

1. Employer's planning obligation, promotion of equality and non-discrimination

According to the Non-Discrimination Act (Section 7), the employer is obliged to promote equality. The employer must evaluate the realisation of equality at the workplace and, taking into account the needs of the workplace, develop working conditions and the practices observed when selecting staff and making decisions concerning them. These promotion measures shall be effective, expedient and proportionate, while taking into account the operating environment, resources and other circumstances.

An employer who regularly employs at least 30 persons shall have a plan of measures required to promote equality. Promotional measures and their impact shall be discussed with the staff or their representatives.

According to the Act on Equality between Women and Men (Section 6), every employer must promote gender equality within working life in a purposeful and systematic manner. In order to promote gender equality in working life, the employer must:

- act in such a way that job vacancies attract applications from both women and men;
- promote the equitable recruitment of women and men in various tasks and create for them equal opportunities for career advancement;
- promote equality between women and men in the terms of employment, especially in pay;
- develop working conditions to ensure they are suitable for both women and men;
- facilitate the reconciliation of working life and family life for women and men, by paying attention especially to working arrangements;
- act to prevent the occurrence of discrimination based on gender.

The Act on Equality prohibits discrimination based on gender, gender related reason, gender identity or gender expression. The Non-Discrimination Act prohibits discrimination on the basis of age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or other personal characteristics. (see Appendix 2 for more details)

The Act on Equality between Women and Men (Section 6a) requires that if an employer regularly employs at least 30 employees, the employer shall at least every two years prepare a gender equality plan dealing particularly with pay and other terms of employment, according to which the gender equality measures are implemented. The gender equality plan must be prepared in cooperation with the elected representative, occupational health and safety representative or other representatives appointed by the employees. Staff representatives shall have adequate opportunities for participation and involvement in the preparation of the plan.

The equality plan shall include

- a report on the gender equality situation at the workplace, including details of the employment of women and men in different jobs, and a pay survey on the whole personnel presenting the classifications of jobs performed by women and men, the pay for those jobs and the differences in pay;
- necessary measures planned for introduction or implementation with the purpose of promoting gender equality and achieving equality in pay;

The pay survey is used to ensure that there are no unjustified pay differences between women and men who are working for the same employer and engaged in either the same work or work of equal value. If the pay survey's analysis of different employee groups, which are defined on the basis of competence, duty or some other ground, reveals clear pay differences between women and men, the employer must analyse the reasons and grounds for these differences. If the workplace has established pay systems in which wages consist of pay components, the central components are inspected in order to clarify the reasons for the differences noted.

2. The Migration Institute of Finland's staff, pay model and pay survey

In 2021, the Migration Institute of Finland employed 34 people, including university trainees. Among them, there were 10 permanent employees and 24 fixed-term employees. In addition, the Institute employed one hourly-paid employee and 8 other trainees and work trial employees. The gender distribution was slightly more female (62%). Permanent and fixed-term employment relationships are divided in the same proportion between women and men.

TABLE 1 Distribution of staff by employment relationship

Personnel total 34		Permanent total 10		Fixed-term total 24	
Women	Men	Women	Men	Women	Men
21	13	6	4	15	9

All employees with permanent and fixed-term contracts are entitled to the same benefits, with the exception of a new employee health examination, which is primarily intended for those with an employment relationship extending beyond one year. Providing several, short fixed-term employment relationships one after another can lead to unequal situations.

The personnel's age distribution is fairly consistent, however, the share of 55-59-year-olds is the highest and that of over 60-year-olds is the lowest.

TABLE 2 Age and gender distribution of staff

Age	Women		Men		Total	
	people	%	people	%	People	%
-35	4	19	1	8	5	15
35-39	2	10	1	8	3	9
40-44	4	19	3	23	7	21
45-49	2	10	3	23	5	15
50-54	1	5	3	23	4	12
55-59	7	33	1	8	8	24
60-	1	5	1	8	2	6
Total	21	100	13	100	34	100

The Institute's Board of Directors consists of three women and seven men. Twelve members of the Administrative Board are women and 20 men. Thus women are clearly under-represented in both bodies. Memberships of the Board of Directors and the Administrative Board are based on member organisations' proposals. Since autumn 2019, we have requested male and female candidates separately. The share of men and women in the Board of Directors is to be discussed separately. In the future, member organisations could also be asked to consider other diversity when nominating candidates.

As part of gender equality planning, the work group prepared a comparison between the average salaries of female and male employees by requirement level. Differences in average wages between the genders were observed at some levels. In these cases, the employer provided the work group members with an account of the reasons for the differences and they were found to be due to other, acceptable factors, such as the extent of work experience.

However, the comparison revealed the need to update the task-specific requirements of the pay model in question and to clarify to which level of requirements each employee belongs to, as well as the grounds of determining the personal wage component. In addition, it should also be made clear that in the case of some external funders, wages are determined in accordance with the funders own rules and may thus differ from the Institute's pay model.

GOAL

The Migration Institute of Finland shall observe and promote equality among its staff. The same starting salary is paid for the same work or for work of essentially equal value, provided that the employees are equally qualified. The Institute's pay model is transparent and consistent. Differences in personal wages are based on acceptable reasons and not on gender or other personal characteristics that have no effect on a person's qualifications.

MEASURES

Equality and equal representation of both genders will be taken into account in all of the Institute's operations. The staff description included in the pay model will be updated and the requirement level reviewed. The employer monitors pay development.

3. Recruitment procedures

The aim of recruitment is to promote the development of the Institute's human resources structure in an equal, diverse and multilingual direction. The so-called positive special treatment, i.e. giving priority to an under-represented group, such as applicants with an immigrant background, may be applied case-specifically, provided that the applicants are either equally qualified or almost equally qualified in terms of merit.

The Migration Institute of Finland also aims to employ people who are able to work part-time, for example through work trials.

Vacancies are communicated openly and nationwide through multichannel communication and, when possible, in different languages. When disseminating a job advertisement, attention is paid to who can be reached through various channels and networks promoting diversity and internationalisation already at this stage.

The language skills required to manage a job are evaluated task-specifically. Language requirements are stated already in the recruitment notice. If the work requires Finnish language proficiency, the recruitment notice can be in Finnish only. If Finnish language skills are not indispensable to do the work, the recruitment notice may be, for example, in English or, if necessary, in another language. For example, if the Institute is looking for a research assistant whose task is to interpret Arabic language in interviews, the job advertisement may also be in Arabic.

Qualification requirements that are unnecessary in relation to the work task and may constitute an additional threshold for applying for the job are to be avoided in recruitment. Some work tasks may require knowledge of rarer languages, but not necessarily Finnish or Swedish skills, and employing someone mastering these language is enriching and beneficial to our work community.

Recruitment advertisements will be accompanied by the following sentence: “We encourage persons of all genders and gender identities as well as persons belonging to various minorities to apply for the job, regardless of their ethnic origin, religion, disability or age.”

The Institute will experiment anonymous recruitment, first for the initial phase of selecting internships and non-research positions. If positive experiences are gained from these, the possibility of extending anonymous recruitment to filling research positions will be examined as well.

The standards governing the interview phase of the recruitment process are mainly related to the protection of the privacy of the interviewee. Preparing for an interview also involves familiarising yourself with privacy regulations. Interviewers need to be aware of issues that are not part of a job interview. As a rule, matters relating to family, religion, political opinions or sexual orientation do not belong to the employer. Asking questions related to parenthood or parental responsibility, such as family relationships, marital status or childcare arrangements, in connection with recruitment is contrary to the Act on Equality. Nor can asking such questions at a job interview be justified with the fact that answering them is voluntary.

GOAL

The Migration Institute of Finland operates on an equal footing and takes into account accessibility, diversity and equality aspects in all its recruitments. Goals of equality and non-discrimination are also communicated in the selection of the members of the Board of Directors.

MEASURES

All recruitments shall be carried out in a non-discriminatory manner and with due respect for privacy. When preparing recruitments, the need for positive special treatment and the possibility of anonymous application will also be assessed. Recruitments reflect the values of our operations as well as our endeavour to consider diversity.

4. Harassment

Harassment is prohibited by both the Non-Discrimination Act and the Act on Equality.

For the purposes of the Act on Equality between Women and Men, sexual harassment refers to verbal, non-verbal or physical unwanted conduct of a sexual nature by which a person’s psychological or physical integrity is violated intentionally or factually, in particular by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere. Gender-based harassment means unwanted conduct that is related to the gender of a person, their gender identity or gender expression, but not of a sexual nature.

According to the Non-Discrimination Act, harassment is a conduct that intentionally or effectively violates a person’s dignity when it is related to age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or any other reason related to a person. In the workplace, harassment can, for example, take the form of bullying, where an employee is treated in a humiliating, degrading or threatening manner, or a hostile and aggressive atmosphere is created. Behaviour that violates human dignity may involve, for example, talk, e-mails, facial expressions, gestures or displaying inappropriate material.

The employer is guilty of discrimination if the employer fails to comply with its obligation to take the measures at its disposal to eliminate the harassment after being informed that an employee has been harassed by another employee in the course of his/her work. The measures available to the employer include, for example, consulting and instructing the parties concerned, issuing a warning to the person responsible for the harassment and, as a last resort, terminating the employment relationship.

The Occupational Safety and Health Act also stipulates the employer's obligation to take available measures to stop harassment. <https://www.tyosuojelu.fi/web/en/working-conditions/unfair-treatment>

GOAL

No employee or visitor ever encounters harassment at the Migration Institute of Finland.

MEASURES

Management explicitly states that harassment is not tolerated in the workplace. Harassment is addressed consistently and effectively. Employees are trained in avoiding and preventing harassment. Supervisors are trained to detect, investigate and eliminate harassment.

5. Age

Age is one of the prohibited grounds for discrimination listed in the Non-Discrimination Act.

The Migration Institute of Finland does not engage in age discrimination in its recruitment nor in the operations of its work community.

The Institute involves employees of all ages in the planning of the work community's common affairs and considers equally seriously the views expressed by young, middle-aged and older employees alike.

It supports employees of various ages in coping at work and in developing the skills needed at work as well as in advancing their careers.

The Institute supports the reconciliation of work and family life and encourages men to take parental leave and leave for taking care of sick children.

The Institute supports older workers' coping at work by adopting a positive view towards, for example, part-time pensions and other working time arrangements.

GOAL

The Migration Institute of Finland treats its employees of all ages and stages of life equally and appreciatively and supports their coping at work. The Institute does not engage in age discrimination in recruitment.

MEASURES

Employees' ability to cope at work is supported in cooperation with occupational health care and, when necessary, by working time and other arrangements. In order to avoid age discrimination, anonymous recruitment can also be experimented.

6. Disability and state of health

According to Section 8 (2) of the Act on Equality, the failure to make reasonable adjustments is one of the prohibited forms of discrimination. Any adjustments needed by a disabled person may not be reflected in the recruitment decision. If the most qualified applicant is disabled, his/her exclusion on the basis of the obligation to make reasonable adjustments constitutes discrimination.

Reasonable adjustments refer to necessary and appropriate changes and arrangements made in an individual case that do not impose a disproportionate or excessive burden. In working life, adjustments may be made, for example, to working conditions and organisation of work, working time arrangements, working methods, aids and training and work guidance in view of the individual needs of the disabled

person. Practical adjustments may take the form, for example, of altering the lighting or acoustics of workspaces or of installing work equipment suitable for a disabled employee. Various IT solutions can be applied to ensure accessibility of information.

As an employer, the Migration Institute of Finland strives to consider the special characteristics and needs of each employee and to make the necessary reasonable adjustments. The Institute has also employed interns and employees on a work trial according to their respective working capacity.

The Non-Discrimination Act also prohibits discrimination on the grounds of state of health, which refers to both physical and mental health and covers both acute and chronic conditions. If the condition causes a long-term restriction due to physical, mental or psychological damage that may prevent the person from fully participating in the working life on an equal footing with other employees, it can be interpreted as a disability.

The Migration Institute of Finland supports its employees in maintaining their working capacity in accordance with the occupational health care action plan. It assists its employees in obtaining aids needed in their work, such as computer glasses.

The Migration Institute of Finland's premises are accessible to those who use mobility aids. Toilet facilities are gender-neutral. The Institute will investigate whether an induction loop can be installed in the lecture hall to support hearing. Should any other accessibility issues arise regarding the premises, for example, for the visually impaired, the Institute shall attempt to correct the situation as far as possible.

The Institute also pays attention to accessibility in its communications.

GOAL

Disability is not an obstacle to working at the Migration Institute of Finland. Our employees are not discriminated against because of their state of health. The Institute is accessible in all its activities.

MEASURES

If necessary, the Migration Institute of Finland shall make reasonable adjustments to enable the working of disabled persons and also if an employee's state of health requires any adjustments. All aspects of accessibility of our premises will be examined and promoted. The accessibility of our communications is being investigated.

7. Origin and nationality

According to the Non-Discrimination Act, no one can be discriminated on the basis of their origin, nationality or language.

The staff of the Migration Institute of Finland includes people who are not Finnish nationals and who were born and lived elsewhere before relocating to Finland. Given the Institute's field of activities, this is natural, as our research projects require diverse linguistic skills and cultural knowledge.

Although multilingualism and multiculturalism are generally welcomed, it is still possible that people who have moved to Finland from elsewhere or have an ethnic background differing from the mainstream population may experience difficulties related to working or the work community that the employer and supervisors cannot predict. It is therefore important to pay particular attention to actively offering them opportunities to express any issues or defects that they may have detected.

When drawing up this plan, particular attention was paid on how multilingualism should be considered in work practices, and this will be discussed in the next section.

GOAL

Employees differing from the mainstream population in terms of their origin and nationality feel equal in the work community, and their preconditions to work and fully participate in the Institute have been ensured. The institute commits to act in its own work community in accordance with anti-racist principles.

MEASURES

The institute prepares clear instructions for addressing racist discrimination. Personnel are trained in anti-racism. Supervisors encourage employees with immigrant backgrounds or belonging to ethnic minorities to express any issues or defects arising from their perspective in work practices or work culture, and also monitor these issues on their own initiative.

8. Working language and multilingual communication

The working languages of the Migration Institute are Finnish, Swedish and English. Staff meetings are held in Finnish and English. General instructions and forms for personnel are available in Finnish and English.

Going through meeting matters, materials or other instructions needed at work and giving instructions in a language other than Finnish is the responsibility of the supervisor or, depending on the situation, another suitable person working in the institute. It is essential that the employee receives the needed information in a language he/she understands and that he/she does not feel like an outsider in the work community.

The use of the Finnish language in the work community and in everyday situations supports language learning. The employee can also participate in language courses during working hours. In the case of employees, trainees and visitors who speak foreign languages, questions related to the use of the language are discussed and agreed upon at the beginning of the employment relationship. Finnish, Swedish and English are used in the external communication of the Migration Institute, depending on the need and the situation. At the events of the Migration Institute, attention is also paid to which languages need to be used in each situation. For some people, using the English language increases their chances of participation, but it is worth remembering that English is not a language that everyone necessarily knows fluently, whether it is immigrants or native residents. The operations of the Swedish-speaking Centret are mainly in Swedish. It is important to know how to use fluent Finnish in internal and external communication as well.

GOAL

All staff members shall understand the rights and instructions relating to their employment and are kept informed of the current affairs of the Institute. The Institute communicates appropriately in several different languages.

MEASURES

Supervisors and the Head of Occupational Health and Safety ensure that vital information is understood. When necessary, materials are translated or interpreted into different languages. The needs related to the Institute's working languages are discussed with the employees with poor Finnish skills as well as among the entire staff. Plain Finnish is also used in communication, when necessary.

9. Religion and beliefs

According to the Non-Discrimination Act, no one may be discriminated on the basis of their religion or beliefs.

The Migration Institute of Finland takes into account the fact that employees may have different religious or ideological beliefs, or they may not practise any religion. All convictions are respected and related harassment will not be tolerated within the work community or by visitors.

If the employee so wishes, he/she may pray during working hours. In addition, he/she may agree with the employer on the celebration of holidays related to his/her religion.

In connection with major events or seminars, the Migration Institute of Finland shall endeavour, as far as possible, to ensure that, when necessary, peaceful space is available for practicing religion. Religious diets will also be taken into account, as far as possible, in connection with joint catering and meals.

GOAL

The convictions of the Institute's staff and visitors shall be respected and needs related to these convictions shall be accommodated flexibly within reason.

MEASURES

Planning which room can be used for practicing religion in connection with events.

10. Sexual orientation and gender identity

The Non-Discrimination Act prohibits discrimination based on sexual orientation; the Act on Equality prohibits discrimination based on gender identity or gender expression.

As an employer and a work community, the Migration Institute of Finland is aware of the diversity of sexual orientation and gender identity. The Institute shall take care not to make unnecessary assumptions about the sexual orientation or gender of its employees. Discrimination or harassment related to gender identity, gender expression or sexual orientation shall be addressed immediately.

With regard to human resources management, it is important that family benefits apply equally to all kinds of families. When making decisions regarding family leaves and benefits for rainbow families, the letter of the law should be interpreted very loosely to ensure equality in practice: often in rainbow families one of the parents has no legal relationship with his/her child.

Discrimination can be prevented by being aware of issues that transgender people face at work. Pre-defined rules are useful, for example, when an employee leaves to undergo gender reassignment and needs time off for the treatments. A person who has undergone gender reassignment may also request a corrected work certificate in accordance with his/her new identity.

GOAL

All employees and their family relations shall be treated equally and with respect, irrespective of their sexual orientation, gender identity or gender expression. An open atmosphere is maintained in the work community, and no assumptions or generalizations are made about people's gender and sexuality.

MEASURES

We will ensure that family benefits apply equally to all kinds of families and parents. We will demonstrate both to employees and to our visitors that there is no heteronormative or gender binary thinking in our

work community. Where appropriate, training related to sexual diversity and gender diversity will be provided to management and staff.

11. Equality and non-discrimination in the Institute's operations

The Migration Institute of Finland also wants to express its appreciation of equality and non-discrimination in all its operations to its cooperation partners and visitors. In addition, the Institute also communicates the accessibility of its premises.

When organising events at the Institute, attention shall be paid to diversity, accessibility and equality, both in the selection of speakers and other guests invited to attend the events and in the facilitation of accessibility of participation.

The Institute participates in the "Discrimination-free zone" campaign, which allows organisations and work communities to express their commitment to the principles of non-discrimination. The "Discrimination-free zone" sign on the wall of the workplace clearly communicates that the organisation takes non-discrimination and equality seriously. By declaring itself to be a discrimination-free zone, the Institute communicates to its employees, jobseekers and customers that the organisation welcomes all. <https://yhdenvertaisuus.fi/en/discriminationfree.fi>

The Migration Institute of Finland can also express awareness and interest in the status of minorities by its choice of research topics. Good, realised examples of this include our book project on the emigration of minority groups and the study on multiple discrimination.

The institute's employees also promote non-discrimination by participating in anti-discrimination and diversity-promoting working groups and other expert tasks, as well as by doing advocacy work related to the topic.

In addition to financial factors, accessibility, ethics and diversity issues are also considered in tendering and purchasing.

GOAL

The Migration Institute of Finland is viewed as an organisation that respects and promotes equality also by its partners and visitors.

MEASURES

The Migration Institute of Finland will pay attention to equality and non-discrimination in all its activities and cooperation.

12. Role of supervisors, elected representatives and management

The Migration Institute of Finland seeks to address any issues and disturbances as early as possible, thus preventing them from escalating into problems and conflicts.

The primary responsibility for tackling the problems of the work community lies with the management and the supervisor of the employee who has experienced discrimination or harassment. If necessary, the supervisor may receive support from occupational health and safety representatives and/or occupational health care to sort the matter.

Employees who have experienced discrimination or harassment should primarily turn to their immediate supervisor or occupational safety representative. It is therefore important for them to be able to trust that this person will be able to face the employee reporting the matter in an appropriate manner and that

the persons involved in the matter will act impartially and that all communication remains confidential. All situations must be addressed with due seriousness, urgency and expertise.

In particular, the Managing Director and the Head of Occupational Health and Safety must be well aware of the promotion of equality and non-discrimination as part of occupational safety and the well-being of the work community. They must familiarise themselves with these issues and, if necessary, take part in training addressing them and organise trainings or education opportunities for supervisors, elected representatives and all personnel.

GOAL

The employer, occupational health and safety managers and supervisors shall actively observe the work community's practices and atmosphere and intervene in any problem situations, discrimination and harassment on their own initiative.

Supervisors and elected representatives are able to settle complaints of discrimination and harassment in a manner that inspires confidence. They will receive support and, when necessary, training for this task.

MEASURES

Supervisors and elected representatives are offered the opportunity to familiarise themselves with good practices in discrimination and harassment situations, to spend time settling them and, if necessary, to train for them during their working hours.

The Managing Director and the Head of Occupational Health and Safety acquire and disseminate information and, if necessary, training related to the promotion of equality and non-discrimination, diversity of the work community and occupational safety.

13. Implementing, monitoring and updating of the equality and non-discrimination plan

All employees of the Migration Institute of Finland must familiarise themselves with the equality and non-discrimination plan, observe non-discrimination in their activities and refrain from harassment. It will be presented to each new employee during their induction training. Training on equality and non-discrimination issues may be organised for all staff in connection with staff meetings and development days.

A person becoming a supervisor or an occupational health and safety representative is required to thoroughly familiarise themselves with the plan.

The employer bears particular responsibility for adhering to the plan and implementing the measures recorded therein, as well as for promoting equality and non-discrimination in general. Promoting equality requires it to be adhered to in all activities and talking about it.

It is vital to create an open and discussive atmosphere that allows identified issues to be disclosed with a low threshold and to ensure that they are thoroughly addressed.

The Head of Occupational Health and Safety and occupational health and safety representatives continuously monitor the implementation of the equality and non-discrimination plan and review it together every six months.

Any harassment possibly experienced by the staff is surveyed in connection with the annual development discussions. The following question has been added to the development discussion form: Have you noticed any defects in our work community regarding equality and non-discrimination?

The implementation of equality and non-discrimination is monitored with the help of regular work well-being surveys. The compilation of the personnel questionnaire prepared for this plan is retained as reference material for subsequent surveys, its safe storage is the responsibility of the Head of Occupational Health and Safety.

The equality and non-discrimination plan is updated every two years. The Managing Director and the Head of Occupational Health and Safety are responsible for updating the plan; the staff will be consulted and informed when the plan is being updated.

GOAL

All Institute staff members are familiar with and adhere to the equality and non-discrimination plan. The plan is implemented and updated continuously.

MEASURES

The equality and non-discrimination plan will also be presented to new employees in connection with their induction. It is available to all employees and the objectives and the measures recorded therein are discussed from time to time. Management, supervisors and occupational health and safety representatives monitor and collect information on the implementation of the plan.

APPENDIX 1

CODE OF CONDUCT IN DISCRIMINATION AND HARASSMENT SITUATIONS¹

Bring up the harassment as soon as possible with the person who has acted negatively towards you. State as clearly as possible that you feel this behaviour is inappropriate and you will not tolerate such conduct. Describe with concrete examples the kind of behaviour you have experienced as inappropriate. Ask the person to stop the harassment or to change his/her behaviour.

If you are afraid to do this, you can ask a colleague or an occupational health and safety representative to accompany you to ask the harasser to change his/her behaviour. When needed, occupational health care will also support you in harassment situations.

If this person still continues to harass you, you can let them know that you will bring the matter to their supervisor's attention. For further processing of the matter, it is important you record how the harassment occurs, how often it occurs and how you yourself have acted.

If the harasser is your immediate supervisor, inform them that the matter will be brought to their supervisor's attention and processing. If you are afraid to report the matter to your immediate supervisor, contact the occupational health and safety representative.

If the Managing Director is guilty of discrimination or harassment, contact the Chair of the Board of Directors yourself or together with the occupational health and safety representative.

The Board of Directors and the Administrative Board may have a role in resolving cases of discrimination and harassment if their members are involved.

If your employer does not act to stop the harassment or their actions have proved inefficient, you can ask for information and assistance from the Occupational Safety and Health Authority. The Regional State Administrative Agencies' Divisions of Occupational Safety and Health act as regional occupational safety and health authorities. The Occupational Safety and Health Authority gives you instructions and advice and, if necessary, monitors that your employer, after being informed about the harassment, acts to stop the harassment.

Occupational Safety and Health of the Regional State Administrative Agency of Southwest Finland

- Telephone exchange 0295 018 000
- E-mail tyosuojelu.lounais@avi.fi
- Fax (02) 251 1820

¹ <https://www.tyosuojelu.fi/web/en/working-conditions/unfair-treatment>

APPENDIX 2: PROHIBITION OF DISCRIMINATION IN LAW

Constitution of Finland (11 June 1999/731)

Section 6 Equality

Everyone is equal before the law.

No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act.

Non-Discrimination Act (1325/2014)

Section 8 Prohibition of discrimination

No one may be discriminated against on the basis of age, origin, nationality, language, religion, belief, opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or other personal characteristics. Discrimination is prohibited, regardless of whether it is based on a fact or assumption concerning the person him/herself or another.

In addition to direct and indirect discrimination, harassment, denial of reasonable accommodation as well as an instruction or order to discriminate constitute discrimination as referred to in this Act.

Section 9 Positive action

Proportionate different treatment that aims to promote de facto equality, or to prevent or remove the disadvantages attributable to discrimination, does not constitute discrimination.

Section 10 Direct discrimination

Discrimination is direct if a person, on the grounds of personal characteristics, is treated less favourably than another person was treated, is treated or would be treated in a comparable situation.

Section 12 Justifications for different treatment at work and in employing personnel

Different treatment in employment relationships and service relationships under public law, as well as work experience placements and other equivalent activity and also when employing or engaging into service, is justified if the treatment is founded on genuine and determining requirements concerning the type of occupational tasks and their performance, and the treatment is proportionate to achieve the legitimate objective.

Different treatment based on age or domicile is also justified if the treatment has an objectively and appropriately justified employment policy objective or an objective concerning the labour market, or if the different treatment is attributable to the age limits adopted for qualification for retirement or invalidity benefits.

Section 13 Indirect discrimination

Discrimination is indirect if an apparently neutral rule, criterion or practice puts a person at a disadvantage compared with others as on the grounds of personal characteristics, unless the rule, criterion or practice has a legitimate aim and the means for achieving the aim are appropriate and necessary.

Section 14 Harassment

The deliberate or de facto infringement of the dignity of a person is harassment, if the infringing behaviour relates to a reason referred to in section 8(1), and as a result of the reason, a degrading or humiliating, intimidating, hostile or offensive environment towards the person is created by the behaviour.

An employer's actions are to be considered discrimination if the employer, after having been informed that an employee in their employment was subjected to harassment as referred to in subsection 1, neglects to take action to remove the harassment.

Section 15 Reasonable accommodation to realise equality of persons with disabilities

An authority, education provider, employer or provider of goods and services has to make due and appropriate adjustments necessary in each situation for a person with disabilities to be able, equally with others, to deal with the authorities and gain access to education, work and generally available goods and services, as well as to manage their work tasks and to advance their career.

In assessing the reasonableness of the adjustments, attention shall also be devoted, in addition to the needs of the person with disabilities, to the size, financial position, nature and extent of the operations of an actor, referred to in subsection 1, as well as the estimated costs of the adjustments and the support available for the adjustments.

On request, the employer shall promptly provide a written report on the grounds of its procedures to a person with disabilities, who considers that they have been discriminated against as a result of the denial of reasonable adjustments in applying for employment or public service employment or in an employment relationship or in an employment relationship under public law.

Section 16 Prohibition of victimisation

A person must not be treated unfavourably or in such a way that they suffer adverse consequences as a result of pleading the rights or obligations provided for in this Act, participating in the clarification of a matter concerning discrimination, or taking other action to safeguard equality.

Act on Equality between Women and Men (8.8.1986/609)

Section 8 Discrimination in working life

The action of an employer shall be deemed to constitute discrimination prohibited under this Act if the employer:

- 1) upon employing a person or selecting someone for a particular task or training, bypasses a more qualified person of the opposite sex in favour of the person chosen, unless the employer's action was for an acceptable reason and not due to gender, or unless the action was based on weighty and acceptable grounds related to the nature of the job or the task;
- 2) upon employing a person, selecting someone for a particular task or training, or deciding on the duration or continuation of an employment relationship or the pay or other terms of employment acts in such a way that the person finds themselves in a less favourable position on the basis of pregnancy or childbirth or for some other gender-related reason;

3) applies the pay or other terms of employment in such a way that one or more employees find themselves in a less favourable position based on their gender than one or more other employees in the employer's service performing the same work or work of equal value;

4) manages the work, distributes tasks or otherwise arranges the working conditions in such a way that one or more employees find themselves in a less favourable position than other employees on the basis of gender;

5) gives notice on, terminates or otherwise discontinues an employment relationship, or transfers or lays off one or more employees on the basis of gender.

The action referred to above in subsection 1(2-5) is deemed to constitute discrimination prohibited under this Act also if it is based on gender identity or gender expression.

The action referred to above in subsection 1(2-5) does not, however, constitute discrimination if the matter concerns a situation referred to in section 7(4) and there is an acceptable reason under that provision.

Section 8a Prohibition of countermeasures

The action of an employer shall be deemed to constitute discrimination prohibited under this Act if a person is given notice or otherwise treated less favourably after they have appealed to a right or obligation laid down in this Act or taken part in investigating a matter concerning gender discrimination.

The Criminal Code of Finland 19 December 1889/39

Section 11 Discrimination

A person who in his or her trade or profession, service of the general public, exercise of official authority or other public function or in the arrangement of a public amusement or meeting, without a justified reason

1) refuses someone service in accordance with the generally applicable conditions;

2) refuses someone entry to the amusement or meeting or ejects him or her; or

(3) places someone in a clearly unequal or otherwise essentially inferior position

owing to his or her race, national or ethnic origin, skin colour, language, sex, age, family ties, sexual preference, inheritance, disability or state of health, or religion, political orientation, political or industrial activity or another comparable circumstance

shall be sentenced, unless the act is punishable as work discrimination or extortionate work discrimination, for discrimination to a fine or to imprisonment for at most six months.

Section 3 Work discrimination

An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts an applicant for a job or an employee in an inferior position

(1) because of race, national or ethnic origin, nationality, colour, language, sex, age, family status, sexual preference, inheritance, disability or state of health, or

(2) because of religion, political opinion, political or industrial activity or a comparable circumstance shall be sentenced for work discrimination to a fine or to imprisonment for at most six months.