
Recommendation CM/RecChS(2021)6 University Women of Europe (UWE) against Finland Complaint No. 129/2016

*(Adopted by the Committee of Ministers on 17 March 2021
at the 1399th meeting of the Ministers' Deputies)*

The Committee of Ministers,¹

Having regard to Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints;

Taking into consideration the complaint introduced on 24 August 2016 by University Women of Europe (UWE) against Finland;

Having regard to the report transmitted by the European Committee of Social Rights (ECSR);

Having noted that the ECSR in its decision on the merits found that the situation in Finland is not in conformity with the following provisions of the Revised European Social Charter:

Articles 4§3 and 20.c of the Revised Charter:

The ECSR considered that, as the law does not make provision for reinstatement in cases where a worker is dismissed in retaliation for bringing an equal pay claim, the obligation to ensure access to effective remedies was not satisfied;

Article 20.c of the Revised Charter:

The ECSR noted that the government had made efforts to identify and analyse the main aspects of the gender pay gap and to provide for a comprehensive strategy towards gender mainstreaming, including with respect to bill drafting and budgeting. However, the ECSR noted that segregation had remained strong in the last 20 years. The gender pay went down, from 20.3% in 2010 to 16.7% in 2017, but it is still above the average in Europe. The measures adopted and the plans elaborated by the government have not produced the results expected and planned and have not been sufficient to achieve measurable progress in lowering the gender pay gap;

Having regard to the response provided by Finland (DD(2020)290) in which the government refers to the fact that pay discrimination victims are safeguarded by other means than the possibility of reinstatement, such as a high threshold for dismissal, liability for compensation for groundless termination of employment, compensation for breaching the Act on Equality between Women and Men, the unemployment security system and public services. A significant percentage of disputes relating to termination of employment are settled in a negotiation system based on collective agreements. As regards the gender pay gap, tripartite Equal Pay Programmes of the government and the central labour market organisations have been carried out in Finland since 2006. New measures are also being introduced. In Finland, there has been a shift in collective bargaining policy from centralised agreements to union-level agreements and, increasingly, to company-level agreements, too. Finland has also taken measures in accordance with the evaluator's

¹ In conformity with Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints, the Deputies, in their composition restricted to the representatives of States Parties to the European Social Charter or the Revised European Social Charter, can participate in the vote.

recommendation, also guided by the European Commission's Recommendation on increasing pay transparency (Commission Recommendation 2014/124/EU);

Acknowledging that Finland, by demonstrating the existence of sufficient safeguards in labour legislation, has provided acceptable justification for the absence of the possibility of reinstatement under Finnish law;

Referring to the Declaration on equal pay and equal opportunities for women and men in employment addressed to all the Council of Europe member States (Decl(17/03/2021)1);

Recommends that Finland:

- review and reinforce existing measures aimed at reducing and eliminating the gender pay gap and consider adopting any new measures that may bring about measurable progress within reasonable time in this respect;
- indicate the decisions and actions taken to comply with this recommendation in the next report on follow-up to decisions in collective complaints [31/10/2022].