

NB: Unofficial translation
Ministry of Labour, Finland

ACT ON CONFIRMATION OF THE GENERAL APPLICABILITY OF COLLECTIVE AGREEMENTS (56/2001)

Commission confirming the general applicability of collective agreements

Section 1

Function of the Commission

The Commission confirming the general applicability of collective agreements is charged to confirm with its decision whether a national collective agreement supplied to it under section 2 of the Collective Agreements Act (436/1946) is representative in its sector of application as referred to in chapter 2, section 7, paragraph 1 of the Employment Contracts Act (55/2001).

Section 2

Composition and appointment of the Commission

The Commission has a part-time chairman and two other part-time members, each with a personal deputy. The chairman and his/her deputy must be qualified to hold the office of judge and they and the other members must be familiar with employment relationships and working conditions. The chairman of the Commission and the other members and their deputies must be chosen from persons that cannot be viewed as representing either employer or employee interests.

The members of the Commission are appointed by the Government for five years at a time. The Commission operates in connection with the ministry responsible for occupational safety and health matters. The Commission acts independently in its tasks.

The Government grants dismissal from the Commission for a member or deputy member. The Government then appoints a successor to the said member or deputy member for the remaining term, following the procedure laid down above in this section.

The Government can remove a Commission member from membership in the Commission only if he/she no longer fulfils the qualification requirement laid down in paragraph 1.

The Commission elects part-time secretaries. A secretary presenting matters to the Commission for decision must be qualified to hold the post of judge.

The Commission approves its own standing orders.

Section 3

Quorum of the Commission and its decision-making

The Commission is convened by the chairman. It is quorate when the chairman or his/her deputy and two members or their deputies are present.

The Commission makes its decisions on presentation. If there are differences of opinion in the Commission when a matter is to be decided, the matter shall be decided by vote following the same procedure as in a multi-member court.

The Commission is entitled to hear experts. Notwithstanding secrecy provisions, the Commission is entitled to obtain from other authorities information that it needs to make a decision on confirmation.

Commission decisions are signed by the chairman of the meeting and countersigned by the presenter.

Confirming the general applicability of a collective agreement

Section 4

Filing and handling a matter in the Commission

The Commission must take action on a matter involving confirmation of general applicability when the collective agreement concerned and the information referred to in section 2, paragraphs 2 and 4, of the Collective Agreements Act have been supplied to the ministry in charge of occupational safety and health matters.

The Administrative Procedures Act (598/1982) applies to the handling of matters by the Commission.

Section 5

Date of application of a generally applicable collective agreement

In confirming the general applicability of a collective agreement, the Commission must specify that the agreement shall be applied as of the date on which it enters into force.

If the general applicability of a collective agreement is confirmed at some time other than in connection with the entry into force of the agreement, the date from which the agreement shall be applied can be specified as a date later than that laid down in paragraph 1 if there is justified cause.

Section 6

Validity of general applicability

A decision concerning the general applicability of the collective agreement for each sector is valid until the Commission decides otherwise under section 7 or the Labour Court decides otherwise under section 9.

Section 7

Reconsideration of a matter by the Commission

Once a decision of the Commission has become final, any person entitled to appeal under section 10 may submit a written petition asking for reconsideration of the matter concerning the confirmation of the general applicability. The application must demonstrate that

substantial changes have taken place in the preconditions for confirming the collective agreement.

The Commission can also, ex officio, reconsider a matter related to confirmation of the general applicability of a collective agreement in the situations referred to in paragraph 1.

Section 8
Publication of Commission decisions

The Commission shall publish its decisions referred to in section 1 in the Official Gazette without delay.

Appealing a decision of the Commission

Section 9
Appellate authority

A decision of the Confirmation Commission can be contested by means of a written appeal to the Labour Court as laid down in this Act and in the Act on the Labour Court (646/1974).

Section 10
Right of appeal

Those with right of appeal are the parties to the collective agreement concerned and the employer and employee organizations which have acceded to it later, each separately, and any employer or employee whose legal standing in an employment relationship depends on the general applicability of the collective agreement.

Section 11
Appeal period

The appeal must be submitted within 30 days of publication of the Commission decision as referred to in section 8. The appeal must be filed with the Commission, which shall pass on the appeal documents and its own statement on the appeal to the Labour Court.

Miscellaneous provisions

Section 12
Urgency

A matter related to the confirmation of a collective agreement's general applicability must be dealt with urgently by the Commission and the Labour Court.

Section 13
Entering the decision in the Regulations Collection

Legally final decisions of the Confirmation Commission and decisions of the Labour Court on confirmation of general applicability must be published without delay in the Regulations

Collection maintained by the Ministry of Justice referred to in section 6 of the Act on collections of regulations issued by ministries and other State authorities (189/2000) in the manner provided in the Government Decree on collections of regulations issued by ministries and other State authorities (259/2000).

Filing of decisions in the Regulations Collection is the responsibility of the Commission confirming the general applicability of collective agreements, to which the Labour Court shall send its decisions. The Commission must also supply the collection with information on where a collective agreement confirmed as generally applicable has been published as provided in section 14, and on the possibility to obtain additional information on the agreement in Finnish and Swedish.

Section 14

Publication of a collective agreement confirmed as generally applicable

The Commission must make a collective agreement confirmed by a legally final decision to be generally applicable publicly available free of charge through the public data network in the list of generally applicable collective agreements. Similarly, information that additional information on the generally applicable collective agreement is available in Finnish and Swedish from the Confirmation Commission must also be made publicly available.

Section 15

Fees

Fees of the members of the Commission shall be fixed by the ministry in charge of occupational safety and health matters.

Section 16

Entry into force

This Act enters into force on June 1, 2001. Measures needed to put the Act into effect may be taken before it enters into force.

Section 17

Transitional provisions

The Commission must make decisions on confirmation of the general applicability of collective agreements effective when the Act enters into force, within 18 months of the date on which the Government appoints the Commission.