



NATIONAL ACTIVITY REPORT FINLAND ANTI-DISCRIMINATION AND DIVERSITY TRAINING

Finnish League for Human Rights

May 2008



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This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train

The Anti-discrimination and Diversity training project was managed by Human European Consultancy (humanconsultancy.com) in consortium with the Migration Policy Group (www.migpolgroup.com) and the International Society for Diversity Management – idm (www.idm-diversity.org).

The national activities were carried out by Finnish League for Human Rights www.ihmisoikeusliitto.fi.

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II. Introduction

Anti-discrimination (AD) and diversity management (DM) seminars are part of a European Commission funded project: Anti-Discrimination and Diversity training (VT/2006/009). The project was managed by human european consultancy (www.humanconsultancy.com) in partnership with the Migration Policy Group (www.migpolgroup.com) and carried out in all EU member states and Turkey.

In Finland Finnish League for Human Rights (FLHR) was a partner in this project and responsible for carrying out of a national two days seminar on anti-discrimination and a one day seminar on diversity management. Anti-discrimination seminars were carried out by 6 trainers from Finland who had substantial experience in anti-discrimination work and minorities in Finland and had received extra training by a team of international experts in this project. Diversity management seminar was carried out by two trainers with knowledge on diversity, diversity management and working life in Finland.

Two two-day anti-discrimination seminars were organized 13.-14.11.2007 and 22.-23.1.2008.

AD seminars were targeting NGOs and trade unions that are active or want to become active in combating discrimination on the grounds of ethnic origin, age, disability, religion or belief and sexual orientation.

AD seminars aimed at developing the capacity of civil society dealing with anti-discrimination. The programme dealt amongst other things with Non-Discrimination Act and how NGOs and trade unions can actively fight discrimination.

The first AD seminar had 52 participants (including speakers) and the second 47 participants (including speakers). Participants for AD seminars came from different NGOs and trade unions.

DM seminar was organised 9.1.2008 by FLHR in cooperation with central employers' organisations (Confederation of Finnish Industries EK, Local Authority Employers in Finland and Office for the Government as employer).

DM seminar had 52 participants. Most participants came from public service providers but also private sector businesses were present.

III. Anti-discrimination seminars

a) National activities anti-discrimination seminars

Design of the training

The first task was to find trainers. Selection of trainers was done according to the selection criteria given from human european consultancy. Trainers asked to join this project were Project Expert Saido Mohamed and Project Manager Johanna Lampinen from FLHR, Executive Director Anna Leskinen from Association of Russian-speaking organizations (FARO), Training Planner Marita Karvinen from Sexual Equality (Seta ry), Secretary General Pirkko Mahlamäki from Vammaisfoorumi ry – Finnish Disability Forum.

Before AD seminars Finnish trainers participated Train the Trainers seminar in May 2007 in Stockholm.

Anti-discrimination seminars were designed in cooperation with trainers. Milla Aaltonen from FLHR coordinated this work. Trainers and coordinator had several meetings before the first seminar. Trainers and coordinator drafted the programme of the seminars and guidelines for choosing participants.

Preparation of the seminars

Participants for the seminars were found through public announcement and mailing lists. Trainers and NGOs also send invitations to potential participants. Announcement of the seminar was published two months before and participants had one month to send back the participation form. Attracting and selecting participants was quite easy, we were able to find enough participants easily.

Selection of participants for AD seminars was done by following criteria:

- 1) NGOs representing all five grounds of discrimination will be selected to increase their knowledge of other discrimination grounds and start co-operation concerning multiple discrimination
- 2) NGOs focusing on many different discrimination grounds or expressing interest on multiple discrimination will be encouraged to participate to further co-operation especially concerning multiple discrimination
- 3) National members of European NGO platforms will be given priority
- 4) The location of the NGO will be considered as criteria for selection and special attention will be paid to local branches of national NGOs and trade unions.
- 5) NGOs that would gain more skills to work with anti-discrimination issues and benefit from capacity building will be given a priority. Especially minority organisations will be encouraged to participate
- 6) The motivation and capacity for furthering anti-discrimination issues will be considered as a criteria for selection

Participants came from NGOs or trade unions, as planned, and we were able to attract diverse NGOs to participate. Participants formed a diverse group from volunteers to trade union lawyers.

After the first seminar coordinator and trainers had a meeting and discussed feedback from the first seminar.

Trainers and coordinator felt that seminar programme had some difficulties. Some working groups in the first seminar had almost similar topics and it was difficult to keep these themes separate. After the first seminar trainers and coordinator felt that changing groups after each working group was time consuming, and there wasn't enough time for discussion. Because of this, we decided to reduce the number of working groups for the second seminar and this decision proved to be good.

Announcement of the seminar was once again done two months before seminar, right after the first seminar.

Carrying out the seminars

The first AD seminar

80% of the participants came from NGOs and 20% from trade unions. 25% of participants were male and 75% female. A larger share of participants came from metropolitan area (73%). Participants represented different grounds of discrimination, many of them working with many grounds or on multiple discrimination (ethnic origin (82%), age (45%), disability (43%), religion or belief (55%), sexual orientation (41%). Almost all of the participants were involved in awareness raising (98%), but many NGOs were also active in support of individual victims (61%), legislation (34%) and monitoring policy and law (64%).

Programme of the first AD seminar 13.-14.11.2007

First day of the seminar was opened by Kristiina Kouros, Secretary General from Finnish League for Human Rights and followed by Hanna Päivärinta from Europe Information. After that Rainer Hiltunen, from the Office of Ombudsman for Minorities presented Finnish Non-Discrimination Act and discrimination in general.

After these speakers, it was time for working groups. Participants had been divided into four groups in advance and all of the participants attended each group. In the middle of working groups lunch was served.

Working groups:

First group dealt with legislation and awareness raising. Introduction to this topic was made by Marita Karvinen who discussed whether we can change attitudes by legislation, what is the relationship between attitudes, awareness raising and legislation and how NGOs are monitoring and influencing legislation.

Second group discussed the role of NGOs and trade unions in anti-discrimination work. How do NGOs and trade unions combat discrimination? What kind of good practices have they found? What kind of co-operations are there? Introduction to this topic was done by Mourad Bentaleb who introduced the Discrimination Free Zone campaign and Pirkko Mahlamäki who introduced the EDF campaign 1million4disability.

Third group dealt with skills and tools needed in anti-discrimination work. What kind of resources, skills and tools are needed in anti-discrimination work? Introduction to this was done by Anna Leskinen who shared her views on guidance for victims of discrimination.

Fourth group dealt with multiple discrimination. Introduction to this topic was done by Johanna Lampinen and Saido Mohamed who presented *Discrimination in Finland 2006* book.

First day of the seminar ended in discussion and summaries from working groups.

Second day of the seminar was opened by Anna-Elina Pohjolainen from Ministry of Justice who explained the revision process of Non-Discrimination Act that has been started. She was followed by panel discussion "Non-Discrimination Act in practice" with participants from NGOs and trade unions.

After that it was again time for working groups. The idea of the working groups was similar to the first day: all of the participants participated in both working groups.

Working groups:

First group discussed how NGOs can influence revision of Non-Discrimination Act. Introductory speaker was Anna Leskinen: How NGOs know they have managed to influence legislation?

Second group dealt with the need for revision of the Non-Discrimination Act. Introduction was done by Pirkko Mahlamäki: How to renew Non-Discrimination Act.

Seminar was finished with summaries of sessions, feed back and closing words.

Second AD seminar

80% of the participants came from NGOs and 20% from trade unions. 20% of participants were male and 80% female. A larger share of participants came from metropolitan area (65%). Participants represented different grounds of discrimination, many of them working with many grounds or on multiple discrimination (ethnic origin (88%), age (48%), disability (53%), religion or belief (58%), sexual orientation (45%). All of the participants were involved in awareness raising (100%), but many NGOs were also active in support of individual victims (65%), legislation (35%) and monitoring policy and law (75%).

Programme of the second AD seminar 22.-23.1.2008.

First day of the seminar was opened by Kristiina Kouros, Secretary General from Finnish League for Human Rights. After that Rainer Hiltunen, from the Office of Ombudsman for Minorities introduced Finnish Non-Discrimination Act and discrimination in general. He was followed by Liisa Männistö from Ministry of Social affairs and Health who introduced Equality first (YES) –programme which will deal with empowering NGOs in anti-discrimination work.

After these speakers, it was time for working groups. Participants were divided in two groups in advance and both groups discussed the same issues. Each group consisted of 20 participants and three trainers.

Before lunch groups discussed how to work against discrimination. First participants presented themselves and their organisation in context of anti-discrimination work. After this groups discussed legislation and awareness raising. Can we change attitudes by legislation? What is the relationship between attitudes, awareness raising and legislation? How NGOs are monitoring and influencing legislation?

In the afternoon groups discussed discrimination and work. Introduction to this topic was done by Johanna Lampinen and Saido Mohamed who presented *Discrimination in Finland 2006* book and multiple discrimination. Hannu Latva-Pietilä from ABB told participants how Discrimination Free Zone –campaign has been launched in ABB and what kind of anti-discrimination work is done in their organisation.

First day of the seminar ended in discussion and summaries from working groups.

Second day of the seminar was opened by Milla Aaltonen from FLHR who explained the revision process of Non-Discrimination Act that has been started. She was followed by panel discussion “Non-Discrimination Act in practice” with participants from NGOs and trade unions.

After that it was again time for working groups. The idea of the working groups was similar to the first day: participants were divided into two groups.

Working groups:

First group discussed how NGOs can influence development of Non-Discrimination Act. Introductory speaker was Anna Leskinen: How NGOs know they have managed to influence legislation?

Second group dealt with the need for reform of the Non-Discrimination Act. Introduction was done by Pirkko Mahlamäki: How to renew Non-Discrimination Act.

Seminar was finished with summaries of sessions, feed back and closing words.

Main lessons learned

The first AD seminar

Overall, the first AD seminar was successful. The location was appropriate, and training was successful. Especially it is worth mentioning, that atmosphere was relaxed and good, and participants seemed to be having a good time. Feedback was very good.

There were some general comments concerning the participants and contents of the seminar. It was noted that there weren't any participants from organisation dealing with Roma issues. One reason for this could have been the fact that there was a seminar concerning Roma and work at the same time with our seminar. However, it was seen important to pay more attention to this before the second seminar.

In their feedback participants expressed that more attention should be paid to discrimination and work. Participants were wondering why only employees' organisations were present and not employers or their organisations. Participants said that it is important to involve both employers and employees when dealing with work and anti-discrimination. Also some participants commented that it would be important to deal with the discrimination that women encounter together with other discrimination issues.

Participants were generally happy with the contents and arrangements of the seminar. It would be important to include more work related content for the trade unions. The most important thing noted by some participants was clarifying the objectives of the seminar although many stated that they were aware of the objectives.

When asked about the most valuable thing gained from the seminar many participants mentioned networking, also different aspects to diversity and the materials given were mentioned. Working in groups was also mentioned by many participants and the possibility to attend a two day seminar gave participants time to get to know one another.

The least valuable thing according to participants was that working groups need more time for discussion. Also it was considered important that more attention should be paid to discrimination in work place.

International trainer, Peter Hann, participated in the first AD seminar and after the seminar he shared his insights of the training. He felt that national seminar in Finland turned out to be very interesting and could offer a wide-view training for the participants.

The second AD seminar

The feedback from the second seminar was even better than from the first. From this point the second seminar was very successful. Trainers managed to improve seminar programme with the help of the feedback received from the first seminar.

The feedback was better than the feedback we received from the first seminar. One reason for this could have been the fact that we used feedback from the first seminar to improve the content and structure of the seminar.

Participants were divided into two groups instead of four and that gave more time to discussion in working groups. Also the first afternoon concentrated on work and discrimination as was hoped by the participants from the first seminar.

Participants were happy with the contents and arrangements of the seminar. The feedback was in fact were good and it wasn't possible to find one single thing from the feedback which would have needed improving.

Again, networking was mentioned many times as the most valuable thing gained from the seminar, as well as different aspects to diversity and a broad range of participants and NGOs. Material was also considered interesting. Also participants mentioned that trainers were motivated.

The most often mentioned thing that would need improving was that working groups would need still more time for discussion. Some participants also mentioned the need to find a way to bring co-operation into more concrete level. Also some participants suggested it would have been interesting to change groups during the seminar to give a chance to meet all the participants.

Main lessons learned

Both seminars were succesful and trainers and coordinator are happy with the outcome of this project. Trainers and coordinator were happy with their collaboration and hope that they will be able to continue their cooperation in anti-discrimination issues. Division of tasks during the whole project was clear and both trainers an coordinator were pleased with this. The fact that there was a actual person responsible for the coordination made it easier for everybody.

The fact that organisers were able to reimburse travel costs and pay for accommodation for the participants was vital. Without reimbursement many participants, especially the ones coming outside metropolitan area would not have been able to attend seminars. The importance of reimbursement was also brought up by many participants in their feedback.

Trainers and coordinator hope that these seminars and this project will continue in some form. Trainers suggested, that one way of making use of their experience would be to organise international/nordic seminars with the same theme and share the experience that have been gained by these seminars.

Trainers felt that it was challenging to use materials that have been created for European level. Situations vary across Europe, and Finnish NGOs have experience and expertise dealing with anti-discrimination issues.

In Finland there has started a change from anti-discrimination towards promoting equality. This was also seen in the seminars. Trainers and participants expressed their will to address discrimination from equality aspect.

Seminar 13-14 November 2007







Seminar 21-22 January 2008





b) Mapping exercise: NGOs/Trade Unions working to combat discrimination

I. Profile of NGOs/trade unions working to combat discrimination

1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?

There is a wide range of NGOs working on anti-discrimination on the national level. Some of the NGOs work on specific grounds of discrimination while others focus on multiple discrimination. NGOs vary in their means of combating discrimination; some of them work through extensive volunteer network while others function as expert organisations. They also have different target groups; some of them target their activities to young people while others see authorities and work places as their main target group. NGOs also differ in size, and in addition to national organisations there is for example many small immigrant organisations working on these issues. Also many sports organisations are involved in anti-discrimination activities.

For example Finnish League for Human Rights (FLHR), The Finnish Red Cross (FRC), Finnish Youth Co-Operation – Allianssi, Sexual Equality (SETA) and the Refugee Advice Center are NGOs working to combat discrimination in Finland.

Central Organisation of Finnish Trade Unions (SAK) is the oldest employee confederation in Finland and represents the interests of more than one million members in 21 affiliated trade unions and has promoted anti-discrimination issues. There are two other major trade unions: The Finnish Confederation of Salaried Employees (STTK) and the Confederation of Unions for Academic Professionals in Finland (AKAVA) but there is no information on their anti-discrimination activities.

2. What ground(s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?

The Refugee Advice Center is mainly concerned with discrimination on ethnic origin and Sexual Equality with equality and social justice for sexual and gender minorities. The Finnish League for Human Rights, The Finnish Red Cross and Allianssi are concerned with all grounds of discrimination and equality in general. All of these organisations take also part in projects which look at discrimination and equality from a horizontal perspective, acknowledging multiple discrimination and work in co-operation with different minorities. Trade unions have been mainly concerned with ethnic discrimination.

3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?

For NGOs listed here, anti-discrimination is one of the main areas of interest and a fundamental ideology behind their work. They work on anti-discrimination issues and participate on different projects. They also work on general awareness raising and promote discussion about these issues. For many smaller organisations and also for trade unions, anti-discrimination is only a small part of their work, and these organisations generally take part in joint campaigns instead of organising activities by themselves.

4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?

These NGOs and trade unions are registered on the national level. Freedom of association is one of basic political rights guaranteed by the Finnish Constitution and it is the responsibility of the Association Affairs Unit of the National Board of Patents and Registration to maintain the Register of Associations and process the basic declarations and amendment and dissolution notices filed by associations, and to conduct preliminary examinations on the bylaws of the associations and the

amendments made to them. The Register of Associations gives legal advice regarding the Associations Act, the practice followed in applying the Act and the bylaws of the associations, and by providing excerpts from and certificates concerning lists, documents and the Register. It also gives guidance and advice on the use of electronic information services.

5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions)

NGOs working with anti-discrimination in Finland differ in size, objectives and their way of influencing these issues. Some of these NGOs, for example FRC and Allianssi, work on national level and have a wide network of volunteers. FRC has 12 districts and 550 local branches and approximately 95 000 members and tens of thousands of active volunteers. Allianssi has over one hundred member organisations. Nearly all national youth organisations - interest, hobby and political youth organisations - are members in it. SETA was founded in 1974 in Helsinki and has since turned into a central association with member associations all over Finland. Finnish League for Human Rights and the Refugee Advice Center are medium-size NGOs.

Central Organisation of Finnish Trade Unions (SAK) is a confederation of 21 trade unions in industry, the public sector, transport and private services. SAK is the oldest employee confederation in Finland. Nowadays SAK represents the interests of more than one million members in 21 affiliated trade unions.

6. Are they part of larger national networks? Or are they working on their own?

Those NGOs listed here and working to combat ethnic discrimination and the trade union mentioned here are members of RASMUS network. RASMUS is a wide national network that gathers up actors from various quarters, such as NGOs, immigrant associations, religious communities, labour market organizations, authorities, as well as researchers and individuals. RASMUS is a national network that opposes racism and xenophobia and promotes multiculturalism and human rights. The Finnish League for Human Rights acts as its coordinator and secretariat.

NGOs and SAK have been involved in For Diversity Against Discrimination –Campaign which is a pan-European information campaign on combating discrimination on the grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation.

Most of the NGOs have also been actively involved in collecting and creating material for Equality.fi website which is a material bank for authorities, NGO's and for anybody, who is interested in equality or is planning and implementing equality training. This website includes Good Practice, training material and other useful information. Equality.fi website is maintained by Ministry of labour.

NGOs have also formed a network for promoting global education in Finland. Finnish global education network is an informal network of over 165 members. The network is coordinated by Service Centre for Development Cooperation - KEPA. The aim of the network is to promote global education in Finland. The network enhances the quality and effectiveness of the work of its members and heightens the level of expertise of global education in Finland.

In order to reach the goals the network encourages the formation of contacts and thematic networks, compiles and produces information and background materials related to global education, plans and implements training and advice, advocates for a more responsible decision-making and policy formulation and safeguards the interests of its members in regards to funding and preconditions of operation.

There has also been cooperation in JOIN IN – Mainstreaming of Equality and Non-Discrimination – project. Project is led by the Provincial State Office of Southern Finland and it's operating in six member states of European Union: Finland, Sweden, Greece, Hungary, Italy and Spain.

The purpose of the project is to create transferable models on how equality and non-discrimination can be mainstreamed in strategic planning, service production and working practices in social welfare and health, education and employment sectors. The idea of the project is to support and enhance the co-operation between authorities and civil society actors. Together they will plan development tasks in order to promote equality and to combat discrimination on the grounds of ethnic origin, disability, age, religion and sexual orientation.

7. Are they mainly based in the Capital or spread out in the country?

FRC has 12 districts and 550 local branches and approximately 95 000 members and tens of thousands of active volunteers and its activities is spread out in the country. Allianssi has over one hundred member organisations and nearly all national youth organisations - interest, hobby and political youth organisations - are members in it and therefore its activities are also spread out in the country. SETA was founded in 1974 in Helsinki and has since turned into a central association with member associations all over Finland. The Refugee Advice Center has four offices, one of them in the Capital and others spread out in the country. FLHR is based in the Capital but is involved in many national networks. FLHR acts as a coordinator and secretariat for RASMUS which is a national network that consists of actors which oppose racism and xenophobia and promote multiculturalism and human rights. Local groups (in Tampere, Turku, Kouvola and Kajaani) are an essential part of the RASMUS network. They bring together local actors and follow and comment on discrimination and racism occurring in their area. Central Organisation of Finnish Trade Unions (SAK) is the oldest employee confederation in Finland and represents the interests of more than one million members in 21 affiliated trade unions and is spread out in the country.

8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?

Local branches and groups pay regard to the local situation, but in general they are performing same kind of activities.

9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)

Generally the attitude towards NGOs in Finland is positive. Many of these NGOs have a reputation as expert organisations in anti-discrimination issues. NGOs have also worked together on many projects to work more effectively and gain more weight for their activities. They receive requests for statements in anti-discrimination and human rights issues from government.

SAK is the largest lobbying organisation in Finland and represents the interests of more than one million members in 21 affiliated trade unions. Traditionally SAK has also had close ties with the Finnish Social Democratic Party and therefore their activities also have political weight. However there isn't much cooperation between NGOs and companies, and companies would need more information on anti-discrimination activities performed by NGOs.

10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)

NGOs combating discrimination are working together in different networks and on many projects. One example is RASMUS network which consists of actors which oppose racism and xenophobia and promote multiculturalism and human rights.

Another cooperation worth mentioning here is pan-European information campaign on combating discrimination on the grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation with the slogan "For Diversity".

Against Discrimination." NGOs have provided training for trade unions on discrimination issues and for example SAK has been actively involved in RASMUS network so there has been an attempt to start cooperation between NGOs and trade unions.

In general trade unions are working together but when it comes to work on anti-discrimination issues the cooperation is almost nonexistent.

a. For what purpose(s) (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)

Collaboration in campaigns and material production has been important, especially for combating multiple discrimination. There has also been exchange of expertise and information in networks and projects. NGOs have performed training on multiple discrimination in cooperation.

b. Is there greater collaboration in relation to certain grounds of discrimination? If so, which?

There is greater collaboration in relation to ethnic discrimination, for example the already mentioned RASMUS network has been active in gathering up different actors on a national and local level. Campaigns combating multiple discrimination have also created collaboration between NGOs in different projects, for example the already mentioned Join In –project.

11. How are these NGOs funded?

a. Do they receive state funding?

Yes. There exist several types of grants that can broadly be divided into three categories. Core funding (allocated for no particular area of work), special project funding (research, development etc) and investment funding (acquisition of material/non-material goods or services).

b. What are the conditions in order to receive public funding?

Subsidies are granted on ground of application. In order to receive funding activities need to be socially acceptable and in coherence with their objectives.

c. Do they also receive/apply for private funding?

A potential source for funding for projects dealing with anti-discrimination issues, are private foundations and trusts.

d. Do private funders impose any restrictions or conditions?

Generally the aims of NGOs should be in coherence with the aims of the foundation in question.

12. How are these trade unions funded?

a. Do they receive state funding? (Generally speaking do trade unions receive state funding?)

Generally speaking trade unions don't receive state funding.

b. Are they funded by a political party? If so, do they have to adhere and respect the party's line?

Generally speaking they are not funded by a political party.

c. Do they function only/also with their members' fees?

Members' fees are the main funding.

d. Are they able to receive private funding and/or participate in project funded by European/international institutions?

Yes, for example SAK has been involved in a project funded by European Social Fund.

13. Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?

Lack of funding is a significant factor. The funding available directs the activities because NGOs are forced to act within the guidelines given to the funding they have received. NGOs don't necessarily have possibilities to work on the things they consider most important if there is not funding for those activities. There is also a need to restrict the target group for anti-discrimination activities, because there is more funding available for certain target groups. The conditions and requirements for funding change and that makes it difficult to make long-term plans and develop activities.

14. Do they work (or are in contact) with similar NGOs/trade unions in other countries?

a. Neighbouring countries?

Yes, there are contacts and cooperation with organisations in neighbouring countries (in particular in with other Nordic countries) on different projects.

b. Other new EU Member States?

Yes, there are contacts with these organisations. In particular there is collaboration in different campaigns for example "All different. All equal" –campaign which also gathers activities in Europe including new EU Member States.

c. Others?

Yes, occasionally.

15. Do they work on the international level (campaigning, case work, other)

International organisations, as the Red Cross, has close ties with all national Red Cross organisations. Many NGOs also participate in pan-European projects and create contacts through these activities. For Diversity Against Discrimination –Campaign which is a pan-European information campaign on combating discrimination on the grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation is a good example on this kind of activities.

Finnish League for Human rights participates in international human rights work as a member of Fédération Internationale des Ligues des Droits de l'Homme (FIDH).

The Refugee Advice Centre works in close co-operation with the United Nations High Commissioner for Refugees (UNHCR) as well as European refugee organisations. The Refugee Advice Centre is a member of the European Council on Refugees and Exiles (ECRE) which represents 78 refugee organisations throughout Europe.

SETA is an active member of ILGA (International Lesbian and Gay Association) and IGLYO (International Gay and Lesbian Youth).

Finnish labour confederations work together at international level. They participate in the work of the International Labour Organisation - ILO and are members of both the OECD Trade Union Advisory Council - TUAC and the International Trade Union Confederation - ITUC. The aim is to establish a multilateral, open and fair system to promote and secure the basic rights of employees.

SAK has an information centre also in Estonia that provides personal guidance and consultation on Finnish working life.

16. Can they work in English?

Yes, the ability to work in English is vital for any cooperation. All NGOs listed here have been or are involved in international projects. Also the trade unions have international contacts and they can work in English. European Union and the funding possibilities it offers has made it essential to work on European level and the language for this cooperation is usually English.

17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union's ability to work on anti-discrimination?

In Finland trade unions are not actually linked with political parties, although some of the trade unions have close relations with political parties. Traditionally SAK has had close ties with the Finnish Social Democratic Party. There isn't information about impacts that political parties may have on the trade unions ability to work on anti-discrimination.

18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?

Even if anti-discrimination is not a fundamental part of the activities of trade union, regional branches can still work on anti-discrimination. There can be problems on the regional level, and regional branches work on these cases. For example so called Cartoon Debate (the issue of caricatures of Prophet Muhammed in Danish newspaper) raised questions in work places and in many cases these questions were dealt locally.

II. Expertise of NGOs/trade unions working to combat discrimination

19. What kind of work do they do?

Finnish League for Human Rights principal objective is to monitor and improve the human rights situation in Finland. Its work aims to make human rights known and to prevent and oppose human rights violations in Finland and abroad. It disseminates information about human rights, provides training and organises seminars, has societal influence through giving statements, acts as a centre for monitoring racism, promotes minority rights, participates in international human rights work as a member of Fédération Internationale des Ligues des Droits de l'Homme (FIDH) and gives citizens advice on human rights questions. FLHR coordinates several projects and is involved in many projects concerned with anti-discrimination, for example the pan-European "For Diversity. Against Discrimination" –Campaign. FLHR acts as its coordinator and secretariat for RASMUS network. FLHR acts as the National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC). FLHR co-ordinates the Ihmisoikeudet.net project, a web-based human rights education tool. Ihmisoikeudet.net is a joint project of Amnesty International in Finland, the Finnish UN Association and Finnish Oneworld.net (Maaailma.net). The website is mainly aimed at young people and their teachers, but also provides a useful reference for anyone interested in human rights. The Whole Woman (KokoNainen) project, which began in 2002, aims to bring an end to the circumcision of girls and women.

The Finnish Red Cross is one of the largest civic organisations in Finland. The voluntary social services of the Finnish Red Cross aim at preventing different forms of social exclusion.

Every year, 10 000 volunteers participate in the activities. Volunteers are trained to become friend visitors for example for immigrants. Their contacts with Finnish people are further encouraged through activity groups and international meeting points. The refugee activities of the Finnish Red Cross focus on supporting the integration of immigrants and promoting tolerance.

The FRC maintains two reception centres and is also prepared to organise the emergency reception of large groups of unexpectedly arriving asylum seekers. FRC's responsibilities also include practical arrangements for family reunification, receiving quota refugees at the airport and tracing work. The FRC acts as the representative of the UNHCR in Finland in refugee related legal matters and advocates for a human rights based refugee and immigration policy.

The Finnish Refugee Advice Centre is a non-governmental organisation founded in 1988 by other Finnish NGOs. The Refugee Advice Centre provides legal aid and advice to asylum seekers, refugees and other foreigners in Finland. The Refugee Advice Centre has four offices in Finland. Lawyers of the Refugee Advice Centre give legal aid to asylum seekers in different stages during the asylum procedure. The Refugee Advice Centre also works for promoting the legal rights of asylum seekers, refugees and other foreigners. The organisation is recognised as an expert in refugee and aliens affairs in Finland. It is thereby heard by officials and the Parliament when new laws concerning foreigners are drafted and passed. The Refugee Advice Centre works in close co-operation with the United Nations High Commissioner for Refugees (UNHCR) as well as European refugee organisations. The Refugee Advice Centre is a member of the European Council on Refugees and Exiles (ECRE) which represents 78 refugee organisations throughout Europe.

Allianssi is an umbrella organisation for Finnish youth organisations. Allianssi is a non-governmental, non-profit organisation independent of any political and denominational affiliation. Unlike most European national youth councils, Allianssi carries out a great variety of activities; this is largely because it inherited them from the constituent organisations. Allianssi not only provides a discussion forum for its members and exercises youth policy influence towards authorities, but also provides a wide range of services. Allianssi offers educational services to local youth workers and organisations. The educational provision varies from organisational economics through multicultural education to training on street work. Allianssi acts as a Finnish coordinator for pan-European "All different all equal" -campaign, that aims at to respect diversity and to know about human rights and to take action in defending your own rights as well as to stand up against the discrimination of others.

Sexual Equality is the national human rights organisation in the field of legal equality and social justice for sexual and gender minorities such as lesbians, gay men, bisexuals and trans-people in Finland. SETA strives to change the Finnish society and legislation in such a manner that all members of the society would be treated equally irrespective of sexual orientation, form of family, gender identity or gender expression. SETA provides consultative and support services for gender and sexual minorities not available elsewhere. SETA gathers and provides information on sexual and gender diversity. SETA provides training and consultation on these matters for the whole society. SETA brings together people of all sexual and gender minorities, arranges cultural events, different group activities and publishes Z magazine, the biggest GLBT magazine in Finnish

Other NGOs generally concentrate in their area of expertise and discrimination in that field. For example many sports organisations work on discrimination in sports.

Central Organisation of Finnish Trade Unions is a social interest group, campaigning force and NGO. As a labour market organisation SAK primarily pursues its goals through bargaining and agreements. SAK also influences political policymaking and public opinion. The work of SAK is based on democracy, equality and solidarity. The SAK-affiliated trade union movement is a movement for equal opportunities, rights and duties for all employees: young and old, men and women. SAK is involved in "For Diversity. Against Discrimination" – campaign and is a member of the RASMUS network.

20. Do they take up complaints of discrimination?

Many NGOs guide people to get in contact with the right authorities to make a complaint and inform where one can get legal aid but don't actually take complaints.

Finnish League for Human Rights has a guide to victims of crime in their web site where one can find information in many languages.

To the extent that its resources allow, FLHR provides free legal guidance for people who feel that their human rights have been violated. Advice is available by telephone and by email.

The Refugee Advice Centre provides legal aid and advice to asylum seekers, refugees and other foreigners in Finland. Lawyers of the Refugee Advice Centre give legal aid to asylum seekers in different stages during the asylum procedure.

When it concerns the role of trade unions, many workplaces have locally elected union representatives who are authorised to represent the affairs of employees at the workplace. These local union representatives generally provide the easiest way for the member to get help and advice. It is also possible for the member to contact the regional or national office of the union for assistance and advice when necessary. Trade unions are experts at settling disputes over terms of employment, and it is seldom necessary to take legal action. In the event that legal action must be taken to settle a dispute, the trade unions have special arrangements for providing either free or very low-cost legal aid to their members. Members generally become eligible for legal aid from the union only after a certain qualifying period of union membership.

21. Do they focus on their own community?

Trade unions focus on their members; the services NGOs provide are generally open to anyone.

22. Do they work with victims directly?

Some of them do, please see answer given under question 20. In addition many NGOs offer support in peer groups.

23. Within the company, can trade unions represent only their members or any worker?

Trade unions can represent only their members.

24. Do they do 'case work'?

Occasionally NGOs have done case work, when cases have had relevance as examples. Same applies to trade unions.

25. Are they able to access state funding for casework?

In principal that is possible, but in practise there aren't any budget lines for this kind of activities.

26. Does this include legal representation?

Please see answer given under question 25.

27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?

It is possible, although in practise there aren't resources to do this in large scale.

28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?

Class actions were recently allowed in Finland but only concerning consumer issues.

29. Do they do other practical work? (e.g. assistance to victims or potential victims, social assistance, etc)

Please see answer given under question 20. In addition to these actions, many NGOs provide social assistance. For example SETA provides consultative and support services for gender and sexual minorities not available elsewhere. Many NGOs also offer peer groups and person-to-person consultation. Trade unions provide assistance and legal advice.

30. Do they advocate changes in legislation and policies?

Yes, it is part of their activities.

31. What are their relations with the central government?

Generally good. NGOs are asked to give statements to government and government can benefit from their expertise. The government also consults the trade unions and the employers in detail over any proposed amendments to the laws that affect working life.

32. With regional governments or municipalities?

Good relations, there has been cooperation and joint projects between NGOs and regional governments and municipalities and trade unions and regional governments also have good relations.

33. For the trade unions, with the employers organisations?

Good relations. The most important outcome of the three-sided collective bargaining process between the employers, the trade unions and the government is the comprehensive incomes policy settlement. This settlement covers general pay increases, job security, hours of work, training and equality between men and women at work.

34. Do they have relations with the specialised bodies/ombudsman?

Yes, although the character of the cooperation depends of the trade union. NGOs have close relations with the Ombudsman for Minorities.

35. What are the qualifications of the staff?

Mainly the staff working in NGOs and trade unions have a university degree, usually Masters Degree.

36. What training has the staff had in relation to anti-discrimination work?

The staff working in NGOs and trade unions have received information on anti-discrimination in their studies and in several projects. For example already mentioned Join In –project provided training for trainers.

37. Are they trained in writing funding proposals and reporting?

For the most part there hasn't been such training, although staff has gained a lot of practical experience in these. Work in NGOs is mainly based on projects, and that means continuous reporting and applying for new funding.

38. How do they evaluate their “success” and the quality of their anti-discrimination work?

It is really challenging to evaluate the quality of the anti-discrimination work and its success because it is project-based.

III. Needs and problems of NGOs/trade unions working to combat discrimination

39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?

The main problem is the lack of funding. There is a need for additional resources and there is especially a need for additional financial support to hire more staff to work more effectively. In addition to the lack of funding the character of the funding creates problems. The funding available is mainly targeted to projects and for this reason it is difficult to plan long-term activities. There is a demand for public funding because companies are not yet interested in investing in equality training.

40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?

Lack of funding is definitely one of the main problems. Lack of funding also causes lack of staff working on anti-discrimination issues. NGOs involved in anti-discrimination work have generally good expertise in discrimination issues and legislation against discrimination in Finland. Trade unions have been working with anti-discrimination issues for a shorter period of time and may still need more expertise.

41. Is the fact that staff lacks necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?

Staff working in NGOs generally has the necessary knowledge and skills and are competent in their work. However there could be need for more information on different discrimination grounds and multiple discrimination. Some organisations have a lot of volunteers and volunteers may need additional training. In trade unions there might be need for additional knowledge.

42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?

NGOs have expertise in planning and implementing equality training and they have produced useful training materials in different projects. However additional skills in marketing their expertise would be useful for reaching new audiences. NGOs could offer their expertise in equality issues to trade unions in order to mainstream them into all training.

43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?

Staff working with anti-discrimination issues generally has a good knowledge on national anti-discrimination legislation. The Equality Act, which came into force at the beginning of February 2004, has raised awareness on legislation concerning discrimination in Finland. However it is worth noticing that majority of the staff working on these questions are not lawyers. The Refugee Advice Center is an exception: majority of the personnel are lawyers. The Refugee Advice Centre concentrates in providing legal aid and advice to asylum seekers, refugees and other foreigners in Finland. Lawyers of the Refugee Advice Centre give legal aid to asylum seekers in different stages during the asylum procedure. In trade unions there might be need for additional information.

44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?

Generally speaking, there is knowledge on European anti-discrimination legislation in NGOs and trade unions. The lack of time sometimes leads to a situation where one doesn't have enough time to get acquainted with new legislation and follow the changes in European anti-discrimination legislation. Also the fact that majority of the staff working on anti-discrimination issues are not lawyers may have consequences for their enthusiasm to follow legislation issues.

**45. Is their staff trained in relation to advising government: formulating policy proposals?
Legislative proposals?**

Generally speaking government asks NGOs and trade unions to give statements about issues that they have expertise on. For example the Refugee Advice Center is recognised as an expert in refugee and aliens affairs in Finland. It is thereby heard by officials and the Parliament when new laws concerning foreigners are drafted and passed. Along many others Finnish League for Human Rights actively comments on the human rights situation in Finland, makes initiatives and gives statements to officials and the media. The opinion of FLHR is frequently consulted with regard to national legislation. FLHR also draws up NGO reports or so-called shadow reports parallel to the reports given by the Finnish government to the United Nations and the Council of Europe. NGOs have also collaborated in giving statements to work more effectively. They have for example made joint statements concerning immigration and refugee politics and unaccompanied minors.

46. Do they need to do more to promote their anti-discrimination role?

NGOs working with anti-discrimination issues have the political or societal weight towards the civil society and authorities. However it would be useful to find new target groups for anti-discrimination work and they could do more in promoting their role in anti-discrimination work for companies. There may be knowledge that certain NGOs have an actively role in combating discrimination but the fact that they offer training and have produced training material isn't necessarily that well known. The role of trade unions in anti-discrimination work is not well-known and they could also promote their role to general public and generally take more actively role concerning these issues.

47. Do they need to “do more” with victims, clients or potential clients, members or potential members?

This would be an important objective. There is definitely a need to develop services for victims of discrimination. It would be important to offer guidance – especially legal guidance – for victims. There is a demand for this kind of activities, but it requires a lot of resources. One reason for demand can be the fact that legal guidance for victims is at present uncommon. To the extent that its resources allow, Finnish League for Human Rights provides free legal guidance for people who feel that their human rights have been violated. The Refugee Advice Centre provides legal aid and advice to asylum seekers, refugees and other foreigners in Finland. The Refugee Advice Centre has four offices in Finland. Lawyers of the Refugee Advice Centre give legal aid to asylum seekers in different stages during the asylum procedure. Trade unions offer assistance and legal advice for their members.

48. Do they need to “do more” with government – to increase their credibility and status?

NGOs are frequently consulted on anti-discrimination issues by government and they are recognised as experts. However they need to work to maintain this status and be active in participating when government is dealing with issues that they have expertise on. It would also be important to actively promote and offer their expertise and raise discussion. Trade unions have credibility concerning their expertise and they are active in offering statements.

49. For the trade unions, do they need to “do more” with the companies/employers organisations?

There would be a need to increase cooperation concerning anti-discrimination.

50. Would they need to “do more” with public opinion and awareness raising?

There would certainly be a need to increase these activities. Trade unions could take more actively role in awareness raising, especially because their activities have political weight.

For many NGOs awareness raising is one of the main activities, but there is need to make their work more effective and take actively part in public discussion.

51. What would they need to develop?

NGOs would need more funding to work more effectively. Trade unions would need to focus their funding in anti-discrimination work and gain more knowledge. It would also be important to further develop co-operation especially concerning multiple discrimination.

b) National legislation in the field of anti-discrimination

1. The transposition of the Directives into national law¹

In Finland, the Racial Equality Directive 2000/43/EC and the Employment Equality Directive 2000/78/EC were transposed through the adoption of one new act, namely the Non-Discrimination Act (21/2004). It came into force on 01.02.2004. Corollary of the enactment the Non-Discrimination Act was the amendment of the Act on the Ombudsman for Minorities (660/2001). It was amended by way of law 22/2004, which changed the title of the act into the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland. The amended act specifies the role of the Ombudsman for Minorities and the National Discrimination Tribunal with regard to the supervision of the compliance with the prohibition of ethnic discrimination provided in the Non-Discrimination Act.

In the Åland Islands, the Directives were transposed through the adoption of three new acts, namely the Provincial Act on the Prevention of Discrimination in the Province of Åland (66/2005), the Provincial Act on Discrimination Ombudsman (67/2005) and the Provincial Decree on the Discrimination Board 75/2005. The equal treatment provision of seven existing laws, mainly dealing with different aspects of education and employment, were also amended to comply with the Directives. The laws and amendments came into force on 01.12.2005. It was necessary to adopt separate anti-discrimination legislation in the Åland Islands, because the Non-Discrimination Act (21/2004) adopted in mainland Finland was not applicable as far as civil servants of the province of Åland and officers of Åland's municipalities were concerned.

The traditional approach in the Finnish anti-discrimination legislation has been to opt for rather general formulation of equality and non-discrimination and to provide protection for a wide variety of grounds on an equal basis. Accordingly, discrimination has been traditionally defined with phrases such as "placing a person in a different position without an acceptable reason". This type of rather vague formulation means that it is up to the courts and academics to determine in practice what counts as a "different position" or an "acceptable reason". The approach of the Non-Discrimination Act (21/2004) is more detailed and specific in nature: it contains a precise definition of discrimination, a detailed material scope and a list of legitimate exceptions.

The Non-discrimination Act (21/2004) prohibits discrimination in all its forms, including direct and indirect discrimination, harassment and instruction or order to discriminate. In addition, victimisation is prohibited. It refers to adverse treatment or adverse consequences that are directed against a victim of discrimination for the reason that s/he has filed a complaint or taken other such action. As an exception, differential treatment may be legitimate in the working life provided that it is based on a genuine and determining occupational requirement. This exemption is to be construed narrowly, as are all exemptions in the Finnish legal system.

The material scope of the Non-Discrimination Act follows quite closely that of the Directives. However, there is a specific provision in the Non-Discrimination Act (21/2004) that delimits the material scope. The Non-Discrimination Act does not cover 1) the educational system or the objectives or content of education or 2) the entry into country or residence of foreigners, or differential treatment of foreigners on the basis of their legal status. It may well be that the first limitation is too widely formulated in view of the Articles 3(1) (g) and 3(2) of the Racial Equality Directive 2000/43/EC. Whether there is a breach of the Directive here depends on whether the educational system and the objectives and content of education belong to the category of matters which are excluded from the powers of the Community. The second limitation to the material scope excludes EU nationals from its scope by way of speaking summarily of foreigners – that is, those without Finnish citizenship and not of third country nationals or stateless persons in accordance with the Directives.

¹ Material presented in this review of the Finnish anti-discrimination legislation and institutions is based on a report drafted by Mr Timo Makkonen for the European Network of Legal Experts in the non-discrimination field. It is available in English at: http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/firep05_en.pdf). Finnish League for Human Rights, as the authoring organisation, however, retains full responsibility for any omissions or shortcomings contained in this review.

Equality and non-discrimination are principles enshrined in the Finnish Constitution (731/1999). Section 6(2) provides that everyone is equal before the law. This provision is usually taken to act as a guarantee against arbitrary decision-making and demanding that like cases should be treated alike. In recent times, it has become widely accepted interpretation that the provision creates obligations also towards the legislator to ensure that the legislation that is passed is in accordance with the principle of equality. Accordingly, this provision is to be seen as ensuring equal treatment in the exercise of public powers, in particular as regards administration, law-making and judiciary. Section 6(2) reads as follows: "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." This provision is directly applicable in courts. The list is non-exhaustive and covers also other statuses of similar nature, such as, *inter alia*, sexual orientation, societal standing, family relations and domicile.

The Penal Code (39/1889) also explicitly prohibits discrimination (Chapter 11, Section 9) and work discrimination (Chapter 47, Section 3) on the grounds of race, national or ethnic origin, colour, language, gender, age, family ties, sexual preference, state of health, religion, political orientation and political or industrial activity. Work discrimination is additionally prohibited on the ground of nationality.

The provisions of the Non-Discrimination Act (21/2004) with regard to what counts as discrimination, prohibition of victimisation, shared burden of proof are directly applicable in civil proceedings with the anti-discrimination provisions of the Employment Contracts Act (55/2001), the Civil Servant Act (750/1994) and the Act on Civil Servants in Municipalities (304/2003). The anti-discrimination provision of the Employment Contracts Act is only applicable to private sector employees. These laws contain provisions to the effect that no employee is to be discriminated or treated unequally on the basis of, *inter alia*, age, disability, ethnic origin, sexual orientation, religion. The list of prohibited grounds in each of these laws is non-exhaustive: any other comparable circumstance to those explicitly mentioned, is also prohibited.

In Finland, associations or organisations do not have any notable role to play in judicial or administrative processes. Associations have a general right to request a statement on the correct interpretation of the Non-Discrimination Act (21/2004) from the National Discrimination Tribunal in matters pertaining to ethnic discrimination, but associations do not have a right to take a case to the court or to the National Discrimination Tribunal to pursue the matter in its own name, not even with the consent of the victim. Furthermore, associations cannot become third parties to such proceedings. This state of affairs arises from the national legislation on rules of procedure. Lawyers working for an organisation or association may represent a claimant under the general rules of representation and procedure. It may be that the Finnish law does not adequately fulfil the requirements set forth by the two Directives. This is dependent on how the requirements set forth by Article 7(2) of the Race Equality Directive 2000/43/EC and Employment Equality Directive 2000/78/EC are to be interpreted.

The institutions for the promotion of ethnic equality have been established in accordance of the Article 13 of the Race Equality Directive 2000/43/EC in Finland. The Non-Discrimination Act (21/2004) provides that Occupational Safety and Health Authorities supervise the compliance with the terms of the Non-Discrimination Act in employment relationships and service relationship governed by public law and in traineeships and other comparable activities at the workplace. The scope of competence of Occupational Safety and Health Authorities covers all grounds of discrimination mentioned in the Non-Discrimination Act. Furthermore, compliance with the prohibition on ethnic discrimination enacted in the Non-Discrimination Act is supervised in other than employment relationships and service relationships governed by public law by the Ombudsman for Minorities and the National Discrimination Tribunal. The scope of competence of the Ombudsman for Minorities and the National Discrimination Tribunal covers only discrimination based on ethnic origin.

Prior to the enactment of the Non-Discrimination Act (21/2004), the most often used means of judicial recourse for those subjected to discrimination was to bring criminal charges.

Now, with coming into force of the Non-Discrimination Act, any victim of discrimination may initiate a civil proceeding to claim compensation from the person whose conduct has infringed the prohibition of discrimination or victimisation enacted in the Non-Discrimination Act. The maximum amount of compensation is 15 000 euros. In determining the level of compensation, attention is paid to the type and extent of discrimination, the attitude of the offender to her/his action, any reconciliation reached between the parties and the financial situation of the offender. The maximum sum is not absolute and it may be exceeded, if deemed reasonable, but the court may also choose not to impose any compensation.

The coming into force of the Non-Discrimination Act (21/2004) brought the concept of shared burden of proof (explicitly formulated) as a new element into Finnish national legislation. The Non-Discrimination Act provides that when a person considers herself/himself to have been subjected to discrimination established before a court of law or other competent authority (such as the National Discrimination Tribunal) information from which it may be presumed that the prohibition of discrimination enacted in the Non-Discrimination has been infringed, the defendant must demonstrate that the prohibition has not been infringed.

The Non Discrimination Act (21/2004) makes an explicit distinction between those goods and services which are available publicly and those that are available privately. The fact that the Non-Discrimination Act does not apply to relation between private individuals is a significant shortcoming in the legal protection, *inter alia*, against ethnic discrimination in the private housing market. The anti-discrimination provision of the Penal Code (39/1889) does apply to relations between private individuals, but to intervene in ethnic discrimination e.g. in the private housing market by means of the Penal Code is difficult, *inter alia*, because of the heavier burden of proof.

2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation

2.A Employment and occupation related - all grounds

Occupational safety and health authorities

The eight regional Occupational Safety and Health Inspectorates, supervised by the Ministry of Social Affairs and Health, deal with, as authorities, the practical supervision of occupational safety and health in the private sector. The inspectorates give employers instructions and advice on applying regulations concerning work conditions and employment and supervise adherence of those regulations at workplaces. Occupational Safety and Health Inspectors have a right to visit all workplaces. They also provide customer service for employees and accept communications from them pertaining to omissions in the workplace. The Occupational Safety and Health Inspectorates may oblige, if necessary, the employer to remedy defects concerning occupational safety and health in the workplace. The Occupational Safety and Health Authorities supervise the compliance of private sector employers with the anti-discrimination provisions enacted in the Penal Code (39/1889), the Employment Contracts Act (55/2001) and in the Non-Discrimination Act (21/2004).

Criminal proceedings

A person who suspects of having been subjected to discrimination in employment and occupation related matters in the private sector may contact the regional Occupational Safety and Health Inspectorate of her/his domicile. The Occupational Safety and Health Inspectorates will conduct a preliminary investigation into the matter. If there are probable grounds to suspect that the prohibition of work discrimination has been infringed, as it is enacted in the Penal Code (39/1889), the case is forwarded to the public prosecutor, because work discrimination is subject to public prosecution. The public prosecutor will initiate a criminal proceeding, if the proof is deemed sufficient enough to demonstrate in the court that the prohibition of work discrimination has been infringed.

The material scope of the prohibition of work discrimination enacted in the Penal Code (39/1889) is wide. The scope is defined as applying to advertising for vacancies, selecting employees and it also covers situations in which a job seeker or an employee is placed "in an inferior position" during employment "without an important and justifiable reason" on the prohibited grounds.

A person who suspects of having been subjected to discrimination in the public sector may also file a report of an offence with the local police.

Civil proceedings

If the incident of discrimination, in employment and occupation related matters in the private sector, is determined in the preliminary investigation as containing insufficient grounds to suspect that the prohibition of work discrimination enacted in the Penal Code (39/1889) has been infringed, the details of the case are examined in the light of the anti-discrimination provisions of the Non-Discrimination Act (21/2004).

If there are grounds to suspect that the prohibitions of discrimination enacted in the Non-Discrimination Act (21/2004) have been infringed, the Occupational Safety and Health Inspectorate adopts an advisory role in the matter. It will issue information to the employer about its obligations as an employer and about the rights of employees, as well as appropriate instructions for remedying the omission pertaining to the case at hand. In case the employer acts in a refractory manner, the Occupational Safety and Health Inspectorate may order the employer to remedy the omission under the threat of a fine. If deemed necessary, the Occupational Safety and Health Inspectorate will also advise the victim of discrimination about how to file a civil procedure in order to claim compensation under the Non-Discrimination Act and to claim damages for potential financial loss under the Tort Liability Act (412/1974). The Occupational Safety and Health Authorities do not provide legal aid or representation when the compensation claim is being processed at a District Court.

The Occupational Safety and Health Authorities also monitor compliance of private sector employers with the anti-discrimination provision of the Employment Contracts Act (55/2001). It provides that the employer may not use any unjustified discrimination against employees on the basis of age, health, disability, national or ethnic origin, nationality, sexual orientation, language, religion, opinion, belief, family ties, trade union activity, political activity or any other comparable circumstance. The provisions on discrimination, victimisation and burden of proof enacted in the Non-Discrimination Act (21/2004) are applicable in any civil proceeding invoking the anti-discrimination provision of the Employment Contracts Act (55/2001). The material scope of the Employment Contracts Act covers also fixed-term and part-time employment relationships.

A person subjected to discrimination in employment and occupation related matters in the public sector may also initiate civil proceeding at a District Court to claim compensation by virtue of the provision of the Non-Discrimination Act (21/44). Furthermore, depending on the employer, it is possible to invoke the anti-discrimination and equal treatment provisions of either the Civil Servant Act (750/1994) or the Act on Civil Servants in Municipalities (304/2003) in the civil proceedings. The Act on Civil Servants in Municipalities contains a provision specifying that also fixed-term and part-time employment relationships are covered.

Other remedies

In case a discriminatory decision is made in the exercise of public powers, any person subjected to discrimination may make use of the rectification procedure enacted in the Administrative Judicial Procedure Act (586/1996). Alternatively, a person suspecting of having been discriminated against may file a complaint to the Parliamentary Ombudsman or the Chancellor of Justice of the Government. These overseers of legality have no jurisdiction to alter the decision of authorities on the basis of complaints, or to award damages. However, they may e.g. issue admonitions or order criminal proceedings against a public official.

Material scope of the Non-discrimination Act with regard to all prohibited grounds in employment and occupation

The Non-Discrimination Act does not differentiate between public and private sectors, but applies equally to all sectors of public and private employment and occupation. The prohibition of discrimination on the basis of ethnic origin, religion or belief, disability, age or sexual orientation applies to conditions for access to self-employment and means of livelihood and support for business activities, as well as granting of various types of support by authorities e.g. for the purposes of starting a business enterprise. Furthermore, discrimination is prohibited in recruitment, employment and working conditions and personnel training and promotion. The protection is not only extended to paid employees and civil servants, but also to trainees.

The Non-Discrimination Act (21/2004) also applies to regulations and their application with regard to professions, which are not open to everyone, such as medical and legal professions and the selling of prescription drugs. Accordingly, the regulations themselves may not be discriminatory and they may not be applied in a discriminatory manner. Furthermore, the Non-Discrimination Act applies to contractual terms relating to the size of remuneration as well as to collective agreements. The Non-Discrimination Act provides that a court may, in a case that is being processed by it, change or ignore contractual terms that are contrary to the prohibition of discrimination and victimisation.

2.B Non-employment or occupation related - race and ethnic origin

A person who is the subject of conduct prohibited in the Non-Discrimination (21/2004) on the basis of ethnic origin has three appropriate channels through which to obtain legal protection. Victims may contact the Office of the Ombudsman for Minorities for advice and guidance, submit the matter to the National Discrimination Tribunal or initiate civil proceeding. A person who is the subject of discrimination based on ethnic origin may also file a report of an offence with the police by virtue of the provision prohibiting discrimination enacted in the Penal Code (39/1889). These legal remedies are the same despite whether a public authority or a private body is accused of discrimination.

The office of the Ombudsman for minorities

The scope of competence of the Ombudsman for Minorities is specified in the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland (660/2001), as amended by law 22/2004, and the Non-Discrimination Act (21/2004). The Ombudsman for Minorities is empowered to:

- 1) Provide advice and instructions so as to eliminate any discriminatory practices that he has identified
- 2) Lead conciliation proceedings
- 3) Request information about the discrimination incident from the party suspected of discrimination
- 4) Impose a conditional fine to enforce compliance with the obligation of the suspected party to provide information
- 5) Submit a matter of ethnic discrimination to the National Discrimination Tribunal of Finland
- 6) Provide legal assistance in matters that are significant from the point of view of prevention of ethnic discrimination.

Contact to the Office of the Ombudsman for Minorities may be initiated by the victim herself/himself or on behalf of another person or as group. All customer cases are examined and necessary action is taken. If appropriate, the first step is to find an amicable settlement between the parties. As a rule, the Office of the Ombudsman for Minorities does not formulate letters of complaint or provide any other legal aid, but will advise and guide victims of ethnic discrimination in finding help, including finding assistance from a public legal aid office or private lawyers.

The National Discrimination Tribunal of Finland

A person who is the subject of conduct prohibited in the Non-Discrimination Act (21/2004) or the Ombudsman for Minorities may bring a case concerning ethnic discrimination before the National Discrimination Tribunal. In addition, the parties to a conciliation settlement together or the Ombudsman for Minorities with the consent of the parties may bring a case before the Tribunal.

The scope of competence of the Tribunal is specified in the Non-Discrimination Act (21/2004). The National Discrimination Tribunal is empowered to confirm a conciliation settlement between the parties and prohibit the continuation or repeat of conduct contrary the Non-Discrimination Act. The National Discrimination Tribunal is also empowered to enforce a conciliation settlement involving an agreed sum in compensation in the same way as a legally valid judgement. Furthermore, the National Discrimination Tribunal may impose a default fine on the authorities and other quarters a fine as a sanction for negligence to observe the obligation to clarification and order payment of the default fine imposed by the Ombudsman for Minorities. The National Discrimination Tribunal does not replace existing remedies or review tribunals and it does not have the authority to revise the decisions of other public authorities.

The Non-Discrimination Act (21/2004) provides for shared burden of proof: that is, when a subject to ethnic discrimination establishes before a court of law or other competent authority, such as the National Discrimination Tribunal, information from which it may be presumed that the prohibition of discrimination enacted in the Non-Discrimination Act has been infringed, the defendant must demonstrate that the prohibition had not been infringed. The decisions confirming a conciliation settlement or prohibiting the continuation or repeating of conduct contrary the Non-Discrimination Act of the National Discrimination Tribunal are legally valid judgements. These decisions may be appealed to an Administrative Court. The competent Administrative Court is the judicial district in which the person allegedly discriminated against resides. Apart from the competent judicial district, the provisions of the Administrative Judicial Procedure Act (586/1996), as amended by laws up to 689/2005, otherwise apply to appeals of decisions of the National Discrimination Tribunal.

Civil proceedings

A person who is the subject of conduct prohibited in the Non-Discrimination Act (21/2004) may initiate a civil proceeding at a District Court to claim compensation. Section 9 of the Non-Discrimination Act provides that compensation may be awarded for up to 15 000 euros. However, in exceptionally serious cases, the maximum amount of compensation may be exceeded. The type and extent of discrimination, the attitude of the offender to her/his own action, any conciliation reached between the parties and the financial situation of the offender are all factors considered in determining the level of compensation. There is no minimum amount of compensation and the court may choose not to impose compensation. The award of compensation is without prejudice to the possibility to obtain damages under the Tort Liability Act (412/1974). Compensation claim may be filed at a District Court also following the decision of the National Discrimination Tribunal.

Filing a report of an offence with the police

A person who is the subject of discrimination based on ethnic origin may file a report of an offence with the local police by virtue of the provision prohibiting discrimination enacted in the Penal Code (39/1889). The police will conduct a pretrial investigation into the reported discrimination incident. In Finland, discrimination offences enacted in the Penal Code are subject to public prosecution. The public prosecutor will determine whether the evidence is sufficient to demonstrate that the prohibition of discrimination has been infringed. Since the provision on the shared burden of proof does not apply in criminal procedures, the burden of proof is on the plaintiff. The public prosecutor will press charges against the suspected party, if the evidence is sufficient.

Material scope of the Non-discrimination Act with regard to discrimination based on ethnic origin

With regard to discrimination based on ethnic origin, the Non-Discrimination Act covers "social welfare and health care services" and "social security benefits or other forms of support, rebate or advantage granted on social grounds". The category "social welfare services" includes, *inter alia*, social work, family counselling, services at home or in institutions and day care. "Health care services" refer to, *inter alia*, statutory health care, occupational health services, health care services provided in schools and other educational institutions including universities, nursing, dental care, mental health services and ambulance services. "Social security benefits" include, *inter alia*, social insurance and advantages based in it, unemployment and sickness allowances, study grants and student discounts. The "other forms of support, rebate or advantage" refer to specific loans that are available to families with small children.

The Non-Discrimination Act provides protection against discrimination based on ethnic origin (as well as on all the other grounds as well) in access to training, including advanced training and retraining and vocational guidance irrespective of the entity that is arranging the training. Accordingly, access to, *inter alia*, to elementary schools, high schools, universities, vocational colleges and even driving schools is covered by the Non-Discrimination Act. Furthermore, discrimination based on ethnic origin is prohibited in men's compulsory military service, women's voluntary military service and in the optional civilian service.

The Non-Discrimination Act prohibits discrimination based on ethnic origin in all forms of housing: rental, subletting, buying and selling of apartments etc. Furthermore, the application of the law does not depend on the permanence of the housing arrangement. The Non-Discrimination Act excludes from its scope of application arrangements between private individuals, but the law does apply, however, if housing services are provided in a professional manner and as a source of livelihood, the law applies.

The prohibition of discrimination based on ethnic origin applies also to access to and provision of goods provided to the public (such as banking and insurance services), as well as access to premises open to public (such as restaurants, hotels and leisure facilities).

2.C What avenue for an employment or non-employment complaint

Employment related complaints

Each the avenues of raising an employment related complaint about discrimination has both positive and a negative aspects. A person subjected to conduct prohibited in the national anti-discrimination legislation needs to consider what the objective of the complaint is: What one hopes to achieve? Does one seek justice for oneself or hope to raise awareness of discrimination? The information presented below attempt to highlight some of the pros and cons regarding the choice of avenues.

Employer's internal grievance procedure

Advantages:

- Resolution of the matter is relatively speedy
- No legal presentation required and no costs incurred to the complainant
- Possibility to quash the adverse decision complained of

Disadvantages:

- The resolution is not legally binding
- Measures taken to remedy the situation are not necessary sufficient
- Available only to employees (excludes discrimination in recruitment)
- Limited amount of awareness raising

Occupational Safety and Health Inspectorates

Advantages:

- Proficient assessment of the evidence to determine the course of action
- Subject to public prosecution: no costs incurred to the complainant
- Authorised to oblige the employer to remedy defects
- Raises awareness of the discrimination issues within the workplace
- Possibility of re-instatement or re-engagement (if desired)
- Possibility of compensation

Disadvantages:

- Criminal prosecutions take a long time
- Burden of proof on the complainant

Civil proceedings

Advantages:

- Shared burden of proof
- Justice for the individual through compensation

Disadvantages:

- Legal representation required
- Costs incurred to the complainant
- Lack of legal assistance
- Unsuitable of complaints to awareness raising

Non-employment related complaints

Activities of the Office of the Ombudsman for Minorities

Advantages:

- Resolution of the matter is relatively speedy (conciliation)
- No legal presentation required and no costs incurred to the complainant (conciliation)
- Proficient assessment of each situation and proportionate course of action taken
- Assistance in drafting a complaint to the National Discrimination Tribunal
- Assistance in finding legal aid for civil proceedings
- Possibility to provide legal assistance in significant cases

Disadvantages:

- The resolution is not legally binding (conciliation)
- Remedying measures not necessary long lasting (conciliation)
- Limited amount of awareness raising involved (conciliation)

Submitting an application to the National Discrimination Tribunal of Finland

Advantages:

- No legal assistance required and no costs incurred
- Shared burden of proof
- Legally binding decisions and conciliations

Disadvantages:

- No authority to order a payment of compensation

Criminal proceedings

Advantages:

- Discrimination offences subject to public prosecution: no costs incurred for the complainant

Disadvantages:

- Criminal prosecutions take a long time
- Burden of proof on the complainant

Civil proceedings

Advantages:

- Shared burden of proof

Disadvantages:

- No guarantee of legal assistance: costs incurred to the complainant

2.D Technical procedural requirements of each available remedy

Limitation of action

The Non-Discrimination Act (21/2004) provides that actions pertaining to compensation and changing discriminatory contractual terms must be instituted at a court of law at the domicile of the claimant within two years of the infringement of the prohibition of discrimination or victimisation. If the infringement has been continuous, the period for instituting court proceedings is within two years of its cessation. In cases relating to employee recruitment, the claimant must institute court proceedings within one year of the date on which s/he received the notification of the recruitment decision. Criminal proceedings with regard to prohibitions on discrimination and work discrimination enacted in the Penal Code (39/1889) become statute-barred within two years. Civil proceedings with regard to the prohibition of discrimination enacted in the Employment Contracts Act (55/2001) become statute-barred five years after due date, unless the period of limitation has been interrupted before that. However, with regard to pay claims after the termination of employment, civil proceedings become statute-barred within two years of the date on which the employment ended.

Formal requirements pertaining to complaints

National Discrimination Tribunal of Finland

All formal requirements pertaining to complaints made to the National Discrimination Tribunal of Finland are readily available at the webpage of the Tribunal. The complaints must be submitted in writing in Finnish, Swedish or in English. The address is:

National Discrimination Tribunal of Finland,

PO Box 34,

FI-00023 Government

E-mail: syrjintalautakunta@mol.fi

Tel: 010 60 480 49

Webpage: www.mol.fi/syrjintalautakunta.fi

The applications should include:

- the specific claim of the applicant (the injured party, the victim of discrimination);
- the detailed facts on which this claim is based,
- the account that the applicant intends to submit in the case, and an explanation of the facts that the applicant thereby intends to prove,

- details of any other authorities that are currently examining the applicant's case (the National Discrimination Tribunal of Finland will not examine matters that are pending at, or are due to be examined by other authorities),
- the names, occupations and domiciles of the injured parties and of the alleged discriminator,
- the telephone number of the injured parties or alleged discriminator, or of their legal representatives or agents, of any witnesses, and of any other party to be heard in the case,
- the postal address to which the National Discrimination Tribunal of Finland may send any summons, requests or notices concerning the case.

The application must be signed by the concerned party or by the person who prepares the application. The said person must state his occupation and domicile. If an application is incomplete, the National Discrimination Tribunal of Finland will inform the applicant of this in writing, so that the applicant can supplement the application. All cases are settled at the sessions of the Tribunal on the basis of written submissions.

Office of the Ombudsman for Minorities

There are no formal requirements in contacting the customer service of the Office of the Ombudsman for Minorities. Customer service is open on business days from between 9:00 – 15:00 and service is provided in Finnish, Swedish and English. In addition, the usage of interpreters is also possible. The webpage contains information about the scope of competence of the Ombudsman for Minorities and information about contacting the office. There is information about contacting the Office on the webpage. The contact details of the Office of the Ombudsman for Minorities are:

Office of the Ombudsman for Minorities

Mikonkatu 4, 5th floor

PO Box 34, 00023 Government

Webpage: www.vahemmistovaltuutettu.fi

E-mail: vahemmistovaltuutetun.toimisto@mol.fi

Customer service number: 010 19 4650

Occupational Safety and Health Authorities

There are no formal requirements in contacting any of the eight regional Occupational Safety and Health Inspectorates. The customer service of Inspectorate may be contacted by mail, e-mail or by phone. The contact details of the regional Inspectorates are most readily available on the internet at www.tyosuojelu.fi. This webpage also contains information about

2.E Existing support and obstacles at national level

Impediments

With regard to discrimination in employment and occupation related matters the most significant impediment is the fact that the Occupational Safety and Health Authorities do not initiate civil proceedings by virtue of the prohibition of discrimination enacted in the Non-Discrimination Act (21/2004). The Ombudsman for Minorities has criticized the Occupational Safety and Health Authorities of their activities in promoting the legal protection of victims of discrimination. The Annual Report 2005 of the Ombudsman for Minorities states that the coming into force of the Non-Discrimination Act has not lowered the threshold of the Occupational Safety and Health Authorities to intervene in discrimination at workplaces as much as was expected. They mainly intervene in discrimination by means of the Penal Code (39/1889) and thereby applying the heavier burden of proof rather than by means of the Non-Discrimination Act allowing for shared burden of proof.

There is no such low threshold body as the National Discrimination Tribunal of Finland dealing with complaints and exercising judicial powers in cases pertaining to discrimination based on disability, sexual orientation, religion (e.g. in a case of a conversion of a member of the majority population into Islam) or age. Furthermore, there are no authorities responsible for providing guidance or assistance for those subjected to discrimination on the above mentioned grounds. Accordingly, the threshold and the cost to take recourse to legal processes might be too high.

Support

Public legal aid can be given both in court proceedings and in other matters. It may be granted to individuals whose case is being heard in a Finnish court or whose place of residence is in Finland. Legal aid will not be given if the matter is regarded of little importance to the applicant, or if legal aid would be clearly pointless or if the pursuit of the matter would constitute an abuse of process. A victim of discrimination may be granted legal assistance e.g. for instantiating a civil proceeding to claim compensation by virtue of the Non-Discrimination Act (21/2004). The clients of Public Legal Aid Offices have a choice of a Public Legal Aid Attorney or a private attorney for his/her court proceedings. In addition to court proceedings, legal aid also covers other legal services such as, *inter alia*, drafting of documents and filing of appeals and complaints.

In addition the Office of the Ombudsman for Minorities can advise anyone preparing an application to the National Discrimination Tribunal of Finland.

2.F Referrals to the European Court of Justice

Where there is a disputed issue of EU law and the judge is uncertain how to interpret a provision at EU law, a referral can be made by a national court to the European Court of Justice in Luxembourg under Article 234 of the Treaty. The parties to the proceedings can ask the national judge to grant a request for such a referral, or the judge can decide spontaneously to refer the case. Any court may make a referral, but only the national court of last instance is obliged to do so.

This may be a highly effective procedure because:

- Requesting a referral can concentrate the mind of the presiding judge and ensure that s/he gives proper consideration to the complaint, especially to the fact that it raises issues of European rights.
- National bodies, particularly public bodies, are impressed by its high profile and may take steps to avoid the exposure of discrimination at national level to pan-European scrutiny.
- The European Court is the only body that can give a **definitive** interpretation of the terms used in the Directives.

However this is a specialised procedure and expert EU lawyers familiar with its use need to be retained. In addition, it is important to note that the national case is "stayed" (put aside) until the ECJ has decided the issue before it, and this delay of sometimes two years can have serious consequences for the complainant.

2.G Petitions to the European Parliament

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint/s that their rights under European Union law are not being properly respected.

2.H Alerting the European Commission to discriminatory administrative practices

It is also possible to write directly to the Commission, which may often be a quicker process than that outlined above under 3.2.G. This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State.

The Commission and the Parliament would be bound by the EU Charter of Fundamental Rights' provision on the right to good administration (Article 41) if adopted:

- Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
- This right includes
 - the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - the right of every person to have access to his or her file, while respecting the legitimate interest of confidentiality and of professional and business secrecy;
 - the obligation of the administration to give reasons for its decisions.
- Every person has the right to have the Community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
- Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

2.I Complaints to the European Court of Human Rights

In addition, when all effective national legal remedies have been exhausted, a person may, if the case concerns issues covered by the European Convention on Human Rights, apply to the European Court of Human Rights in Strasbourg (see Key Concepts section).

This can be done under Article 14 of the Convention provided another Article is also engaged or, if the country has ratified it, under Protocol 12 to the Convention. (Finland has ratified Protocol 12)

Collective complaints can also be made under the Council of Europe's European Social Charter.

2.J Other international remedies

Where the state is a party to the 1st Optional Protocol to the International Covenant on Civil and Political Rights, or has accepted the right of individual petition under the Convention on the Elimination of all forms of Racial Discrimination or the Convention on the Elimination of Discrimination Against Women, complaints can be brought to those Committees.

NGOs/trade unions should also ensure that they alert the Committees which examine the State's periodic reports under the ICCPR, CERD, CEDAW and the Convention on the Rights of the Child to instances of discrimination.

2.K Professionalism

Everyone in a NGO/trade union who takes up the case of an individual or a group of individuals must be aware of the need to observe high standards of professionalism, including confidentiality and efficient management of case files. For individuals whose cases the NGO/trade union is not able to assist with, the NGO/trade union should be able to provide relevant information and, wherever possible, referrals to another agency that is able to provide further advice and support.

3. Societal issues

In Finland, there is relatively little research-based information on discrimination on the basis of other grounds than ethnic origin. The forthcoming study *Discrimination in Finland 2006*, commissioned by the Ministry of Labour from Finnish League for Human Rights, will seek to remedy this unfortunate state of affairs.

In the report, experts in the fields of discrimination based on age, disability, sexual orientation and ethnic origin provide up to date information on the prevalence of this phenomenon as well provide an general their prevalence in Finland. In academic circles the most studied field is discrimination based on ethnic origin, albeit the main focus of the research might be social integration and wellbeing of migrants in general. Research on the questions of ageing is on the rise and some of this touch the issue of discrimination. Academic study with regard to disabilities is very scarce and includes no specific study on discrimination. At the moment, there is one ongoing study at the University of Helsinki on discrimination of sexual minorities in the labour market. The research focuses on sexual minorities and their situation in the labour market. The research is being carried out by questionnaires (800) and thematic interviews and will produce and test new methods to help minorities in question to find employment.

It is also worth mentioning that the Faculty of Law at the University of Joensuu is currently conducting an assessment of the overall functionality and applicability of the Non-Discrimination Act (21/2004). The results of the study are expected by the end of 2007.

In Finland, the most vulnerable groups to ethnic discrimination are the Roma and such immigrant groups whose physical appearance distinguishes them from the majority population. There exists *de facto* discrimination of these groups in all sectors of society, including employment, education, housing, social and health services as well as in access to public places. In addition to discrimination these groups are also most vulnerable to racist violence. The following extracts from international monitoring bodies well illustrate the situation.

The Committee on the Elimination of Discrimination against Women examined Finland's third and fourth periodic reports in 2001. The Committee expressed its concern over continuing discrimination of women in employment. In particular, the Committee was concerned about the wage gap that exists between women and men in the labour market. Furthermore, the Committee was concerned about the continuing discrimination against immigrant and minority women living in Finland, particularly Roma and Sámi women, who suffer double discrimination, based on both their sex and ethnic background. The Committee urges the Finnish Government to undertake studies on the participation of minority women in society and to take effective measures to eliminate discrimination against them and strengthen efforts to combat racism and xenophobia in Finland.

The Committee on the Elimination of Racial Discrimination expressed its concern about the difficulties faced by the Roma in the fields of employment, housing and education, as well as about cases of discrimination in daily life such as denial of access to public places, in the concluding observations of the sixteenth periodic report of Finland in 2003. The Committee recommends that the Government of Finland takes all necessary measures with a view to promoting tolerance and overcoming prejudices and negative stereotypes in order to avoid any form of discrimination against members of the Roma community. Furthermore, the Committee notes that one of the reasons for the reluctance of victims of acts of racial discrimination to file a complaint before the competent authorities is the assumption that the complaint would not lead to any result. Accordingly, the Committee recommends that the Finnish Government disseminates as widely as possible information on and raise public awareness of the available domestic remedies against acts of racial discrimination, the legal avenues to obtain compensation in cases of discrimination.

The Human Rights Committee considered Finland's the fifth periodic report on International Covenant on Civil and Political Rights in 2004.

In the concluding observations, the Committee reiterates its concern that Roma still face discrimination in housing, education, employment and access to public places. The Committee recommends that the Government of Finland step up its efforts to combat social exclusion and discrimination and allocate the requisite resources to put into effect all plans to do away with obstacles to the Roma's practical exercise of the rights to non-discrimination and to their own culture as defined in the covenant.

The Committee is also concerned that negative attitudes and de facto discrimination against immigrants are still to be found in certain strata of the Finnish population and thereby the Finnish Government should step up its efforts to promote tolerance and combat prejudice.

The Committee on the Rights of the Child submitted its concluding observations on Finland's third periodic report in 2005. The Committee welcomes the entry into force of the Non-Discrimination Act, but expresses its concern that discriminatory and xenophobic attitudes, as well as de facto discrimination in daily life remain with respect to immigrants and other minority groups, especially the Roma, and are increasing among young people. The committee recommends that efforts to prevent and eliminate all forms of discrimination against children, including Roma and foreign children are continued and strengthened in Finland. Special attention should be paid to discriminatory attitudes of young people.

c) Funding opportunities in the field of anti-discrimination

I. EU FUNDING AT THE EUROPEAN LEVEL FOR NGOs/TRADE UNIONS OPERATING AT THE EU LEVEL

1. EU funding for NGOs/Trade Unions operating at the EU level

a) *European-level NGOs*

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme.

Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: http://ec.europa.eu/employment_social/progress/index_en.html

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

b) European Trade unions

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm

2. EU funding for national NGOs/Trade Unions

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm

II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL

1. **Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc). Is it easy to access such funding? What are the conditions to receive such funding?**

The Finnish delegation of European Commission informed that any funding related to non-discrimination at national level is dispensed by the Ministry of Labour. The Ministry of Labour in turn informed that the funding is dispensed by the Ministry of Education, whose representative however was not aware of any funding provided by the Finnish delegation of European Commission at the moment.

Finnish delegation of European Commission: http://ec.europa.eu/finland/index_fi.htm

Ministry of Labour: <http://www.mol.fi>

Ministry of Education: <http://www.minedu.fi>

2. **Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?**

Overall, there exists a number of opportunities for funding the work of NGOs and trade unions that either partially or solely focus on issues of anti-discrimination. Many of these subsidy arrangements are focused in providing core funding to secure the operation of these organisations. The following is a brief introduction to the governmental bodies which provide funding for project-oriented work in the field of anti-discrimination. The conditions and procedures for accessing such funding varies greatly by and within organisations, depending on the type of funding requested.

A major undertaking in the field of anti-discrimination is the Europe wide EQUAL project. The project is carried out in cooperation with the Ministry of Labour, the Ministry of Education and the Ministry of Social Affairs and Health. Altogether there are 53 participating organisations in Finland. The budget framework of the EQUAL Community Initiative was about EUR 161 million for the period 2000 to 2006, with the EU covering about EUR 72 millions. The rest came from central and local government contributions and private financing. The Ministry of Labour, the Ministry of Education and the Ministry of Social Affairs and Health made government grants.

Another major ongoing undertaking is The European Year for Equal Opportunities, which is coordinated by the Ministry of Labour.

The Ministry of Labour also administrates the European Social Fund in Finland – the main financing body of The European Year for Equal Opportunities.

Ministry of Labour: <http://www.mol.fi>

Ministry of Education: <http://www.minedu.fi>

Ministry of Social Affairs and Health: <http://www.stm.fi>

European Social Fund (Finnish portal): <http://www.mol.fi/esr/fin/etusivu/index.jsp>

Ministry of Education (please provide for the web link) <http://www.minedu.fi>

The main source for funding projects related to anti-discrimination is the Ministry of Education, which grants subsidies for activities and projects supporting multiculturalism and combating racism in Finland. The grants for anti-racism work are available for activities and projects geared to combat racism and intolerance, and to promote good ethnic relations. There exist several types of grants that can broadly be divided into three categories. Core funding (allocated for no particular area of work), special project funding (research, development etc) and investment funding (acquisition of material/non-material goods or services).

Ministry of Foreign Affairs (please provide for the web link) <http://formin.finland.fi>

The Ministry of Foreign Affairs supports Finnish NGOs through a number of different financial schemes. Although the preliminary focus is at sponsoring projects conducted in the field of development cooperation and information activities in the developing countries, in 2007 more than 90 NGOs received funding for diverse projects in the field of education and publicity campaigns. This grant can either be obtained for a year, or in the case of two or more NGOs cooperating in a project aimed at the education sector (elementary, upper secondary and vocational level) the grant can be dispensed for a period of two years.

Europe Information (please provide for the web link) <http://www.eurooppa-tiedotus.fi/fi/>

The Europe Information (Finnish system of the EU information service) working independently within the Ministry of Foreign Affairs issues grants for Finnish NGOs provided that the aim of the project is to distribute factual information about the European Union and Finland's membership of it.

Ministry of Labour (please provide for the web link) <http://www.mol.fi>

Ministry of Labour conducts projects related to anti-discrimination, cooperating with NGOs and trade unions but is not a major source for funding outside project work at such (aside from some large scale nationwide or European wide projects overseen by the Ministry of Labour). Most of the financial support to NGOs and trade unions takes the form of core funding.

RAY – Finnish Slot Machine Association (please provide for the web link) <http://www.ray.fi>

Although not strictly falling into the category of central government – the Finnish Slot Machine Association is considerably different compared to most of its European counterparts – it is still very strictly controlled by the government. Funding is provided to support activities and projects undertaken by organizations in the field of health and social welfare. Decisions over recipients of the funding are done in cooperation with the Ministry of Social Affairs and Health. Each year more than 1000 organizations receive funding from RAY, including a number of projects focusing on issues of anti-discrimination.

3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)

As there exist a variety of different funding schemes in different providing organisations, the funding obviously takes different forms; depending on the aim, scale and duration of the project, the level of participation of the ministry providing it etc. Overall, there exist a number of opportunities for funding the work of NGOs and trade unions that either partially or solely focuses on issues of anti-discrimination. Many of these subsidy arrangements are focused in providing core funding to secure the operation of these organisations, but as seen from the examples above, the possibilities for gaining project funding are also numerous.

4. Is it easy to access such funding? What are the conditions?

Again, this depends on the form the funding takes, with no rule of thumb as to the conditions of securing it. Different bodies providing funding oftentimes follow different set of rules. The application must be customised to each potential funding body, as they will most likely emphasise different aspects in the application process. As Finland has an exceptionally high number of NGOs as well as a tradition of powerful trade unions – of which many also work in the field of anti-discrimination – naturally many worthy projects are left without funding from governmental level.

5. In case of federal countries, are there funding possibilities at the federated level?

N/A

6. Are there other governmental funding possibilities at regional level? At municipality level?

Regional Social and Health Boards

In some cases Regional Social and Health Boards provide subsidies for activities, which either support existing social services (including educational projects) or replace them entirely. The application procedures vary by region.

Municipalities can take part in anti-discrimination projects if they find that they have the financial means for this. These choices on financial support are made on individual basis; in general, municipalities are not obliged to provide funding for project work related to issues anti-discrimination.

7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?

Foundations and Trusts

Besides the aforementioned actors, a potential source for funding projects related to anti-discrimination issues, are private foundations and trusts. Majority of these grants are aimed especially for projects rather than as core funding. While there are obviously too many to list here, a somewhat comprehensive listing of them can be found at <http://www.saatiopalvelu.fi/index.html>. Two notable examples worth pointing out are *Suomen Kulttuurirahasto*, a non-profit foundation working for the advancement of Finnish culture in wide-ranging manner, as well as *Kansan Sivistysrahasto* that serves as an umbrella organisation for a number of specialised trusts.

Companies

Some large companies have also started showing interest in anti-discrimination work in Finland – if only to communicate a multicultural image – and have started sponsoring some events touching upon the themes of equality and anti-discrimination (e.g. festivals and concerts). This type of funding is relatively scarce however.

8. Are there any other source of funding?

The options listed above constitute the main forms of potential funding for projects in the field of anti-discrimination. Some small-scale projects might receive funding from e.g. churches or other organisations based on voluntary membership payments etc.

IV. Diversity Management seminar

Design of the training

Diversity management issues can be said to be either unknown or emerging in the Finnish working life context. In particular, cultural and ethnic based diversity are new phenomena gaining relevance also in other Scandinavian countries. Therefore, DM often refers to a multicultural workforce and immigrants along with gender.

DM is generally understood as gender and recently, as ethnic minority issues. However, the relative cultural homogeneity and lack of multicultural experience also explain, why the inclusion of foreigners in the labour market, society and the provision of their equal rights is still in its infancy. Unemployment is 26 per cent among immigrants vs. 7 per cent among natives, excluding the high skilled IT/ICT professionals from abroad. In light of the prognosis, almost 900,000 employees will exit the labour market within the next fifteen years. This implies that in Finland, as in many other Western countries, declining domestic labour due to an aging population and the lack of a skilled workforce is being, in part, offset by the employment of an increasingly non-native workforce. The future demographic changes and threat of a future labour shortage have also contributed to a new work-related immigration policy approved by the government.

Diversity Management seminar was designed in cooperation with trainers. Milla Aaltonen from FLHR coordinated this work. Trainers and coordinator had several meetings and drafted the programme of the seminar. Seminar was carried out by international expert, Hans Jablonski, together with two national trainers (Aulikki Sippola and Anna Savileppä).

Target group was private sector employers' as well as the public sector. As diversity management is a quite new issue in Finland, the interest for equality and diversity issues has increased in public and private organizations resulting mainly from official policy and EU anti-discrimination legislation. The main motivation of Finnish organizations to attend the seminar will be to increase knowledge of diversity management in conjunction to the labour shortage.

Preparation of the seminar

Before DM seminar Finnish trainer Aulikki Sippola participated Train the Trainers seminar in June 2007 in Cologne. After this seminar it was seen important to strengthen the local team with another trainer and Anna Savileppä was asked to join Aulikki as a trainer.

Coordinator and trainers had several meetings before announcing the seminar. Announcement was done almost two months before the seminar to give participants enough time to find out about the seminar. This was also important because of the time chosen for the seminar (right after Christmas holidays). Announcing was done in cooperation with employers' organisations. This was seen as the best way to attract the right audience.

Carrying out the seminar

Participants for DM seminar came mainly from public service providers (80%), but also from companies (14%) and training and consulting companies (6%). 86% of participants were female and most of the participants (61%) came from big organisations (over 500 employees).

Seminar was started with coffee and registration. Seminar was opened by Kristiina Kouros, Secretary General from Finnish League for Human Rights. After that Rauno Vanhanen, Programme Director from Ministry of Employment and Economy gave opening speech on diversity and the future in Finland. After that Hans Jablonski, president of idm – International Society for Diversity Management gave a presentation of Diversity Management in Europe.

Aulikki Sippola presented her research on Diversity in Finnish organisations that was based on her dissertation “Essays on Human Resource Management. Perspectives on Diversity Management”. After this three Diversity Cases were presented to participants (Fazer Amica, HOK-Elanto and City of Espoo).

The first business case, Fazer Amica was presented by Päivi Kaakkola, HRD Manager. Fazer Amica is the leading expert in staff and student dining in the Nordic and Baltic countries. Fazer Amica also operates in the sectors of congress, conference and catering restaurants, conference centres, cafeterias and restaurants in department stores and restaurant services at large-scale public events, as well as organises festivities. Fazer Amica operates a total of 1,400 restaurants in Finland, Sweden, Denmark, Norway, Estonia, Latvia and Russia. In Finland, Fazer Amica takes care of over 920 restaurants and has 4,000 employees. Last year, the turnover was EUR 250 million.

The second business case, HOK-Elanto, was presented by HR manager, Antero Levänen. HOK-Elanto is specialised in retail (restaurants; operation of supermarkets). HOK-Elanto is by far the biggest unit within the SOK Retail Group and in all of Finland. Its turnover is about EUR 1300 million and it employs 5000 people. The company has 10 different retail chains, totalling 140 units and 120 restaurants.

The third business case, the city of Espoo, was presented by Director of Day-Care sector, Kaarina Salonen. The city of Espoo has grown rapidly becoming the second largest city in Finland with population of 235 019 (in 2007). Population by language: Finnish-speaking 85,6 %, Swedish-speaking 8,8 %, other languages 5,6 %.

After these business cases the seminar continued with Diversity Café facilitated by Anna Savileppä. There were three cafes and the themes of the cafes were following: What things related to DM have already been done in my organisation? Why does my organisation need DM? How could you make use of DM in your organisation?

Seminar was ended in summaries of the Diversity Café and closing words.

Main lessons learned

Overall, the seminar was successful. Programme was good and speakers presented different aspects of diversity management. Arrangements were also good and seminar venue was appropriate.

Business cases presented were different, this was definitely important. It was easier for participants to understand how things learned in the seminar could be put into use in their own organisation.

The decision to place the ‘diversity cafe’ (large group facilitation approach to enable participants to get in touch with each other and exchange own experiences) in the afternoon was double-faceted. It is clear that participants needed the basic information of DM (which was given in the presentations) before participating in diversity cafe. However, it is hard to keep people focused in the afternoon, and there seems to be a tendency to leave when “group work” starts. Big proportion of participants left during the diversity cafe, and didn’t stay till the end of the seminar.

However, the feedback was good and participants felt that they learned a lot. Many of them were just introducing themselves to Dm and there was many new things. International trainer also got very good feedback from his presentation. A question for future seminars would be translation. To give the international trainer a chance to fully participate in the seminar, it would be important to get interpretation.

Cooperation between coordinator and trainers was easy, although it is good to keep in mind, that the division of tasks can always be clearer.

Important thing about seminar participants was the fact that we were able to find participants who wouldn't have knowledge about DM without this seminar. Also it is worth noting that majority of the participants actually came to DM seminar – this isn't always the case. Only a couple of participants didn't show up. This is an encouraging sign and from this we can see that participants were committed to the goals of the seminar.

When organising a one day seminar, it is worth to note that serving lunch is an easy way to bring people back after the lunch. Still many people didn't stay the whole day.

Also international trainer and his presentation were given good feedback and seen as an important aspect. His presentation helped to introduce DM for participants and also gave useful information on DM in international level.

It should be noted that in future it would be important to give more attention to the announcement of the seminars. Announcement was done together with employers' organisations to ensure the best result. This was a good way to contact public service providers, however it was more challenging to contact businesses this way. Trainers also wondered, whether a NGO was the right actor to contact and attract businesses or should DM seminar be organised by consultants or businesses themselves. If the main target is to attract businesses, they should be involved in the planning of the seminar and also to be prepared to reimburse their time and efforts.

It is also a challenge to widen to scope what is considered DM. DM often refers to a multicultural workforce and immigrants along with gender.



Annexes

The role of trade unions combating discrimination

Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

1. What is a trade union?

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

2. What is the role of a trade union in combating discrimination?

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

3. What activities can a trade union do to combat discrimination?

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
 - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
 - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
 - Promote female members and members from a minority background in positions of decision-making and leadership.

4. What does a trade union need to fulfil its role?

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

6. What are the obstacles for trade unions and how might these be overcome?

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.