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Committee on Economic, Social and Cultural Rights Sixty-ninth session

Summary record of the 7th meeting*

Held via videoconference on Thursday, 18 February 2021, at 12.30 p.m. Central European Time

Chair: Mr. Zerbini Ribeiro Leão
later: Mr. Windfuhr (Rapporteur)

Contents

Consideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)
 - Seventh periodic report of Finland (continued)*

* No summary record was issued for the 6th meeting.

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The meeting was called to order at 12.30 p.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Seventh periodic report of Finland (continued) (E/C.12/FIN/7; E/C.12/FIN/QPR/7)

1. *At the invitation of the Chair, the delegation of Finland joined the meeting.*
2. **Mr. Emuze** (Country Task Force) said that he would welcome information on any specific challenges encountered by the guidance centres established in Finland under the Youth Guarantee scheme. It would be useful to have a full account of the impact of the State budget cuts on the reform of the education system and on the Youth Guarantee scheme, including with regard to youth employment in rural and urban areas. Information on how the Youth Guarantee scheme helped to ensure labour market prospects for young people in vocational training would also be appreciated.
3. The Committee would be grateful for statistics regarding persons with disabilities in employment, as a percentage of the total Finnish population, and for details of the Government's strategy to eliminate barriers to the employment of persons with disabilities, such as measures to address discriminatory attitudes and to ensure the fair remuneration of work and the provision of reasonable accommodation, in line with the Convention on the Rights of Persons with Disabilities and European law. It would be interesting to learn whether the State party planned to take any measures to guarantee fair working conditions for persons with disabilities who participated in working life outside the open labour market.
4. *Mr. Windfuhr (Rapporteur) took the Chair.*
5. **Ms. Heinonen** (Finland) said that the smooth operation of the guidance centres required firm commitment from all stakeholders, particularly the State and municipal authorities. The fact that significant negotiation was needed to establish common objectives and activities was both a strength and a weakness of the system. Moreover, the centres' activities were not set out in national laws, which resulted in local variations. Information-sharing between the various actors was an ongoing challenge for guidance centres. A pilot project had been launched to empower five municipalities to run employment services for young people and other vulnerable groups; more than half of the guidance centres in the five municipalities in question were taking part in the project.
6. The coronavirus disease (COVID-19) pandemic had negatively impacted on the employment of young people, many of whom had lost their jobs or had not been able to find jobs upon finishing their education or training. Young people tended to work in the services sector, which had been hardest hit by pandemic-related restrictions, and often had temporary employment contracts. A difficult start to a career had negative consequences for a person's entire career. The employment of young people was therefore a government priority. Additional funds were being allocated to education and training for young people, and guidance centres were being given more resources to provide psychosocial services. New initiatives were being developed for apprenticeships and start-up subsidies for young people were being made available. European Union recovery funds were being used to strengthen the well-being and boost the employment of young people.
7. **Ms. Oinonen** (Finland), referring to the questions on corporate social responsibility and due diligence that had been raised at the Committee's previous meeting with the delegation, said that the Government was committed to promoting good business and human rights, in line with the United Nations Guiding Principles on Business and Human Rights and the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. Finland actively promoted business and human rights, mainly through initiatives developed by the Ministry of Economic Affairs and Employment and the Ministry of Foreign Affairs, including research and capacity-building in the public and private sectors. Human rights were taken into consideration in public procurement, public financing instruments and State ownership steering, the responsible and professional management of the State's shareholdings.

8. In 2020, the Government had published the results of two key studies on business and human rights. The first, which concerned mandatory due diligence on human rights and the environment, outlined the due diligence obligations that could be imposed on companies within the Finnish legislative framework. The second study analysed Finnish companies' compliance with human rights standards; the results showed that Finnish companies were broadly committed to observing human rights, but that the practical integration of human rights responsibility and related monitoring into core business activities was still at an early stage. At the same time, Finnish companies had performed similarly to other companies in the global assessment carried out by the Corporate Human Rights Benchmark. Within the European Union, Finland had been a vocal promoter of action in favour of business and human rights. Specifically, its call for a more coherent, comprehensive European Union strategy on business and human rights had been noted in conclusions approved in December 2020 by the Council of the European Union, which requested the European Commission to launch, by 2021, an action plan on global sustainable supply chains, promoting human rights, social and environmental due diligence standards and transparency.

9. **Ms. Mikander** (Finland) said that the budget cuts, which had been ordered under the previous Government, had not prevented the significant reform of the education system. The primary aims of the reform had been to help young people develop skills more flexibly through vocational qualifications; to make apprenticeships more attractive; and to introduce a novel funding model for higher-quality education and training. The current Government programme for education included numerous measures to support young people who were not in mainstream education. One such measure was the "Equality in Vocational Education and Training" programme, which had been launched with a view to ensuring high-quality vocational education and training and to reducing differences in learning outcomes related to gender, socioeconomic background or the need for additional support. Other key measures introduced by the Government included extending compulsory education to 18 years of age and the reform of continuous learning. Changes would be made to the education system and its financing in order to better support learning in the workplace; common principles would be agreed for recognizing prior learning acquired outside the formal education system; and services would be created to facilitate lifelong guidance and to support groups that were currently underrepresented in adult education.

10. **Mr. Cortés Téllez** (Finland) said that workshops and outreach activities for young people had been developed in line with the Youth Guarantee scheme and were outlined in the Youth Act. Outreach activities targeted young people under the age of 29 who were excluded from education or working life or who required help to gain access to the services they needed. In 2020, the Government had spent €12.5 million on such outreach activities; an additional €3.2 million had been allocated as a result of the COVID-19 pandemic. In 2020, 70 per cent of the target group had been reached, and the vast majority had been directed to education, employment and other services. Workshops supported young people under the age of 29 in tackling issues related to education and training, working life and life management; they involved hands-on learning and coaching in communal learning environments. Such workshops, which were developed by the Ministry of Education and Culture, were available in 90 per cent of all municipalities in continental Finland. In 2019, a total of €111 million, funded equally by the State and municipalities, had been spent on youth workshops. In 2020, an additional €1.2 million had been allocated by the State as a result of the COVID-19 pandemic.

11. **Ms. Heinonen** (Finland) said that, according to data collected by the Ministry of Economic Affairs and Employment, the activation rates of persons with disabilities and persons suffering from chronic illnesses had been 33.9 per cent in 2018, but had dropped to 28.5 per cent in 2020, clearly as a result of the COVID-19 pandemic. There were no precise statistics on the employment rate of persons with disabilities, not least because the definition of disability was not clearly laid out in law. That being said, it was known that approximately 80 per cent of persons receiving a part-time disability pension had been employed in December 2019. Reasonable accommodation was provided for in the Non-Discrimination Act and employers could request support in that regard. The working conditions for persons with disabilities participating in normal working life were the same as for anyone else.

12. The Government had recently developed policies to improve employment in cases of partial disability. In that connection, preparations were being made to establish a new intermediate labour market operator, which would be tasked with, inter alia, ensuring and complementing the services offered by persons with partial work capacity who were in the most disadvantaged situation.

13. **Mr. Emuze** said that the Committee had received information according to which persons with disabilities could lose their entire pension if their income exceeded the earnings cap of €834.25 per month in 2020; he would like to know what steps, if any, the State party planned to take to prevent such situations from arising. He would like information on people with intellectual disabilities who worked in sheltered employment settings but received no pay, pension or leave entitlement. He would also appreciate details on the status of implementation of the Equal Pay Programme in respect of narrowing the gender wage gap of over 15 per cent, including through the acceleration of equal participation by women in especially vulnerable situations.

14. In view of reports that employers failed to comply with the salary provisions of the generally binding collective bargaining agreements with respect to foreign workers, he would like to know the reasons for that non-compliance and the available remedies, the number of such cases processed from 2018 to 2020 and their outcomes. He would also like to know whether the Government was considering criminalizing the payment of excessively low wages or developing other means to address that issue and recover wages due. He wondered what remedies were available to victims of employment abuse who did not receive assistance despite recommendations from supervisory organs and why there were no plans to establish a contractual employment relationship to secure the employment rights of wild berry pickers. He would like to know whether the Government planned to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

15. He would appreciate information on the State party's implementation of the International Labour Organization (ILO) Violence and Harassment Recommendation, 2019 (No. 206), including the number of cases in which employers had provided support measures. He would be interested to hear whether the Government had taken any steps to amend legislation to ensure a sufficient level of social security, taking into account the observations that had been made by the European Committee of Social Rights. He would like to have information on employment policy in response to the COVID-19 situation and the impact of the pandemic on workers in key economic sectors, including those in the informal economy affected by lockdown measures.

16. **Ms. Oinonen** (Finland) said that the Government had examined the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and concluded that it was not expedient to do so. No distinction was made between migrant workers and other migrants, who all enjoyed the protection of national law, social security agreements concluded by Finland and the labour and social security legislation of the European Union.

17. **Ms. Uusitalo** (Finland) said that a bill on disability pensions, intended to eliminate poverty traps, would be submitted to the parliament in 2022; under the proposal, a calculation formula would be applied to combined pension and income and the pension reduced when the earnings cap was exceeded. The aims of the national action plan on the Convention on the Rights of Persons with Disabilities included the introduction of a model that would make it easier for persons with disabilities to combine social security and work and would increase their employment levels through development of the intermediate labour market. For example, a recent study had assessed the possible introduction in Finland of the Swedish Samhall model of support for the employment of persons with partial work capacity. Already in 2019, 1,420 persons with disabilities had benefited from supported employment and over 17,000 had participated in work activities. The purpose of work activities for persons with disabilities, targeted at persons who were not employed and lived mainly on benefits, was to maintain their functional capacity. The tax-free allowance was not intended as a salary but to support rehabilitation and was paid in addition to all other pensions and benefits.

18. Tripartite negotiations had resulted in the Equal Pay Programme 2020–2023, which included measures to promote the gender impact assessment of collective agreements, a system that facilitated equal pay and pay awareness and the improvement of work/life balance, and to end the traditional gender division of labour. The tripartite nature of the process made changes time-consuming.

19. Although no statistics were available on implementation of the Equal Pay Programme among Roma women, other studies on Roma employment had been carried out. The latest, from 2019, had shown that members of the Roma community faced challenges in employment owing to low levels of education, limited work experience, cultural factors and discrimination. The National Roma Policy was intended to improve social integration and was based on the premise that current legislation provided a good foundation for the promotion of equality of all persons, including Roma.

20. Employers had a duty of care with respect to the health and safety of their employees and were required to meet minimum employment standards, which covered working hours and pay. If employees were forced to work in unreasonable conditions, they could be considered victims of trafficking in persons, which was a criminal offence. A national employment advice hotline had received almost 600 calls related to discrimination in 2020; authorities could use such reports as grounds to initiate inspections and enforcement measures. Despite the pandemic situation, the occupational safety and health authorities had carried out more than 14,000 inspections in 2020. No specific statistics on underpayment were available because that was rarely the only infraction committed. With respect to discrimination, in 2020, the authorities had issued 87 written recommendations and 12 improvement notices, while in 2019, the authorities had reported 13 cases of alleged employment discrimination to the police.

21. ILO Recommendation No. 206 supplemented the ILO Violence and Harassment Convention, 2019 (No. 190); its implementation was therefore linked to ratification. Since Convention No. 190 affected European Union competences, a decision of the Council of the European Union authorizing ratification was required. Finland had already started the preparatory work for ratification and would proceed as soon as possible. As the Recommendation did not yet have legal force, no support measures had been taken under it.

22. The level of basic social security benefits, such as minimum sickness allowance, rehabilitation allowance and parental allowance, had risen by 22 per cent since 2017. In 2020, basic unemployment allowance, the labour market subsidy, income-related unemployment allowance, pensions and social assistance for single parents had all increased. A comprehensive reform of the social security system had been launched, to take into account changing life situations and ensure that financial assistance remained a last resort. Questions related to human rights and the observations made by the European Committee of Social Rights would be carefully considered in the reform process.

23. **Ms. Heinonen** (Finland) said that foreign workers employed by companies established in Finland enjoyed the same labour rights as Finnish employees. All relevant collective agreements were applicable to foreign workers, irrespective of whether the worker was a trade union member. Trade unions and labour inspectors could assist with issues regarding wage levels and any disputes could be raised before the courts. Problems sometimes arose when both the employer and the worker were foreign nationals: for instance, the employer might pay low wages deliberately to seek a competitive advantage, but might also be unaware of the wage level set out in the applicable collective agreement.

24. A government working group had discussed the possibility of criminalizing of the payment of excessively low wages, but was likely to recommend other measures, such as administrative sanctions. In addition to the labour inspectors, trade unions and courts, special procedures were in place if the non-payment of wages was related to discrimination or to insolvency of the employer.

25. Wild berry pickers generally preferred to be self-employed because they would otherwise be required to pay income tax. A legal assessment had determined that they were usually genuinely self-employed and not employees. Nonetheless, a bill to prevent abuse was being drafted; it would stipulate that berry pickers must be paid before leaving the country and could not be charged a recruitment fee by intermediaries.

26. Some temporary adjustments had been made to labour legislation in response to the COVID-19 pandemic, making it easier for employers to lay off workers on economic grounds, while the unemployment benefits system had also been improved. Although the number of jobseekers had increased and the number of vacancies had decreased, remote working had helped keep the employment rate fairly high. No statistics were available on informal work, which was not widespread in Finland.

27. **Mr. Abdel-Moneim** said that he had seen a newspaper report implying that austerity measures were still in place in Finland and would like to know whether that was accurate.

28. **Mr. Mancisidor de la Fuente** (Country Rapporteur) said that the State party report (E/C.12/FIN/7) indicated that previous Equal Pay Programmes had not been as successful as desired but did not make clear the results of the Programme for 2016–2019. He would appreciate more detailed information on the measures being taken to address the serious problem of gender segregation in the labour market. He would be interested to hear about any good practices that had helped address the fact that unpaid care work was disproportionately carried out by women.

29. **Mr. Zerbini Ribeiro Leão** (Country Task Force) said that, in light of reports received by the Committee that the social security system was unable to provide properly for housing, food, health and other essential services required for an adequate standard of living for all, he would like to know what measures the State party had adopted to improve social programmes. He would also be interested to hear whether it had taken immediate and concrete steps to accelerate the reduction of greenhouse gas emissions, in line with the country's international commitments. Noting that the Government was reviewing the Climate Change Act, he asked whether the implementation of economic, social and cultural rights was addressed in that law, in particular in respect of the impact on those rights of climate change mitigation and adaptation measures.

30. The Committee would also like to know more about the State party's efforts to guarantee access to health care and medical and psychological services for everyone, including intersex persons, and to ensure that such services did not treat questions of gender identity as a curable condition. He would be interested to hear the delegation's view on reports that the availability of mental health services differed widely between regions and that the inadequacy of such services might be responsible for the high suicide rate in the country. He also wished to hear what the State party was doing to address the reported focus of most specialized mental health services on corrective treatment rather than preventive or early warning measures. More information would be welcome on how the State party planned to address the shortcomings in the municipal social and health services in covering the health needs of children and young people, rather than relying on specialized health services that were themselves fragmented and did not focus on the needs of the young.

31. Lastly, he would be interested to hear the delegation's view on reports that poverty was increasing, that the Gini coefficient had risen by nearly 6 percentage points in recent years as income disparity had increased and that the Government had reduced expenditure in some sectors, and how the State party intended to improve the situation.

32. **Mr. Mancisidor de la Fuente** asked whether the delegation could provide any reliable statistics indicating a connection between low income levels and exclusion and what measures were being considered to protect low-income families from disproportionately high tax rates and provide them with basic social security. The Committee had received reports that the needs for social services of migrants and asylum seekers and of unaccompanied minors were not being met. It had also received information that preventive health-care services for children were lacking and the number of children in alternative care had recently increased owing to a lack of qualified personnel in institutions. Did the Government have plans to train staff to address that shortcoming?

33. **Ms. Crăciunean-Tatu** (Country Task Force) said that she would like to hear the delegation's view on reports that children and young people with disabilities were often educated in segregated classes, that elementary schools were inadequately equipped to provide them with equal opportunities and that separate vocational education facilities for such young people did not provide real access to the labour market. She wished to hear how the State party intended to address the reported large disparities in the education dispensed

to them by local municipalities. The Committee would also appreciate information on the State party's efforts to integrate children with disabilities into mainstream education, to mitigate the disproportionate effects of the COVID-19 pandemic on them and to ensure that they had adequate, equal and unhindered access to education.

34. Noting reports that funding restrictions had led to larger preschool group sizes and cutbacks in the availability of preschool education, which disproportionately affected children from disadvantaged families, she would be interested to hear about the results achieved since 2019, when the grant to bring down class sizes had been extended to cover early childhood education and care in socioeconomically challenging areas, especially in terms of the effect on access for children from minority groups and children of migrants, asylum seekers and refugees. Had any particular measures in that regard been taken in response to the COVID-19 pandemic?

35. The Committee would like to hear how the Government intended to respond to the School Health Survey results on school dropout rates, segregation and bullying of children from immigrant backgrounds and Roma children. It would also welcome information on the outcome of the work of the working group considering the teaching of and in Sami languages outside of the Sami Homeland, any proposals it had made and specific steps that were planned to implement them.

36. Reports from civil society drew attention to the lack of visibility of minorities, both in Finnish society in general and in educational materials, cultural life and the media in particular, as well as to an increase in hate speech against members of the Sami community and other minority or vulnerable groups. The Committee would like to know what steps were being taken to increase diversity in the media and to counter hostile attitudes against minority and vulnerable groups. It would also appreciate a more thorough description of the Government's views regarding the possible ratification of the Indigenous and Tribal Peoples Convention, No. 169 (1989) of the International Labour Organization and of the progress made in revising the national language policy.

37. She wished to know whether the Government had taken any steps to implement the recommendation of the Special Rapporteur on the rights of indigenous peoples that the Reindeer Husbandry Act should be revised to include special protection for Sami reindeer husbandry, in view of its centrality in Sami culture. In the light of the need for universal and equitable access to vaccines to staunch the COVID-19 pandemic, she would welcome information on how the State party facilitated the enjoyment of the benefits of scientific progress in Finland and how it would carry out its international cooperation obligations in the relevant field.

38. **Ms. Auvinen** (Finland) said that the results of an independent evaluation of the 2016–2019 equal pay programme had informed the drafting of the equal pay programme for 2020–2023, which had been adopted in December 2020. The new programme included a broad strategic desegregation project aimed at creating a regional cooperation network to improve access to work for people of all genders, with a focus on highly gender-segregated sectors. Two large research projects were planned, one focusing on pay systems and job evaluation criteria and the other on the gender impact of collective agreements, with a view to ensuring equal pay for equal work. The research would provide a basis for the development of policies and legislation in the future. An effort was also being made to increase pay transparency and to defend the rights of employees and staff representatives, in order to more effectively address the problem of pay discrimination.

39. **Ms. Uusitalo** (Finland) said that, while social benefits had been frozen for some time, the Government had recently increased a number of social security benefits and was engaged in a reform of the social security system.

The meeting rose at 2.30 p.m.