

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Economic Affairs and Employment, Finland

Act on Mediation in Labour Disputes

(420/1962, amendments up to 109/2023 included)

Chapter 1

National conciliator, conciliator and conciliation board (354/2009)

Section 1 (354/2009)

For the purpose of promoting the functioning of the labour market and providing mediation in labour disputes, there shall be a position for a national conciliator. In addition, a sufficient number of part-time conciliators may be appointed. Provisions concerning the appointment of a national conciliator and the national conciliator's deputies, qualification requirements for a national conciliator, and the appointment of conciliators, requirements for appointment as a conciliator and conciliators' terms of office are issued by Government decree.

A conciliation board may be appointed for a particular conciliation duty. Provisions concerning the appointment of a conciliation board and its assistance are issued by Government decree.

Section 2 was repealed by Act 1198/1987.

Section 3 (354/2009)

The national conciliator shall have an office attached to the Ministry of Economic Affairs and Employment. The national conciliator shall act as the head of this office. Provisions concerning the appointment of the national conciliator's office staff and appointment to their duties are issued by Government decree.

It shall be the duty of the national conciliator:

1) in co-operation with the labour market organisations, to endeavour to further the relationships between employers and employees or public officials and their organisations;

- 2) at the request of the parties, to preside over negotiations for the conclusion of a collective agreement or a collective agreement for public officials or appoint a conciliator to preside over such negotiations;
- 3) to direct conciliation in labour disputes throughout the country and, when necessary, appoint a conciliator for a particular conciliation duty, to act independently or as an assistant to the national conciliator;
- 4) to carry out the other duties entrusted to the national conciliator by the Council of State.

Section 4 was repealed by Act 354/2009.

Section 5 (354/2009)

It shall be the duty of a conciliator to carry out such duties as may be entrusted to the conciliator by the national conciliator under section 3.

Section 6

The provisions governing the disqualification of judges shall apply to the disqualification of conciliators.

Chapter 2

Implementation of a work stoppage

Section 7 (354/2009)

It shall not be permissible for a work stoppage to be extended or commenced in connection with a labour dispute unless the office of the national conciliator and the other party to the dispute have been given notice in writing at least two weeks beforehand, with an indication of the causes of the intended stoppage or the extension of the stoppage, the date of its commencement and its scope. The party giving such notice shall not be permitted, without the consent of the other party, to postpone the commencement or extension of the intended action until a later date than is stated in the notice or to restrict such action to a more limited field.

Section 8

If a labour dispute is intended to give rise to a work stoppage or the extension of the same that is considered, in the light of its scope or the nature of the sector involved, to affect essential

functions of society or to prejudice the general interest to a considerable extent, the Ministry of Economic Affairs and Employment may, at the proposal of the conciliator or conciliation board involved, and with the object of reserving sufficient time for mediation, prohibit the intended stoppage or its extension or commencement for a maximum of fourteen days from the announced date of its commencement. In the case of a labour dispute over the terms of employment of public officials, the Ministry may, for special reasons, at the proposal of the conciliator or conciliation board involved, extend its prohibition of the work stoppage for an additional seven days. The parties shall be notified of the prohibition at least three days prior to the date on which the action was intended to begin, or, in the latter case, before the expiry of the prohibition period.

(354/2009)

Neither party shall be permitted, without the consent of the other party, to commence an intended stoppage of work or to extend such a stoppage after more than three days have elapsed since the end of the prohibition. The date on which action in connection with a labour dispute is to begin shall invariably be notified to the conciliator and to the other party at least three days before the prohibition ends.

Chapter 3

Conciliation procedure

Section 9 (354/2009)

As soon as the national conciliator or a conciliator appointed by the national conciliator has received notice under section 7, the national conciliator or a conciliator shall take such measures deemed appropriate to settle the dispute. The national conciliator shall also have power to take action when becoming aware of a labour dispute that endangers industrial peace.

Section 9a (109/2023)

In addition to the provisions laid down in section 9, the national conciliator or a conciliator appointed by the national conciliator may, at the request of a party or parties to the labour dispute, initiate voluntary conciliation if all parties agree to it.

The conciliator shall, without delay, communicate the request referred to in subsection 1 to the parties that have not requested conciliation. The parties shall be asked to give their consent to the

initiation of the conciliation procedure and they shall be given an opportunity to submit a written statement following the request.

The conciliator shall consider, on the basis of the request and statements of the parties, whether to initiate a conciliation procedure.

With the exception of the provisions of section 10, subsection 3, the provisions of sections 10–12 on conciliation shall also apply to voluntary conciliation.

Section 10 (109/2023)

When the conciliator deems it appropriate or when a party requests it or when the conciliator has decided to initiate voluntary conciliation in accordance with section 9a and the parties have consented to it, the conciliator shall invite the parties to negotiate. In the negotiations, the conciliator shall act as the chairperson and determine the manner and order in which the disputes shall be considered.

A party must attend or send its representative to the negotiations ordered by the conciliator and provide the conciliator, within a reasonable period set by the conciliator, before the negotiations begin, with a written account of the subject of the dispute, its content, the claims presented in the case and any other information considered necessary by the conciliator. A party may impose a condition that the information provided may not be disclosed to others without its consent.

Before or during the negotiations, the conciliator may request the parties to consider whether the commencement of the intended industrial action should be postponed until the outcome of the conciliation is known.

The conciliator may decide to end voluntary conciliation under section 9a if it becomes evident during the negotiations that the conditions for conciliation cannot be met.

Voluntary conciliation ends if a party gives a notice on the implementation of a work stoppage referred to in section 7.

Section 11

In the discharge of the duties the conciliator shall, after becoming thoroughly conversant with the dispute, with the circumstances of importance in forming an opinion thereon and with the demands of the parties, endeavour to induce the parties to determine the precise matters in dispute and to limit them as far as possible, and shall seek to bring about a compromise between them on terms as close as possible to their own proposals and offers, suggesting such concessions and adjustments as appear to the conciliator to be appropriate and fair.

Section 12

In connection with the conciliation proceedings a conciliator may, on own initiative, hear experts or other persons whom the conciliator may require for the purpose of obtaining information; if they so request, they shall be paid such compensation out of public funds as the conciliator considers reasonable.

The expenses incurred by the parties in connection with the mediation shall be borne by the parties themselves.

Section 13

If a conciliator fails to settle a labour dispute by negotiation or in any other manner, the conciliator may present the parties with a draft settlement, prepared in writing, at the same time recommending them to accept it within a short time limit, to be fixed by the conciliator. The draft settlement shall not be made public without the conciliator's consent, until the conciliation proceedings are successfully completed or are broken off.

If the parties do not accept the draft settlement, the conciliator shall consider whether the proceedings should be continued or stopped.

If the conciliator decides that the necessary conditions for proposing a draft settlement, as prescribed in subsection 1 of this section, are not fulfilled, the conciliator may break off the conciliation proceedings.

Section 14

If a settlement is reached, the terms shall be entered in the record kept by the conciliator.

Section 15 (354/2009)

If the parties have set up a special body for the purpose of mediating in a labour dispute or determining it, notice of the fact shall be given to the office of the national conciliator. No steps to conciliate such a dispute may be taken unless the body has failed in its efforts to settle the case or the circumstances indicate that it is not able to undertake its task or to handle it successfully.

Chapter 4**Miscellaneous provisions****Section 16 (109/2023)**

This Act shall not apply to any dispute concerning a collective agreement or a collective agreement for public officials that calls for consideration by the Labour Court or for arbitration in accordance with the terms of the agreement, with the exception of disputes mediated in voluntary conciliation in accordance with section 9a. After receiving evidence that this Act does not apply to a dispute in accordance with what is provided above in this section, the conciliator shall notify the parties thereof.

Section 17 (354/2009)

Any person failing to comply with the requirements of section 7, or section 8, subsection 2 of this Act or with a prohibition imposed under section 8, subsection 1, shall be sentenced to a fine for *a violation of the Act on Mediation in Labour Disputes*.

The prosecutor is not entitled to bring charges for any failure to comply with the requirements of section 7 of this Act unless the injured party presses charges with respect to such a crime.

(477/2011)

Section 18 (799/1989)

A conciliator shall make no unauthorised disclosure of any trade secret that has come to the conciliator's knowledge in performing the duties, nor of any matter that has been entrusted to the conciliator's knowledge subject to the condition mentioned in the section 10, subsection 2.

(609/2018)

The punishment for breaking the obligation to secrecy of public officials and employees of public bodies is given in chapter 40, section 5 of the Criminal Code.

Section 19

The authorities shall be required, if so requested by a conciliator, to give the conciliator any executive assistance needed for the performance of the duties under this Act.

Section 20 (354/2009)

The remuneration payable to a conciliator and to the chairperson and members of a conciliation board, and any expenses incurred in connection with conciliation proceedings shall be covered in accordance with the grounds for remuneration specified by the Ministry of Economic Affairs and Employment.

All documents drawn up or given by a conciliator shall be exempt from any fees.

Section 21 was repealed by Act 354/2009.

Section 22

This Act shall come into operation on 1 October 1962; the Act of 12 July 1946 respecting conciliation in labour disputes (570/1946) shall stand repealed.