

ACT ON MEDIATION IN LABOUR DISPUTES (420/1962)
(as amended by several acts, including No. 1179/1993)

Chapter 1. Conciliators

1. (668/1970)

- (1) For the purpose of providing mediation in labour disputes between employers and workers or civil servants and with the object of furthering the relations between the same, there shall be permanent positions for two national conciliators; one of the two posts may be left vacant if the duties of conciliation can be handled by a single national conciliator. In addition, there shall be a sufficient number of part-time district conciliators, whose number and territorial competence shall be determined by decree. (405/1980).
- (2) An ad hoc conciliator or conciliation board may be appointed for a particular conciliation duty.

2. Repealed (1198/1987)

3. (668/1970)

- (1) It shall be the duty of the national conciliators -
 - 1) in co-operation with the employment market organisations, to endeavour to further the relationships between employers and workers or civil servants and their organisations;
 - 2) at the request of the parties, to preside over negotiations for the conclusion of workers' and civil servants' collective agreements; (1179/1993)
 - 3) to direct the work of conciliation in labour disputes throughout the country and, more particularly, to take such conciliation measures as are required by disputes affecting the areas of jurisdiction of two or more district conciliators;
 - 4) to act as chiefs to the district conciliators;
 - 5) where necessary, to instruct a district conciliator, if he so agrees, to carry out a particular conciliation duty outside the latter's territorial competence, either independently or as an assistant to the competent national conciliator;
 - 6) where necessary, to make proposals to the Ministry of Labour for the appointment of a temporary conciliator or an ad hoc conciliation board; and (32/1989)
 - 7) to carry out the other duties entrusted to them by the Council of State.
- (2) Each national conciliator shall act as the other's deputy. When only one national conciliator is in office, the Council of State shall appoint one of the district conciliators to act as deputy for the national conciliator. (405/1980)

4. (32/1989)

- (1) The national conciliators shall have an office attached to the Ministry of Labour.
- (2) When there are two national conciliators, the Council of State shall designate one of the national conciliators to serve as head of the office. In other respects, the division of labour between the national conciliators shall be established by the Ministry of Labour.

5. (668/1970)

It shall be the duty of a district conciliator-

- 1) at the request of the parties, to preside over negotiations for the conclusion of workers' and civil servants' collective agreements; (1179/1993)
- 2) to notify the office of the national conciliators without delay of any labour dispute within his area of jurisdiction that is likely to endanger industrial peace;
- 3) to take such conciliation measures as are required by labour disputes within his area of jurisdiction; and
- 4) to carry out such other duties as may be entrusted to him by the competent national conciliator under section 3.

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

Chapter 2. Arrangement of stoppages of work

7. (668/1970)

- (1) It shall not be permissible for a stoppage of work to be extended or commenced in connection with a labour dispute unless the office of the national conciliators 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 projected 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 projected action until a later date than is stated in the notice or to restrict such action to a more limited field.
- (2) The notice to be given to the office of the national conciliators in terms of the preceding paragraph may be given to the competent district conciliator if it relates to action intended to be taken within his district only.

8.

- (1) 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 Labour may, at the proposal of the conciliator or conciliation board involved, and with the object of reserving sufficient time for mediation, prohibit the projected stoppage or its extension or commencement for a maximum of fourteen days from the announced date of its commencement. In the case of a dispute over the terms of employment of civil servants, 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. (32/1989)
- (2) Neither party shall be permitted, without the consent of the other party, to commence a projected 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

9. As soon as the competent conciliator has received notice under section 7, he shall take such measures as he deems appropriate to settle the dispute. He shall also have power to take action whenever he becomes aware of a labour dispute that endangers industrial peace.

10.

- (1) A conciliator shall have power, whenever he deems fit or if either of the parties so requests, to convene the parties for negotiations; during such negotiations he shall act as chairman and shall determine in what manner and what order the matters in dispute should be considered.
- (2) The parties shall attend the negotiations appointed by the conciliator, or shall arrange to be represented at such negotiations, and shall supply such information as the conciliator may deem necessary. Either party may make it a condition that the information supplied should not be revealed without its consent to the other party.
- (3) Either before or during the negotiations the conciliator may request the parties to consider whether the date for the commencement of any action that is projected in connection with the labour dispute should not be postponed until the results of the negotiations are known.

11. In the discharge of his duties the conciliator shall, after making himself 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 him to be appropriate and fair.

12.

- (1) In connection with the conciliation proceedings a conciliator may, on his own initiative, hear experts or other persons whom he 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.
- (2) The expenses incurred by the parties in connection with the mediation shall be borne by the parties themselves.

13.

- (1) If a conciliator fails to settle a dispute by negotiation or in any other manner, he 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 him. The draft settlement shall not be made public without the conciliator's consent, until the conciliation proceedings are successfully completed or are broken off.
- (2) If the parties do not accept the draft settlement, the conciliator shall consider whether the proceedings should be continued or stopped.
- (3) If the conciliator decides that the necessary conditions for proposing a draft settlement, as prescribed in the first paragraph of this section, are not fulfilled, he may break off the conciliation proceedings.

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

15. (668/1970) 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 conciliators. No steps to conciliate the parties to 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

16. (1179/1993) This Act shall not be applied to any dispute over a workers' or civil servants' collective agreement that calls for consideration by the Labour Court or for arbitration in accordance with the terms of the agreement. Once the conciliator is informed that a dispute is of this nature, he shall so notify the parties.

17.

- (1) Any person failing to comply with the requirements of the first paragraph of section 7 or the second paragraph of section 8 of this Act or with a prohibition imposed under the first paragraph of section 8 shall be liable to a fine.
- (2) The public prosecutor shall not institute proceedings for any failure to comply with the requirements of the first paragraph of section 7 of this Act unless the injured party lodges a complaint.

18. (799/1989)

- (1) A conciliator shall make no unauthorised disclosure of any trade or business secret that has come to his knowledge in performing his duties, nor of any matter that has been entrusted to his knowledge subject to the condition mentioned in the second paragraph of section 10.
- (2) The punishment for breaking the obligation to secrecy of civil servants and workers of public bodies is given in chapter 40, section 5 of the Criminal Code.

19. The authorities shall be required, if so requested by a conciliator, to give him any assistance he may need for the performance of his duties under this Act.

20.

- (1) Repealed (1198/1987)
- (2) The remuneration payable to a district conciliator and an ad hoc conciliator as well as to the chairman and members of a conciliation board, and any expenses incurred in connection with conciliation proceedings shall be covered out of public funds.
(1198/1987)
- (3) All documents drawn up or given by a conciliator shall be exempt from stamp duty and other fees.

21. Detailed provisions for the application and administration of this Act shall be made by decree.

22. This Act shall come into operation on 1 October 1962; the Act of 12 July 1946 respecting conciliation in labour disputes (No 570 of 1946) shall stand repealed.