

NB: Unofficial translation
Ministry of Employment and the Economy, Finland
June, 2011

Act on Mediation in Labour Disputes (420/1962, amendments up to 477/2011 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 between employers and workers or civil servants, there shall be a permanent position for a national conciliator. In addition, there shall be a sufficient number of part-time conciliators. Provisions concerning the appointment of a national conciliator and his deputies, qualification requirements for a national conciliator, and the assignment of conciliators, requirements for assignment as a conciliator and conciliators' terms of office are laid down by Government decree.

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

Section 2. Repealed (1198/1987)

Section 3. (354/2009)

The national conciliator shall have an office attached to the Ministry of Employment and the Economy. 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 laid down by Government decree.

It shall be the duty of the national conciliator:

- 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 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 him or her by the Council of State.

Section 4. Repealed (354/2009)

Section 5. (354/2009)

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

Section 6.

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

Chapter 2. Arrangement of stoppages of work

Section 7. (354/2009)

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 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 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.

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 Employment and the Economy 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. (354/2009)

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

Section 9. (354/2009)

As soon as the national conciliator or a conciliator appointed by him or her 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.

Section 10.

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.

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.

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.

Section 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.

Section 12.

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.

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 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.

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 the first paragraph of this section, are not fulfilled, he 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. (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.

Section 17. (354/2009)

Any person failing to comply with the requirements of section 7 or the second paragraph of section 8 of this Act or with a prohibition imposed under section 8 (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 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.

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.

Section 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.

Section 20. (354/2009)

The remuneration payable to a conciliator and to the chairman 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 Employment and the Economy.

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

Section 21. Repealed (354/2009)

Section 22.

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