

Unofficial translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of the Interior, Finland

Act on the Participation of Civilians in Crisis Management
(1287/2004; amendments up to 1313/2022 included)

By decision of Parliament, the following is enacted:

Chapter 1
General provisions

Section 1 (1359/2018)
Objectives of the Act

The objective of this Act is to support Finland's participation in international crisis management in order to:

- 1) prevent and limit conflicts, create and restore the rule of law and other vital functions of society, maintain peace and stability and carry out other similar actions;
- 2) develop the crisis management capabilities of Finland, the European Union and international organisations; and
- 3) exceptionally mitigate other major disruptions and damage.

Section 2 (1359/2018)
Scope of application

This Act lays down provisions on:

- 1) the participation of civilians in crisis management abroad;
- 2) national capabilities required when participating in crisis management and their maintenance and development;

- 3) the rights and obligations of civilians participating in crisis management abroad; and
- 4) the Crisis Management Centre.

This Act, with the exception of the provisions of sections 4e and 6a to 6d, applies by virtue of section 38 of the Rescue Act (379/2011) to the employment relationships of Finnish personnel participating in the provision of assistance and support for other authorities as part of rescue services and to the personnel's status in assistance activities. Provisions on national capabilities to provide assistance as part of rescue services are laid down in the Act on the Emergency Services Academy Finland (607/2006). (1313/2022)

This Act does not apply to humanitarian aid, development cooperation or other activities funded by budget appropriations for ordinary development cooperation or to activities referred to in the Act on Military Crisis Management (211/2006).

Section 2a (1359/2018)

Definitions

In this Act:

1) *spouse* means the married partner of a person appointed to an employment relationship or the unmarried partner living with the appointed person if the unmarried partners have demonstrably lived together for at least two years or they have or have had a child together;

2) *child* means:

a) a child under 20 years of age, who is not earning a living by working, and who is the child of a person appointed to an employment relationship who has or had custody of the child before the child turned 18;

b) a child under 20 years of age, who is not earning a living by working, and who is the child of the spouse who has or had custody of the child before the child turned 18;

c) a child 20 years of age or older, who cannot earn a living by working due to an illness, injury or disability, and who is the child of a person appointed to an employment relationship or is the child of the appointed person's spouse, whose guardian the appointed person or the person's spouse is;

3) *family member* means a spouse and/or a child;

4) *accompanying family member* means a spouse and/or a child who lives in the same household with the person appointed to an employment relationship in the secretariat's location; however, a family member staying for a period shorter than six months is not regarded as an accompanying family member;

5) *position in a secretariat* means a function of the European Union or of an international organisation located in the territory of a state belonging to the European Union or the European Free Trade Association or located in an area with corresponding security conditions in one of the following: the headquarters of an international organisation; a permanent representation located in the headquarters; or an office with a specific independent function comparable to the headquarters.

Section 3 (1359/2018)

Mandates

The Ministry for Foreign Affairs is responsible for issues concerning the participation of civilians in crisis management.

The Ministry of the Interior is responsible for issues concerning national capabilities.

Section 4 (1359/2018)

National capabilities

National capabilities comprise:

1) readiness to recruit civilians to be sent on crisis management duties abroad;

2) provision of crisis management training for civilians;

3) material and logistics readiness;

4) research and development activities;

5) coordination of the issues referred to in paragraphs 1 to 4 in various administrative branches;
and

6) cooperation with non-governmental organisations to maintain and develop the issues referred to in paragraphs 1 to 4.

Section 4a (1359/2018)

Crisis Management Centre

The Crisis Management Centre operates in conjunction with the Ministry of the Interior. It is tasked to carry out the duties referred to in section 4, paragraphs 1 to 4 and to act as the employer referred to in section 5, subsection 1.

Section 4b (1359/2018)

Organisation of the Crisis Management Centre

The Crisis Management Centre has a Director and is served by other public officials and, if necessary, by other personnel.

The Director manages, monitors and develops the activities of the Crisis Management Centre and is responsible for their quality and effectiveness. The Director appoints the public officials serving the Centre and recruits the rest of the personnel. The Director of the Crisis Management Centre is appointed by the Government.

Section 4c (1359/2018)

Rules of procedure

The Crisis Management Centre has rules of procedure that are adopted by the Director after consultation with the Ministry of the Interior. The rules of procedure stipulate the Centre's organisation, the personnel's tasks and duties, the processing and decision-making of matters and other general organisation of activities.

Section 4d (297/2022)

Provisions applicable to the procedure for appointing a person to an employment relationship

Section 6, subsections 1 and 2 as well as sections 8b and 8c of the Act on Public Officials in Central Government (750/1994) apply to the procedure for appointing a person to an employment relationship.

A person applying for an employment relationship position may not request a judicial review by way of appeal against a decision on nomination as a candidate or on appointment to an employment relationship.

Section 4e (297/2022)

Restrictions on nomination as a candidate and on appointment to an employment relationship

To secure and develop Finland's civilian crisis management resources, when nominating persons as candidates for certain positions or when appointing them to certain employment relationships, priority may be given to a person who has not previously been in a civilian crisis management employment relationship as referred to in this Act.

Further provisions on the positions and employment relationships referred to in subsection 1 are issued by decree of the Ministry of the Interior.

Chapter 2

Rights and obligations of persons in employment relationships

Section 5

Employment relationship governed by public law

Persons participating in crisis management or international civil protection missions abroad have a fixed-term employment relationship, governed by public law, with the State. The employer of such persons is the Crisis Management Centre. However, the Ministry for Foreign Affairs functions as the employer if it is deemed expedient from the viewpoint of foreign and security policy, or the

Ministry of the Interior if the assignment is significant to national capabilities. The Emergency Services Academy Finland functions as the employer in the case of international civil protection missions. (297/2022)

The provisions of this Act apply to the rights and obligations of persons in employment relationships. In other respects, the Act on Public Officials in Central Government applies to their legal status. (297/2022)

The terms of an employment relationship referred to in this Act cannot be determined by a collective agreement for public officials, unless otherwise provided in this Act.

Section 6 (1359/2018)

Relationship to the European Union, international organisations or actors carrying out missions

Persons appointed to employment relationships are, during their employment relationships, operationally under the European Union, international organisations or actors carrying out missions.

Section 6a (259/2015)

Powers of persons in employment relationships

The following applies to persons in employment relationships:

- 1) the provisions of the Police Act (872/2011) or the provisions issued under it in respect of police officers;
- 2) the provisions of the Border Guard Act (578/2005) or the provisions issued under it in respect of border guards;
- 3) the provisions of the Customs Act (304/2016) or the provisions issued under it in respect of persons on leave of absence from Customs under section 7; (1359/2018)
- 4) the provisions of the Imprisonment Act (767/2005) or the provisions issued under it in respect of persons on leave of absence from the Prison and Probation Service under section 7.

The powers of persons in employment relationships may not, however, exceed what is stipulated on powers in the mission documents of each mission.

Section 6b (259/2015)

Right to carry instruments of force and right to use force

The right to carry instruments of force in an area of operation and the right to use force when performing a service duty, including the use of instruments of force, is given to a person in an employment relationship who in the mission performs the tasks of the police, border control, Customs or the criminal sanctions sector and who is:

- 1) a police officer who has completed the training on the use of instruments of force and use of force as referred to in the Police Act or in the provisions issued under it;
- 2) a border guard who has completed the training on the use of instruments of force and use of force as referred to in the Border Guard Act or in the provisions issued under it;
- 3) a person on leave of absence from Customs under section 7 who has completed the training on the use of instruments of force and use of force as referred to in the Customs Act or in the provisions issued under it;
- 4) a person on leave of absence from the Prison and Probation Service under section 7 who has completed the training on the use of instruments of force and use of force as referred to in the Imprisonment Act or in the provisions issued under it.

When appointing a person to an employment relationship or during it, the employer confirms the person's right under subsection 1 to carry instruments of force in the area of operation and the right to use force when performing a service duty. (1359/2018)

Section 6c (259/2015)

Instruments of force and use of force

The person referred to in section 6b has the right to use force necessary and justifiable for the service duty which are in compliance with the mission documents and the rules established for the

use of force in the mission. Provisions on the excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code (39/1889).

In addition to the stipulations in the mission documents and the rules established for the use of force in the mission, the following apply to the permitted instruments of force and their carrying, the use of force and the required training on the use of instruments of force and use of force:

1) the provisions of the Police Act or the provisions issued under it in respect of police officers;

2) the provisions of the Border Guard Act or the provisions issued under it in respect of border guards;

3) the provisions of the Customs Act or the provisions issued under it in respect of persons on leave of absence from Customs under section 7;

4) the provisions of the Imprisonment Act or the provisions issued under it in respect of persons on leave of absence from the Prison and Probation Service under section 7.

Section 6d (259/2015)

Self-defence

Persons in employment relationships have the right to self-defence as laid down in chapter 4, section 4 of the Criminal Code. In assessing whether self-defence is justifiable, the requirements set for the persons appointed to an employment relationship on the basis of the training and experience in their field shall also be taken into account.

Provisions on excessive self-defence are laid down in chapter 4, section 4, subsection 2 and section 7 of the Criminal Code.

Section 7 (297/2022)

Leave of absence, exemption from work and continuation of a contractual or public-service employment relationship

Persons employed by the State, a municipality, joint municipal authority, wellbeing services county or joint county authority for wellbeing services are entitled to unpaid leave of absence or exemption from work for a total of three years over a period of five years for the following:

- 1) an employment relationship referred to in this Act;
- 2) basic training in civilian crisis management provided or designated by the Crisis Management Centre or basic training in international civil protection missions provided by the Emergency Services Academy Finland;
- 3) pre-deployment training prior to an employment relationship;
- 4) a feedback event after an employment relationship;
- 5) training or exercise related to international civil protection missions which, by decision of the Ministry of the Interior, is considered necessary for achieving and maintaining the preparedness required by Finland's international commitments.

However, public officials are not entitled to the leave of absence referred to in subsection 1 if their employer has, before they have submitted an application for the activities referred to in subsection 1 or given their consent, nominated them as a candidate or appointed them to a position to implement participation based on an obligation under European Union law.

A contractual or public-service employment relationship held by a person participating in an activity referred to in subsection 1 shall not be ended due to the activity in question or terminated during the activity by the person's employer if the employer has granted the person in its service leave of absence or exemption from work for the activity in question.

Section 4 of the Act on the Continuation of Contractual and Public-Service Employment Relationships of People Fulfilling Their National Defence Obligation (305/2009) applies to the right to return to work when the activity referred to in subsection 1 is completed or suspended.

Section 8 (1359/2018)

Holiday compensation

Persons other than those in an employment relationship with the State who have been granted an unpaid leave of absence or exemption from work for the duration of the employment relationship referred to in this Act are paid holiday compensation during the employment relationship referred to in this Act as provided in the Annual Holidays Act (162/2005). Holiday compensation is paid after the end of an employment relationship referred to in the letter of appointment unless otherwise agreed.

Section 9 (1359/2018)

Family leave and sick leave

The right of persons in employment relationships to sick leave, pay for the period of the sick leave and to absence from work and pay related to childbirth and child care is determined in accordance with the general collective agreement for public officials and employees in central government.

Section 10

Group life insurance

If a person in an employment relationship referred to in this Act dies, financial support equivalent to group life insurance is paid as agreed in the collective agreement for public officials and employees in central government on benefits equivalent to group life insurance.

If a person in an employment relationship referred to in this Act dies and the person's legal successors are entitled to compensation paid by the European Union, an international organisation or an actor carrying out a mission on account of the death and on the basis of the same employment relationship, support referred to in subsection 1 is paid only to the extent it exceeds the said compensation. (1359/2018)

The support is granted and paid on application by the State Treasury, in compliance with, as appropriate, the provisions and regulations in force on granting and paying financial support on account of the death of a central government employee.

Section 11 (1359/2018)

Pension rights

Provisions on pension rights arising from an employment relationship referred to in this Act are laid down in the Public Sector Pensions Act (81/2016).

If a person is in a service relationship referred to in section 101, subsection 1 of the Public Sector Pensions Act when an employment relationship referred to in this Act begins and ends, and, during the employment relationship, is on leave of absence or has been exempted from the service relationship in question, the earned income from the employment relationship referred to in this Act can be taken into account in accordance with sections 103 and 104 of the said Act when determining the person's pension.

Section 12

General retirement age

The general retirement age laid down in the Act on Public Officials in Central Government does not apply to employment relationships referred to in this Act.

Section 13 (1359/2018)

Basic salary

The basic salary of persons appointed to employment relationships is determined according to the pay grade based on job complexity.

Employers may in special cases make a written agreement with a person to be appointed to an employment relationship on a monthly salary paid for the position.

Provisions on the pay grades and salary payment procedures are laid down by decree of the Ministry of the Interior.

Section 14 (297/2022)

Compensation for conditions

Persons appointed to employment relationships are paid compensation for conditions to cover special costs and higher living costs incurred in the area of operation and for adverse conditions in the area of operation that affect health, safety and wellbeing. The compensation for conditions is paid unless the European Union, an international organisation or an actor carrying out a mission

pays a daily allowance or other compensation or if the daily allowance or other compensation paid by them is insufficient.

Provisions on the amount of compensation for conditions are laid down by decree of the Ministry of the Interior. Further provisions on the compensation for conditions and its payment procedure may be issued by decree of the Ministry of the Interior.

Section 14a (1359/2018)

Accommodation compensation

Persons employed in positions in a secretariat are entitled to receive compensation for reasonable costs arising from living in the secretariat's location. In considering the reasonableness of accommodation costs, the conditions at the secretariat's location and the fact whether the public official has a family are taken into account.

Provisions on the acceptable costs on which the accommodation compensation is based and on the amount of compensation are laid down by decree of the Ministry of the Interior. Further provisions on the accommodation compensation and on the procedure for applying for, granting and paying the compensation may be issued by decree of the Ministry of the Interior.

Section 14b (1359/2018)

Education compensation

Persons employed in positions in a secretariat are entitled to receive compensation for reasonable costs arising from the pre-primary, primary and lower secondary education, general upper secondary education and vocational upper secondary education and training of children accompanying them, hereinafter referred to as the *education compensation*, if the duration of the employed persons' term of office is 12 months or more. The right to education compensation starts at the beginning of the school year in the calendar year in which the child turns five and ends at the end of the school year in which the child turns 20.

In considering the reasonableness of the costs to be compensated, attention is paid to the special circumstances at the secretariat's location, the level and content of education and the expediency of the teaching language and school system in terms of the child's previous schooling and opportunities for further education.

Further provisions on the education compensation, its amount and on the procedure for applying for, granting and paying the compensation may be issued by decree of the Ministry of the Interior.

Section 14c (1359/2018)

Child daycare compensation

Persons employed in positions in a secretariat are entitled to compensation for reasonable costs arising from the child daycare services for children accompanying them, hereinafter referred to as the *child daycare compensation*. The precondition for the compensation is that child daycare is provided in a child daycare unit approved by the employer.

The right to child daycare compensation starts from the beginning of the calendar month following the child's third birthday and ends when the right to education compensation starts. Provisions on bringing forward the starting time of the compensation may be laid down by decree of the Ministry of the Interior.

Provisions on the amount of child daycare compensation are laid down by decree of the Ministry of the Interior. Further provisions on the child daycare compensation and on the procedure for applying for, granting and paying the compensation may be issued by decree of the Ministry of the Interior.

Section 15 (1359/2018)

Compensation for certain costs

Persons nominated as candidates for a position, persons proposed for appointment to an employment relationship and persons who are or were in an employment relationship are compensated for extra costs incurred by applying for an employment relationship and performing the duties, unless these costs are covered by a compensation paid by the European Union, an international organisation or an actor carrying out a mission. (297/2022)

Further provisions on the compensation of costs and the related procedure are laid down by decree of the Ministry of the Interior.

Section 15a (1359/2018)

Subsidiary nature of accommodation, education and child daycare compensations

Persons appointed to employment relationships are entitled to receive accommodation, education and child daycare compensations only insofar as the spouse has no right to receive similar benefits from another employer. If a person appointed to an employment relationship and the person's spouse are both in an employment relationship referred to in this Act and they have been assigned to the same location of a secretariat, the accommodation, education and child daycare compensations are split in half between the two. If the spouse of a person appointed to an employment relationship has been assigned to the same location of a secretariat as a public official of the Foreign Service referred to in the Act on Allowances Payable to Officials in Finnish Missions Abroad (596/2006), the accommodation, education and child daycare compensations are paid according to the spouse whose compensation is higher.

Section 15b (1359/2018)

Compensations during family leave and sick leave

Persons appointed to employment relationships are entitled to receive the compensation for conditions during a family leave and sick leave referred to in section 9 on the same grounds and to the same ratio as established for salaries paid during such leaves in the collective agreement for public officials in central government. Persons employed in positions in a secretariat are entitled to receive the accommodation, education and child daycare compensations in full during a sick leave. In addition, persons employed in positions in a secretariat are entitled to receive the accommodation and education compensations in full during a maternity, paternity and parental allowance period and during an adoptive parent's allowance period referred to in the Health Insurance Act (1224/2004).

Subsection 2 was repealed by Act 297/2022.

Section 15c (1359/2018)

Compensations in the event of death

If a person appointed to an employment relationship dies during the person's term of office, the right to receive compensation for conditions and accommodation, education and child daycare compensations continues to the end of the calendar month in which the said person died. The

employer may, for a specific reason, decide to extend the duration of the right to receive accommodation, education and child daycare compensations for a longer period.

A person appointed to an employment relationship is entitled to receive the compensations paid on the basis of an accompanying family member until the end of the month in which the family member died.

Section 15d (1359/2018)

Application for compensations

The accommodation, education and child daycare compensations are paid on application. Persons appointed to employment relationships shall inform their employer without delay of any changes in the circumstances affecting the grounds for payment of compensation. Applications for compensation shall be filed within six months from the starting date of the right to compensation. A decision on compensation shall be made within two months from the receipt of the application.

Section 15e (1359/2018)

Recovery of payments

A paid compensation may be recovered if the preconditions for receiving the compensation are not fulfilled. However, compensations are not recovered if the reason for not fulfilling the precondition on the duration of an employment relationship or accommodation is due to an illness of the person in an employment relationship or of the person's family member, cessation of the employment relationship or transfer to a domestic assignment on grounds beyond the control of the person, or due to another similar reason approved by the employer. In other respects, the provisions of sections 60 and 61 of the Act on Public Officials in Central Government apply to the recovery of compensations referred to in this Act.

Further provisions on the procedure related to the recovery of compensations may be issued by decree of the Ministry of the Interior.

Section 15f (297/2022)

Compensation during absence from the area of operation

The compensations referred to in sections 14 and 14a to 14c may be paid on condition that the person in an employment relationship lives and stays within the area of operation determined by the party referred to in section 6.

Notwithstanding the provisions of subsection 1, a person in an employment relationship who has left the area of operation shall not be entitled to the said compensations insofar as the person's continuous absence from the area of operation exceeds 30 days for a reason other than leave granted by the European Union, an international organisation or an actor carrying out a mission. A person appointed to an employment relationship may, for a special reason, be compensated for reasonable accommodation costs referred to in sections 14 and 14a for a period longer than the said period. A person in an employment relationship shall notify the employer without delay of any absence exceeding 30 days due to reasons other than leave granted by the European Union, an international organisation or an actor carrying out a mission.

Further provisions on the reasonable costs referred to in subsection 2 are laid down by decree of the Ministry of the Interior.

Section 16 (1359/2018)

Cessation of employment relationships and transfer to domestic assignments

Besides the provisions in the Act on Public Officials in Central Government on the cessation of public-service employment relationships, an employment relationship referred to in this Act may be terminated if the assignment to which a person was appointed ceases to exist or if Finland's national participation in crisis management is reduced or terminated.

An employment relationship with the State other than that referred to in this Act does not affect the period of notice of persons in an employment relationship. (297/2022)

Persons in an employment relationship may be transferred from international crisis management duties to a fixed-term public-service employment relationship under the Act on Public Officials in Central Government to their employer's head office until the end of the employment relationship under this Act if the person consents to this or if there are serious grounds for such a transfer. Employers shall try to place the person in an assignment in Finland that is comparable in complexity to the person's international assignment. Section 7 applies to the protection against

unjustified termination of the public-service and contractual employment relationship of the person transferred to a fixed-term public-service employment relationship.

Chapter 3

Registers of experts (1359/2018)

Section 17 (1359/2018)

Controllers and purpose of the registers of experts

For the purpose of carrying out the duties referred to in this Act, there is a register of experts in civilian crisis management and a register of experts in international civil protection missions. The information entered in the registers of experts may be used for recruiting persons to crisis management assignments referred to in this Act or to international civil protection assignments under section 38 of the Rescue Act, for employers' personnel management, for training and exercise activities, for maintaining operational information and situational awareness as well as for developing training and competence.

The controller of the register of experts in civilian crisis management is the Crisis Management Centre. The controller of the register of experts in international civil protection missions is the Emergency Services Academy Finland.

Section 18 (1359/2018)

Information sources and contents

The following pertinent information on persons proposed as candidates for crisis management assignments referred to in this Act or for international civil protection assignments under section 38 of the Rescue Act, on persons appointed to employment relationships and on persons participating in training or exercise may be entered in the registers of experts:

- 1) name, personal identity code or date of birth, citizenship and contact information;
- 2) education;
- 3) work experience;

4) name, personal identity code or date of birth and contact information of a family member or next of kin;

5) information related to compensations paid under this Act; and

6) information related to an employment relationship, training or exercise referred to in this Act.

In addition, essential information on the allergies, blood group and vaccinations of the person appointed to an international civil protection assignment or participating in training or exercise may be entered in the register of experts in international civil protection missions.

With the consent of the registered person, the information entered in the registers of experts may be verified from an information source reported by the registered person.

Section 19 (1359/2018)

Disclosure of information

The information in the registers of experts may, notwithstanding secrecy provisions and section 16, subsection 3 of the Act on the Openness of Government Activities (621/1999), be disclosed to the Ministry for Foreign Affairs, the Ministry of the Interior, the European Union, international organisations or actors carrying out missions for recruitment, training and research purposes. Prior to the disclosure of information, the party requesting information shall provide a statement detailing the appropriate protection of the information.

The information referred to in section 18, subsection 2 may be disclosed in accordance with subsection 1 only if this is necessary for performing the tasks of the information recipient. Separate provisions are laid down on the processing of personal identity codes.

Section 20 (1359/2018)

Data storage period

Information on persons who are or have been in an employment relationship, training or exercise referred to in this Act is stored in the register for ten years after the end of the last employment relationship, training or exercise unless they have requested that the information on them be removed sooner.

Section 21 (1359/2018)

Section 21 was repealed by Act 1359/2018.

Chapter 4**Miscellaneous provisions and entry into force****Section 22 (1359/2018)**

Section 22 was repealed by Act 1359/2018.

Section 23**Entry into force**

This Act enters into force on 1 January 2005.

The provisions of chapter 2 of this Act apply to employment relationships to which persons have been appointed after the entry into force of the Act.