of the penal code for the purpose of elimination of discrimination in recruitment is connected with the comprehensive reform of the penal code, the preparation of which has progressed at a much slower pace than was estimated earlier. The process is not likely to be completed in the next few years.

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24. The scope of industrial democracy has been somewhat extended by a Decree (No. 514/80) adopted in 1980. According to this Decree, the Act on Co-operation within Enterprises, adopted in 1978, is to be applied in some state-owned productive establishments. The main rule is that the above-mentioned Act only applies to the private sector. A special committee has been appointed to discuss the statutory extension of the co-operative system to public sector employees. The committee submitted its report in 1983. So far, no legislative measures have been taken on the basis of this report.

25. The decisions of the Council of State concerning the use of Benzene and the occupational safety of seafarers have been listed in section II. B above. With reference to benzene, it has been provided that the concentration of benzene in the air of the places of employment must not exceed 16mg/m³ as an 8-hour average, or 48mg/m³ as a 15-minute average. This Decision also includes provisions on the measurement of benzene concentration in the air, and on necessary protective equipment. The decisions concerning work on vessels include provisions on working premises, machinery, protective equipment, lighting, temperature, ventilation, noise, vibration and radiation of harmful substances. Furthermore, the decisions include provisions on the use of lifts, the mooring and unmooring of vessels, tasks involving special risks, loading and unloading, work on tankers, as well as some repair and maintenance tasks.

26. It is estimated that the committee appointed to review legislation on associations (inter alia, anti-union discrimination) will complete its work by the end of 1983.

III. ARTICLE 8: TRADE UNION RIGHTS

Right to strike

27. In 1979-1982, the Ministry of Social Affairs and Health has exercised the power to postpone the beginning of a work stoppage by 14 days, based on the Act concerning mediation in labour disputes, as follows: in 1980, three postponements (all postponements concerned seafaring); in 1981, one postponement (the postponement concerned the transportation of oil by road).

28. In 1979-1982, the right to strike was exercised as follows:

<u>Year</u>	<u>Number of strikes</u>	<u>Number of Participants</u>	<u>Working days lost</u>
1979	1 753	228 960	243 400
1980	2 238	413 140	1 605 600
1981	1 622	492 960	659 100
1982	1 240	167 500	207 600

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IV. ARTICLE 9: RIGHT TO SOCIAL SECURITY

A. Medical care

29. The National Sickness Insurance Scheme covers 60 per cent of the cost of prescription medicines that is in excess of the insured person's own liability of 15 Fmk.

30. The Scheme covers 75 per cent of the costs of laboratory tests and special treatment (radiation treatment) that are in excess of the insured person's own liability of 17 Fmk.

B. Cash sickness benefits

31. The daily allowance consists of a minimum daily allowance of 27.50 Fmk plus 30 per cent of three hundredths of the earnings recorded for the insured during the calendar year, but always amounts to at least 80 per cent of three hundredths of the earnings. If the insured had no earnings during the above-mentioned period, he would receive the minimum daily allowance.

C. Maternity benefits

32. During the first 100 days, the maternity allowance equals the daily allowance paid under the Sickness Insurance Act. For the remainder of the period, the daily maternity allowance is calculated in the same manner as the daily allowance, but amounts to 70 per cent of three hundredths of the annual earnings. The maternity allowance is currently paid for 258 working days.

D. Employment injury benefits

33. In the case of a total loss of working capacity, the daily allowance equals normal earnings. When working capacity is not entirely lost, a portion calculated according to the degree of disability is deducted from the daily allowance.

34. A workers' compensation pension is paid for the period for which the injured person is no longer entitled to a daily allowance. This pension equals 85 per cent of the annual earnings of the insured, when working capacity is entirely lost. If the accident has not resulted in a complete loss of working capacity, the insured will be paid that part of the workers' compensation which corresponds to reduced working capacity. A special disability allowance is paid to a person whose injury or occupational disease results in permanent disability. The permanent disability must be equal to at least impediment category 1 (5 per cent disability). Injuries belonging to categories 1 to 10 are compensated for in a lump sum, injuries belonging to categories 11 to 20 are compensated for either in a lump sum or continually, according to the wishes of the injured.

35. The disability support is paid after the injured person is no longer entitled to a daily allowance.

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E. Old-age benefits

36. The basic old-age pension currently amounts to 268 Fmk per month. The full amount payable to an unmarried person is 1,203 Fmk per month in the first cost-of-living index region.

F. Family benefits

37. A survivor's pension (accident-related) amounts to 40 per cent of the annual earnings of the insured for one beneficiary and 55 per cent for two. When there are three or more beneficiaries, the survivor's pension equals 65 per cent of the annual earnings of the insured.

V. QUESTIONS CONCERNING THE INITIAL REPORT SUBMITTED BY THE
GOVERNMENT OF FINLAND

38. Maternity leave starts 25 days before the calculated date of childbirth and lasts 234 days after childbirth. All residents of Finland, irrespective of nationality, are entitled to maternity benefits.

39. Approximately 13 per cent of fathers made use of their right to paternity leave when the system was initially introduced. This figure has now risen to 27 per cent. As a rule, no wage or salary is paid during maternity leave because the purpose of the maternity allowance is to compensate for lost earnings. In cases where the employer continues the payment of a wage or salary, the maternity allowance is paid to the employer.

40. Those not entitled to unemployment insurance benefits will receive unemployment compensation through the unemployment compensation system maintained by the Ministry of Labour. The amount of this benefit is slightly lower than that of the unemployment insurance benefit. If the unemployed person is not entitled to unemployment benefits or unemployment compensation, it is for the social welfare authorities to secure his livelihood. Employees contribute a small portion of health insurance and pension insurance costs by means of payments collected together with communal taxes. In addition, employees contribute in the form of membership fees a small portion of the total costs of the unemployment fund. Employees cover most of the social insurance costs. The State also contributes to social insurance costs in amounts which vary according to the field of social security.

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Annex

LIST OF REFERENCE MATERIAL a/

- Annex 1. Statistical table, "Employed persons by class of workers"
- Annex 2. Statistical table, "Unemployment and unemployment rates according to the Labour Force Survey"
- Annex 3. Statistical table, "Unemployment rates by age and sex, according to the Labour Force Survey"
- Annex 4. Statistical table, "Changes in the wage and salary Bill, average wage and salary earnings and unit labour costs 1965-1975" (from National Accounts 1975-1982, Statistical Office of Finland, Helsinki)
- Annex 5. Statistical table, "Changes in employee compensation by component, 1965-1972"
- Annex 6. Statistical table, "Changes in various price indices, 1967-1974" (from Statistical Yearbook of Finland)
- Annex 7. Labour Administration in Finland (Helsinki, Ministry of Labour).

Notes

a/ The reference material is available for consultation in the files of the Secretariat in the original language as received from the Government of Finland.
